PURPOSE AND VISION

This section sets out the purpose of this planning scheme, and the vision and strategic direction for the municipality.
PURPOSES OF THIS PLANNING SCHEME

- To provide a clear and consistent framework within which decisions about the use and development of land can be made.
- To express state, regional, local and community expectations for areas and land uses.
- To provide for the implementation of State, regional and local policies affecting land use and development.
SETTLEMENT

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Planning is to recognise the need for, and as far as practicable contribute towards:

- Health, wellbeing and safety.
- Diversity of choice.
- Adaptation in response to changing technology.
- Economic viability.
- A high standard of urban design and amenity.
- Energy efficiency.
- Prevention of pollution to land, water and air.
- Protection of environmentally sensitive areas and natural resources.
- Accessibility.
- Land use and transport integration.

Planning is to prevent environmental and amenity problems created by siting incompatible land uses close together.

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.
Settlement

Objective
To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

Strategies
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, Warnambool 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.

Encourage a form and density of settlements that supports sustainable transport to reduce greenhouse gas emissions.

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.

**Policy documents**

Consider as relevant:

- Central Highlands Regional Growth Plan (Victorian Government, 2014)
- G21 Regional Growth Plan (Geelong Region Alliance, 2013)
- Gippsland Regional Growth Plan (Victorian Government, 2014)
- Great South Coast Regional Growth Plan (Victorian Government, 2014)
- Hume Regional Growth Plan (Victorian Government, 2014)
- Loddon Mallee North Regional Growth Plan (Victorian Government, 2014)
- Loddon Mallee South Regional Growth Plan (Victorian Government, 2014)
- Wimmera Southern Mallee Regional Growth Plan (Victorian Government, 2014)
Victoria Settlement Framework
Settlement - Gippsland

Strategies

Support urban growth in Latrobe City as Gippsland’s regional city, at Bairnsdale, Leongatha, Sale, Warragul/Drouin and Wonthaggi as regional centres, and in sub-regional networks of towns.

Support new urban growth fronts in regional centres where natural hazards and environmental risks can be avoided or managed.

Support the continuing role of towns and small settlements in providing services to their districts, recognising their relationships and dependencies with larger towns.

Create vibrant and prosperous town centres that are clearly defined and provide commercial and service activities that respond to changing population and market conditions.

Provide regional social infrastructure in the regional city and regional centres.

Plan for increased seasonal demand on services and infrastructure in towns with high holiday home ownership.
Supply of urban land

Objective
To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Strategies
Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.
Ensure that sufficient land is available to meet forecast demand.
Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.
Planning for urban growth should consider:
- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- Neighbourhood character and landscape considerations.
- The limits of land capability and natural hazards and environmental quality.
- Service limitations and the costs of providing infrastructure.
Monitor development trends and land supply and demand for housing and industry.
Maintain access to productive natural resources and an adequate supply of well-located land for energy generation, infrastructure and industry.
Restrict rural residential development that would compromise future development at higher densities.

Policy guidelines
Consider as relevant:
- Victorian Government population projections and land supply estimates.
Structure planning

Objective
To facilitate the orderly development of urban areas.

Strategies
Ensure effective planning and management of the land use and development of an area through the preparation of relevant plans.

Undertake comprehensive planning for new areas as sustainable communities that offer high-quality, frequent and safe local and regional public transport and a range of local activities for living, working and recreation.

Facilitate the preparation of a hierarchy of structure plans or precinct structure plans that:

- Take into account the strategic and physical context of the location.
- Provide the broad planning framework for an area as well as the more detailed planning requirements for neighbourhoods and precincts, where appropriate.
- Provide for the development of sustainable and liveable urban areas in an integrated manner.
- Assist the development of walkable neighbourhoods.
- Facilitate the logical and efficient provision of infrastructure.
- Facilitate the use of existing infrastructure and services.
Sequencing of development

Objective
To manage the sequence of development in areas of growth so that services are available from early in the life of new communities.

Strategies
Define preferred development sequences in areas of growth to better coordinate infrastructure planning and funding.

Ensure that new land is released in areas of growth in a timely fashion to facilitate coordinated and cost-efficient provision of local and regional infrastructure.

Require new development to make a financial contribution to the provision of infrastructure such as community facilities, public transport and roads.

Improve the coordination and timing of infrastructure and service delivery in areas of growth.

Support opportunities to co-locate facilities.

Ensure that planning for water supply, sewerage and drainage works receives high priority in early planning for areas of growth.

Policy documents
Consider as relevant:

- Any applicable Growth Area Framework Plans (Department of Sustainability and Environment, 2006)
- *Precinct Structure Planning Guidelines* (Growth Areas Authority, 2009)
- *Ministerial Direction No. 12 – Urban Growth Areas*
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.

Policy documents
Consider as relevant:

- Precinct Structure Planning Guidelines (Growth Areas Authority, 2009)
Growth areas

Objective
To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.

Strategies
Concentrate urban expansion into growth areas that are served by high-capacity public transport. Implement the strategic directions in the Growth Area Framework Plans.
Encourage average overall residential densities in the growth areas of a minimum of 15 dwellings per net developable hectare, and over time, seek an overall increase in residential densities to more than 20 dwellings per net developable hectare.
Deliver timely and adequate provision of public transport and local and regional infrastructure and services, in line with a preferred sequence of land release.
Provide for significant amounts of local employment opportunities and in some areas, provide large scale industrial or other more regional employment generators.
Create a network of mixed-use activity centres that are high quality, well designed and create a sense of place.
Provide a diversity of housing type and distribution.
Retain unique characteristics of established areas impacted by growth.
Protect and manage natural resources and areas of heritage, cultural and environmental significance.
Create well planned, easy to maintain and safe streets and neighbourhoods that reduce opportunities for crime, improve perceptions of safety and increase levels of community participation.

Develop Growth Area Framework Plans that will:

- Include objectives for each growth area.
- Identify the long term pattern of urban growth.
- Identify the location of broad urban development types, for example activity centre, residential, employment, freight centres and mixed use employment.
- Identify the boundaries of individual communities, landscape values and, as appropriate, the need for discrete urban breaks and how land uses in these breaks will be managed.
- Identify transport networks and options for investigation, such as future railway lines and stations, freight activity centres, freeways and arterial roads.
- Identify the location of open space to be retained for recreation, and/or biodiversity protection and/or flood risk reduction purposes guided and directed by regional biodiversity conservation strategies.
- Show significant waterways as opportunities for creating linear trails, along with areas required to be retained for biodiversity protection and/or flood risk reduction purposes.
- Identify appropriate uses for constrained areas, including quarry buffers.

Develop precinct structure plans consistent with the Precinct Structure Planning Guidelines (Growth Areas Authority, 2009) approved by the Minister for Planning to:

- Establish a sense of place and community.
- Create greater housing choice, diversity and affordable places to live.
- Create highly accessible and vibrant activity centres.
- Provide for local employment and business activity.
- Provide better transport choices.
- Respond to climate change and increase environmental sustainability.
- Deliver accessible, integrated and adaptable community infrastructure.

**Policy documents**
Consider as relevant:

- Any applicable Growth Area Framework Plans (Department of Sustainability and Environment, 2006)
- *Precinct Structure Planning Guidelines* (Growth Areas Authority, 2009)
- *Ministerial Direction No. 12 – Urban Growth Areas*
Peri-urban areas

Objective
To manage growth in peri-urban areas to protect and enhance their identified valued attributes.

Strategies
Identify and protect areas that are strategically important for the environment, biodiversity, landscape, open space, water, agriculture, energy, recreation, tourism, environment, cultural heritage, infrastructure, extractive and other natural resources.

Provide for development in established settlements that have capacity for growth having regard to complex ecosystems, landscapes, agricultural and recreational activities including in Warragul-Drouin, Bacchus Marsh, Torquay-Jan Juc, Gisborne, Kyneton, Wonthaggi, Kilmore, Broadford, Seymour and Ballan and other towns identified by Regional Growth Plans as having potential for growth.

Establish growth boundaries for peri-urban towns to avoid urban sprawl and protect agricultural land and environmental assets.

Enhance the character, identity, attractiveness and amenity of peri-urban towns.

Prevent dispersed settlement and provide for non-urban breaks between urban areas.

Ensure development is linked to the timely and viable provision of physical and social infrastructure.

Improve connections to regional and metropolitan transport services.
Coastal settlement

Objective
To plan for sustainable coastal development.

Strategies
Plan and manage coastal population growth and increased visitation so that impacts do not cause unsustainable use of coastal resources.
Support a network of diverse coastal settlements that provide for a broad range of housing types, economic opportunities and services.
Encourage urban renewal and redevelopment opportunities in existing settlements to reduce the demand for urban sprawl.
Identify a clear settlement boundary around coastal settlements to ensure that growth in coastal areas is planned and coastal values are protected. Where no settlement boundary is identified, the extent of a settlement is defined by the extent of existing urban zoned land and any land identified on a plan in the planning scheme for future urban settlement.
Direct new residential and other urban development and infrastructure to locations within defined settlement boundaries of existing settlements that are capable of accommodating growth.
Support the sustainable management of growth around coastal, estuary and marine assets to protect environmental values, and to achieve regional economic and community benefits.
Avoid linear urban sprawl along the coastal edge and ribbon development in rural landscapes.
Protect areas between settlements for non-urban use.
Avoid development on ridgelines, primary coastal dune systems and low lying coastal areas.
Encourage the restructure of old and inappropriate subdivisions to reduce development impacts on the environment.
Ensure a sustainable water supply, stormwater and sewerage treatment for all development.
Minimise the quantity and enhance the quality of stormwater discharge from new development into the ocean, bays and estuaries.

Policy documents
Consider as relevant:

- *Victorian Coastal Strategy* (Victorian Coastal Council, 2014)
- *G21 Regional Growth Plan* (Geelong Region Alliance, 2013)
- *Great South Coast Regional Growth Plan* (Victorian Government, 2014)
Distinctive areas and landscapes

Objective
To protect and enhance the valued attributes of identified distinctive areas and landscapes.

Strategies
Recognise the significant geographic and physical features of these areas.
Recognise the important role these areas play in the state as tourist destinations.
Protect the identified key values and activities of these areas.
Support use and development where it enhances the valued characteristics of these areas.
Avoid use and development that could undermine the long-term natural or non-urban use of land in these areas.
Protect areas that are important for food production.
Develop Localised Planning Statements for the Bellarine Peninsula, Macedon Ranges, Mornington Peninsula and the Yarra Valley and Dandenong Ranges.

Policy documents
Consider as relevant:
Regional and local places

Objective
To facilitate integrated place-based planning.

Strategies
Integrate relevant planning considerations to provide specific direction for the planning of sites, places, neighbourhoods and towns.

Consider the distinctive characteristics and needs of regional and local places in planning for future land use and development.
ENVIRONMENTAL AND LANDSCAPE VALUES

Planning should help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values.

Planning must implement environmental principles for ecologically sustainable development that have been established by international and national agreements. Foremost amongst the national agreements is the Intergovernmental Agreement on the Environment, which sets out key principles for environmental policy in Australia. Other agreements include the National Strategy for Ecologically Sustainable Development, National Greenhouse Strategy, the National Water Quality Management Strategy, the National Strategy for the Conservation of Australia’s Biological Diversity, the National Forest Policy Statement and National Environment Protection Measures.

Planning should protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value.
12.01 BIODIVERSITY
Protection of biodiversity

Objective
To assist the protection and conservation of Victoria’s biodiversity.

Strategies
Use biodiversity information to identify important areas of biodiversity, including key habitat for rare or threatened species and communities, and strategically valuable biodiversity sites.
Strategically plan for the protection and conservation of Victoria’s important areas of biodiversity.
Ensure that decision making takes into account the impacts of land use and development on Victoria’s biodiversity, including consideration of:

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

Avoid impacts of land use and development on important areas of biodiversity.
Consider impacts of any change in land use or development that may affect the biodiversity value of national parks and conservation reserves or nationally and internationally significant sites; including wetlands and wetland wildlife habitat designated under the Convention on Wetlands of International Importance (the Ramsar Convention) and sites utilised by species listed under the Japan-Australia Migratory Birds Agreement (JAMBA), the China-Australia Migratory Birds Agreement (CAMBA), or the Republic of Korea-Australia Migratory Bird Agreement (ROKAMBA).

Assist in the identification, protection and management of important areas of biodiversity.
Assist in the establishment, protection and re-establishment of links between important areas of biodiversity, including through a network of green spaces and large-scale native vegetation corridor projects.

Policy guidelines
Consider as relevant:

- State biodiversity information maintained by the Department of Environment, Land, Water and Planning.

Policy documents
Consider as relevant:

- Protecting Victoria’s Environment – Biodiversity 2037 (Department of Environment, Land, Water and Planning, 2017)
- Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017)
- Any applicable biodiversity strategies, including the relevant Regional Catchment Strategy (prepared under Part 4 of the Catchment and Land Protection Act 1994)
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.

Policy guidelines
Consider as relevant:
- State biodiversity information maintained by the Department of Environment, Land, Water and Planning.

Policy documents
Consider as relevant:
- Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017)
- Assessor’s handbook – applications to remove, destroy or lop native vegetation (Department of Environment, Land, Water and Planning, 2017)
Protection of coastal areas

Objective
To recognise the value of coastal areas to the community, conserve and enhance coastal areas and ensure sustainable use of natural coastal resources.

Strategies
Coordinate land use and planning with the requirements of the Coastal Management Act 1995 to:

- Provide clear direction for the future sustainable use of the coast, including the marine environment, for recreation, conservation, tourism, commerce and similar uses in appropriate areas.
- Protect and maintain areas of environmental significance.
- Identify suitable areas and opportunities for improved facilities.

Apply the hierarchy of principles for coastal planning and management:

1. Principle 1: Ensure the protection of significant environmental and cultural values.
2. Principle 2: Undertake integrated planning and provide clear direction for the future.
3. Principle 3: Ensure the sustainable use of natural coastal resources.
4. Principle 4: Ensure development on the coast is located in existing modified and resilient environments where the demand for development is evident and any impacts can be managed sustainably.

Plan for marine development and infrastructure that is sensitive to marine national parks and environmental assets.

Ensure development protects and seeks to enhance coastal biodiversity and ecological values.

Ensure development is sensitively sited and designed and respects the character of coastal settlements.

Encourage revegetation of cleared land abutting coastal reserves.

Maintain the natural drainage patterns, water quality and biodiversity in and adjacent to coastal estuaries, wetlands and waterways.

Avoid disturbance of coastal acid sulfate soils.

Protect cultural heritage places, including Aboriginal places, archaeological sites and historic shipwrecks.

Policy guidelines
Consider as relevant:

- Any applicable coastal action plan or management plan approved under the Coastal Management Act 1995 or National Parks Act 1975.

Policy documents
Consider as relevant:

- Victorian Coastal Strategy (Victorian Coastal Council, 2014)
- Coastal Spaces Landscape Assessment Study (Department of Sustainability and Environment, 2006)
Coastal Crown land

Objective
To achieve coastal crown land development that provides an environmental, social and economic balance.

Strategies
Ensure that use and development on or adjacent to coastal foreshore Crown land:

- Maintains safe, equitable public access and improves public benefit.
- Protects local environmental and social values.
- Demonstrates need and coastal dependency.
- Minimises impact on the coast by locating within a defined activity or recreation node.

Policy guidelines
Consider as relevant:

- The purpose for which land is reserved under the Crown Land (Reserves) Act 1978.
- Any relevant coastal action plan or management plan approved under the Coastal Management Act 1995 or National Parks Act 1975.

Policy documents
Consider as relevant:

- Victorian Coastal Strategy (Victorian Coastal Council, 2014)
Bays

Objective

To improve the environmental health of Port Phillip Bay and Western Port and their catchments.

Strategies

Reduce major environmental pressures associated with urban growth and development in Port Phillip Bay and Western Port catchments by:

- Requiring growth area planning to protect significant natural assets.
- Improving the quality of stormwater entering waterways, particularly from construction sites and road development.

Improve waterway management arrangements for Port Phillip Bay and Western Port catchments.

Protect coastal and foreshore environments and improve public access and recreation facilities around Port Phillip Bay and Western Port by:

- Focussing development in areas already developed or in areas that can tolerate more intensive use.
- Requiring coastal planning and management to be consistent with the *Victorian Coastal Strategy* (Victorian Coastal Council, 2014).
- Managing privately owned foreshore consistently with the adjoining public land.

Policy documents

Consider as relevant:

- *Victorian Coastal Strategy* (Victorian Coastal Council, 2014)
River corridors, waterways, lakes and wetlands

Objective
To protect and enhance river corridors, waterways, lakes and wetlands.

Strategies
Protect the environmental, cultural and landscape values of all water bodies and wetlands.
Ensure development responds to and respects the significant environmental, conservation, cultural, aesthetic, open space, recreation and tourism assets of water bodies and wetlands.
Ensure development is sensitively designed and sited to maintain and enhance environmental assets, significant views and landscapes along river corridors and waterways and adjacent to lakes and wetlands.
Ensure development does not compromise bank stability, increase erosion or impact on a water body or wetland’s natural capacity to manage flood flow.
Protect the Yarra, Maribyrnong and Murray River corridors as significant economic, environmental and cultural assets.
Facilitate growth in established settlements where water and wastewater can be managed.

Policy documents
Consider as relevant:

- Maribyrnong River Valley Design Guidelines (Department of Planning and Community Development, 2010)
- Melbourne Water’s Guidelines for Approval of Jetties (Melbourne Water, 2011)
- Healthy Waterways Strategy (Melbourne Water, 2013)

High value water body assets - Gippsland

Strategy
Minimise the impact of urban growth on high value water body assets such as the Gippsland Lakes, Corner Inlet, Anderson Inlet, Mallacoota Inlet and their source rivers.
Sustainable development in alpine areas

Objective
To facilitate sustainable use and development of Alpine areas for year-round use and activity.

Strategies
Protect and manage significant environmental features and ecosystems, taking into account the sensitive and fragile nature of the alpine environment.

Ensure that the use and development of land is managed to minimise the disturbance of indigenous flora and fauna and sensitive landscapes.

Ensure that there is a mixture of use and development to cater for users of alpine areas in all seasons.

Recognise the distinct environments, infrastructure needs and capabilities to support different activities of each alpine resort and other alpine areas.

Provide for the development of consolidated alpine villages, including a diverse range of employment, social and economic opportunities.

Promote development for active recreation solely at Falls Creek, Lake Mountain, Mt Buffalo, Mt Baw Baw, Mt Buller and Mt Hotham.

Promote intensive residential and commercial development at Falls Creek, Mt Baw Baw, Mt Buller and Mt Hotham.

Maintain Mt Stirling as an all-season nature based tourist, recreational and educational resource.

Ensure that the sustainable long term planning and management of Victoria’s six alpine resorts is consistent with the strategic directions contained in the Alpine Resorts Strategic Plan (Victorian Government, Alpine Resorts Co-ordinating Council, 2012).

Develop, monitor and regularly review the Alpine Resort Environmental Management Plans and Comprehensive Development Plans for each alpine resort, recognising their unique characteristics, constraints and opportunities.

Encourage best practice in design that responds to the alpine character of the area.

Ensure heritage places are protected and conserved, including Aboriginal cultural heritage and post contact heritage places.

Ensure that increases in skier, pedestrian and vehicular activity in the resorts do not compromise public safety or the accessibility and capacity of ski fields, services, commercial activity and development of trailheads.

Implement approved plans, manage development and work with Alpine Resort Management Boards to effectively operate alpine resorts and protect alpine resources.

Policy guidelines
Consider as relevant:

- Any applicable approved Victorian Environmental Assessment Council recommendations.
- Any relevant State Environment Protection Policy.
- Any approved management plan or guideline endorsed by the Minister for Energy, Environment and Climate Change or Minister for Water.

Policy documents
Consider as relevant:

- Alpine Resorts Strategic Plan (Victorian Government, Alpine Resorts Co-ordinating Council, 2012)
- The Memorandum of Understanding in relation to the Co-operative Management of the Australian Alps National Parks, agreed to by the member states and territories of Victoria, Australian Capital Territory and New South Wales
Environmentally sensitive areas

Objective
To protect and conserve environmentally sensitive areas.

Strategies
Protect environmentally sensitive areas with significant recreational value from development that would diminish their environmental conservation or recreational values. These areas include the Dandenong and Macedon Ranges, the Upper Yarra Valley, Western Port and Port Phillip Bay and their foreshores, the Mornington Peninsula, the Yarra and Maribyrnong Rivers and the Merri Creek, the Grampians, the Gippsland Lakes and its foreshore, the coastal areas and their foreshores, Alpine areas and nominated urban conservation areas, historic buildings and precincts.
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.
Ensure development does not detract from the natural qualities of significant landscape areas.
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.
ENVIRONMENTAL RISKS AND AMENITY

Planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach.

Planning should aim to avoid or minimise natural and human-made environmental hazards, environmental degradation and amenity conflicts.

Planning should identify and manage the potential for the environment and environmental changes to impact on the economic, environmental or social wellbeing of society.

Planning should ensure development and risk mitigation does not detrimentally interfere with important natural processes.

Planning should prepare for and respond to the impacts of climate change.
Natural hazards and climate change

Objective
To minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.

Strategies
Consider the risks associated with climate change in planning and management decision making processes.
Identify at risk areas using the best available data and climate change science.
Integrate strategic land use planning with emergency management decision making.
Direct population growth and development to low risk locations.
Develop adaptation response strategies for existing settlements in risk areas to accommodate change over time.
Ensure planning controls allow for risk mitigation or risk adaptation strategies to be implemented.
Site and design development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards.
Coastal inundation and erosion

Objective
To plan for and manage the potential coastal impacts of climate change.

Strategies
Plan for sea level rise of not less than 0.8 metres by 2100 and allow for the combined effects of tides, storm surges, coastal processes and local conditions such as topography and geology when assessing risks and coastal impacts associated with climate change.

In planning for sea level rise, an increase of 0.2 metres over current 1 in 100 year flood levels by 2040 may be used for new development in close proximity to existing development (urban infill).

Ensure that land subject to coastal hazards is identified and appropriately managed to ensure that future development is not at risk.

Ensure that development or protective works that seek to respond to coastal hazard risks avoid detrimental impacts on coastal processes.

Avoid development in identified coastal hazard areas susceptible to inundation (both river and coastal), erosion, landslip/landslide, acid sulfate soils, bushfire and geotechnical risk.

Policy guidelines
Consider as relevant:

- Any applicable Land Conservation Council recommendations.
- Any applicable coastal action plan or management plan approved under the Coastal Management Act 1995 or National Parks Act 1975.

Policy documents
Consider as relevant:

- Victorian Coastal Strategy (Victorian Coastal Council, 2014)
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:

- 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.

Policy guidelines
Consider as relevant:

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

Policy documents
Consider as relevant:

• *AS 3959-2009 Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2009)

• *Building in bushfire-prone areas - CSIRO & Standards Australia* (SAA HB36-1993, 1993)

• Any bushfire prone area map prepared under the *Building Act 1993* or regulations made under that Act
Floodplain management

Objective
To assist the protection of:
- Life, property and community infrastructure from flood hazard.
- The natural flood carrying capacity of rivers, streams and floodways.
- The flood storage function of floodplains and waterways.
- Floodplain areas of environmental significance or of importance to river health.

Strategies
Identify land affected by flooding, including land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority in planning schemes.

Avoid intensifying the impact of flooding through inappropriately located use and development.

Locate emergency and community facilities (including hospitals, ambulance stations, police stations, fire stations, residential aged care facilities, communication facilities, transport facilities, community shelters and schools) outside the 1 in 100 year floodplain and, where possible, at levels above the height of the probable maximum flood.

Locate use and development that involve the storage or disposal of environmentally hazardous industrial and agricultural chemicals or wastes and other dangerous goods (including intensive animal industries and sewage treatment plants) outside floodplains unless site design and management is such that potential contact between such substances and floodwaters is prevented, without affecting the flood carrying and flood storage functions of the floodplain.

Policy guidelines
Consider as relevant:
- Regional catchment strategies and special area plans approved by the Minister for Energy, Environment and Climate Change or Minister for Water.
- Any floodplain management manual of policy and practice, or catchment management, river health, wetland or floodplain management strategy adopted by the relevant responsible floodplain management authority.

Policy documents
Consider as relevant:
- State Environment Protection Policy (Waters of Victoria)
- Victorian Floodplain Management Strategy (Department of Environment, Land, Water and Planning 2016)
Contaminated and potentially contaminated land

Objective
To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

Strategies
Require applicants to provide adequate information on the potential for contamination to have adverse effects on future land use if the subject land is known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel.

Facilitate the remediation of contaminated land, particularly on sites in developed areas with potential for residential development.

Policy documents
Consider as relevant:

- State Environment Protection Policy (Prevention and Management of Contamination of Land)
- Ministerial Direction No. 1 - Potentially Contaminated Land
Erosion and landslip

Objective
To protect areas prone to erosion, landslip or other land degradation processes.

Strategies
Identify areas subject to erosion or instability in planning schemes and when considering the use and development of land.

Prevent inappropriate development in unstable areas or areas prone to erosion.

Promote vegetation retention, planting and rehabilitation in areas prone to erosion and land instability.

Policy guidelines
Consider as relevant:

- Any applicable regional catchment strategy.
- Any special area plan approved under the *Catchment and Land Protection Act 1994*. 
Salinity

Objective
To minimise the impact of salinity and rising water tables on land uses, buildings and infrastructure in rural and urban areas and areas of environmental significance and reduce salt load in rivers.

Strategies
Identify areas subject to salinity in the preparation of planning schemes and land use planning decisions.

Promote vegetation retention and replanting in aquifer recharge areas contributing to groundwater salinity problems.

Prevent inappropriate development in areas affected by groundwater salinity.

Policy guidelines
Consider as relevant:

- Any applicable regional catchment strategy and any associated implementation plan or strategy (particularly salinity management plans and regional vegetation plans).

- Any special area plan approved under the Catchment and Land Protection Act 1994.

Policy documents
Consider as relevant:

Noise abatement

Objective
To assist the control of noise effects on sensitive land uses.

Strategy
Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Policy documents
Consider as relevant:

- State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2
- State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 in metropolitan Melbourne
- Interim Guidelines for Control of Noise from Industry in Country Victoria (Environment Protection Authority, 1989)
Air quality management

Objective
To assist the protection and improvement of air quality.

Strategies
Ensure that land use planning and transport infrastructure provision contribute to improved air quality by:

- Integrating transport and land use planning to improve transport accessibility and connections.
- Locating key developments that generate high volumes of trips in the Central City, Metropolitan Activity Centres and Major Activity Centres.
- Providing infrastructure for public transport, walking and cycling.

Ensure, wherever possible, that there is suitable separation between land uses that reduce air amenity and sensitive land uses.

Policy documents
Consider as relevant:

- *State Environment Protection Policy (Air Quality Management)*
- *Recommended Buffer Distances for Industrial Residual Air Emissions* (Environment Protection Authority, 1990)
Land use compatibility

Objective
To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

Strategies
Ensure the compatibility of a use or development as appropriate to the land use functions and character of the area by:

- Directing land uses to appropriate locations.
- Using a range of building design, urban design, operational and land use separation measures.
Major hazard facilities

Objective
To minimise the potential for human and property exposure to risk from incidents that may occur at a major hazard facility and to ensure the ongoing viability of major hazard facilities.

Strategies
Ensure major hazard facilities are sited, designed and operated to minimise risk to surrounding communities and the environment.

Consider the risks associated with increasing the intensity of use and development within the threshold distance of an existing major hazard facility.

Apply appropriate threshold distances from sensitive land uses for new major hazard facilities and between major hazard facilities.

Protect registered or licenced major hazard facilities as defined under Regulation 5 of the Occupational Health and Safety Regulations 2017 from encroachment of sensitive land uses.
NATURAL RESOURCE MANAGEMENT

Planning is to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development.

Planning should ensure agricultural land is managed sustainably, while acknowledging the economic importance of agricultural production.
Protection of agricultural land

Objective
To protect the state’s agricultural base by preserving productive farmland.

Strategies
Identify areas of productive agricultural land, including land for primary production and intensive agriculture.
Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.
Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
Protect productive farmland that is of strategic significance in the local or regional context.
Protect productive agricultural land from unplanned loss due to permanent changes in land use.
Prevent inappropriately dispersed urban activities in rural areas.
Protect strategically important agricultural and primary production land from incompatible uses.
Limit new housing development in rural areas by:
  - Directing housing growth into existing settlements.
  - Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
  - Encouraging consolidation of existing isolated small lots in rural zones.
Identify areas of productive agricultural land by consulting with the Department of Economic Development, Jobs, Transport and Resources and using available information.
In considering a proposal to use, subdivide or develop agricultural land, consider the:
  - Desirability and impacts of removing the land from primary production, given its agricultural productivity.
  - Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
  - Compatibility between the proposed or likely development and the existing use of the surrounding land.
  - The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
  - Land capability.
Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.
Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.
Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.
14.01-1R Protection of agricultural land - Gippsland

Strategy

Protect productive land and irrigation assets, including the Macalister Irrigation District, that help grow the state as an important food bowl for Australia and Asia.
Sustainable agricultural land use

Objective
To encourage sustainable agricultural land use.

Strategies
Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.
Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.
Support adaptation of the agricultural sector to respond to the potential risks arising from climate change.
Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.
Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.
Support agricultural investment through the protection and enhancement of appropriate infrastructure.
Facilitate ongoing productivity and investment in high value agriculture.
Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.
Ensure that the use and development of land for animal keeping or training is appropriately located and does not detrimentally impact the environment, the operation of surrounding land uses and the amenity of the surrounding area.

Policy documents
Consider as relevant:
- Victorian Code for Cattle Feedlots (Department of Agriculture, Energy and Minerals, 1995)
- Victorian Code for Broiler Farms (Department of Primary Industries, 2009, plus 2018 amendments)
- Apiary Code of Practice (Department of Planning and Community Development, 2011)
- Planning Guidelines for Land Based Aquaculture in Victoria (Department of Primary Industries, No. 21, 2005)
- Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines (Department of Economic Development, Jobs, Transport and Resources, June 2018)
- Victorian Low Density Mobile Outdoor Pig Farm Planning Permit Guidelines (Department of Economic Development, Jobs, Transport and Resources, June 2018)
Forestry and timber production

Objective
To facilitate the establishment, management and harvesting of plantations and the harvesting of timber from native forests.

Strategies
Identify areas that may be suitably used and developed for plantation timber production.
Promote the establishment of softwood and hardwood plantations on predominantly cleared land, as well as other areas that are subject to or contributing to land and water degradation.
Ensure protection of water quality and soil.
Ensure timber production in native forests is conducted in a sustainable manner.
Conduct timber production (except agroforestry, windbreaks and commercial plantations of 5 hectares or less) in accordance with the *Code of Practice for Timber Production* (Department of Environment and Primary Industries, 2014).
Ensure Victoria’s greenhouse sinks are protected and enhanced by controlling land clearing, containing the growth of urban areas and supporting revegetation programs.

Policy documents
Consider as relevant:

- *Code of Practice for Timber Production* (Department of Environment and Primary Industries, 2014)
Catchment planning and management

Objective
To assist the protection and restoration of catchments, water bodies, groundwater, and the marine environment.

Strategies
Ensure the continued availability of clean, high-quality drinking water by protecting water catchments and water supply facilities.

Consider the impacts of catchment management on downstream water quality and freshwater, coastal and marine environments.

Retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to:

- Maintain the natural drainage function, stream habitat and wildlife corridors and landscape values,
- Minimise erosion of stream banks and verges, and
- Reduce polluted surface runoff from adjacent land uses.

Undertake measures to minimise the quantity and retard the flow of stormwater from developed areas.

Require appropriate measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other land for wetlands and retention basins.

Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.

Ensure land use and development minimises nutrient contributions to water bodies and the potential for the development of algal blooms.

Require appropriate measures to restrict sediment discharges from construction sites.

Ensure planning is coordinated with the activities of catchment management authorities.

Policy documents
Consider as relevant:

- Any regional catchment strategy and related plans approved under the Catchment and Land Protection Act 1994
- State Environment Protection Policy (Waters of Victoria)
- Murray River Regional Environmental Plan No 2 (REP2) of New South Wales
- Planning permit applications in open, potable water supply catchment areas (Department of Sustainability and Environment, 2012)
- Any applicable implementation strategy approved by a catchment management authority or waterway management authority
- Any special area or management plan under the Heritage Rivers Act 1992
- Any action statement or management plan prepared under the Flora and Fauna Guarantee Act 1988
- Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999)
Water quality

Objective
To protect water quality.

Strategies
Protect reservoirs, water mains and local storage facilities from potential contamination.

Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.

Discourage incompatible land use activities in areas subject to flooding, severe soil degradation, groundwater salinity or geotechnical hazards where the land cannot be sustainably managed to ensure minimum impact on downstream water quality or flow volumes.

Prevent the establishment of incompatible land uses in aquifer recharge or saline discharge areas and in potable water catchments.

Encourage the siting, design, operation and rehabilitation of landfills to reduce impact on groundwater and surface water.

Use the mapped information available from the Department of Environment, Land, Water and Planning to identify the beneficial uses of groundwater resources and have regard to potential impacts on these resources from proposed land use or development.

Policy documents
Consider as relevant:

- Construction Techniques for Sediment Pollution Control (Environment Protection Authority, 1991)
- Environmental Guidelines for Major Construction Sites (Environment Protection Authority, 1996 - Publication 480)
- Doing it Right on Subdivisions: Temporary Environmental Protection Measures for Subdivision Construction Sites (Environment Protection Authority, 2004 - Publication 960)
- Planning permit applications in open, potable water supply catchments (Department of Sustainability and Environment, 2012)
**Resource exploration and extraction**

**Objective**
To encourage exploration and extraction of natural resources in accordance with acceptable environmental standards.

**Strategies**
Provide for the long-term protection of natural resources in Victoria.
Protect the opportunity for exploration and extraction of natural resources where this is consistent with overall planning considerations and acceptable environmental practice.
Recognise the possible need to provide infrastructure for the exploration and extraction of natural resources.
Ensure planning schemes do not impose conditions on the use or development of land that are inconsistent with the Mineral Resources (Sustainable Development) Act 1990, the Greenhouse Gas Geological Sequestration Act 2008, the Geothermal Energy Resources Act 2005, or the Petroleum Act 1998.
Develop and maintain buffers around mining and quarrying activities.
Ensure planning permit applications clearly define buffer areas appropriate to the nature of the proposed extractive uses, which are to be owned or controlled by the proponent of an extractive industry.
Determine buffer areas between extractive activities and sensitive land uses on the following considerations:
- Appropriate limits on effects can be met at the sensitive locations using practical and available technology.
- Whether a change of land use in the vicinity of the extractive industry is proposed.
- Use of land within the buffer areas is not limited by adverse effects created by the extractive activities.
- Performance standards identified under the relevant legislation.
- Types of activities within land zoned for public use.

Protect the brown coal resource in Central Gippsland by ensuring that:
- Changes in use and development of land overlying coal resources, as generally defined in Framework for the Future (Minister for Industry, Technology and Resources and Minister for Planning and Environment, 1987) and the Land Over Coal and Buffer Area Study (Ministry for Planning and Environment, 1988), do not compromise the winning or processing of coal.
- Coal-related development is adequately separated from residential or other sensitive uses and main transport corridors by buffer areas to minimise adverse effects such as noise, dust, fire, earth subsidence and visual intrusion.
- Use and development within the buffer areas are compatible with use and development adjacent to these areas.

**Policy guidelines**
Consider as relevant:
- Any applicable State Environment Protection Policy.

**Policy documents**
Consider as relevant:
- Mineral Resources (Sustainable Development) Act 1990
- Greenhouse Gas Geological Sequestration Act 2008
- Geothermal Energy Resources Act 2005
- Petroleum Act 1998
- Melbourne Supply Area - Extractive Industry Interest Areas Review (Geological Survey of Victoria Technical Record, 2003/2)
- Ballarat Supply Area - Extractive Industry Interest Areas (Geological Survey of Victoria Technical Record, 1997/3)
- Bendigo Supply Area - Extractive Industry Interest Areas (Geological Survey of Victoria Technical Record, 1998/6)
- Geelong Supply Area - Extractive Industry Interest Areas (Geological Survey of Victoria Technical Record, 1999/2)
- La Trobe Supply Area - Extractive Industry Interest Areas (Geological Survey of Victoria Technical Record, 1999/4)
BUILT ENVIRONMENT AND HERITAGE

Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.

Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.

Planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.

Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.

Planning should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment.

Planning should promote excellence in the built environment and create places that:

- Are enjoyable, engaging and comfortable to be in.
- Accommodate people of all abilities, ages and cultures.
- Contribute positively to local character and sense of place.
- Reflect the particular characteristics and cultural identity of the community.
- Enhance the function, amenity and safety of the public realm.
Urban design

Objective
To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Strategies
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.

Policy documents
Consider as relevant:

Building design

Objective
To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

Strategies
Require a comprehensive site analysis as the starting point of the design process.
Ensure the site analysis provides the basis for the consideration of height, scale and massing 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.
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 provides safe access and egress for pedestrians, cyclists and vehicles.
Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.
Encourage development to retain existing vegetation.

Policy documents
Consider as relevant:

Subdivision design

Objective
To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable
neighbourhoods.

Strategies
In the development of new residential areas and in the redevelopment of existing areas, subdivision
should be designed to create liveable and sustainable communities by:

- Creating compact neighbourhoods that have walkable distances between activities.
- Developing activity centres in appropriate locations with a mix of uses and services and access
to public transport.
- Creating neighbourhood centres that include services to meet day to day needs.
- Creating urban places with a strong sense of place that are functional, safe and attractive.
- Providing a range of lot sizes to suit a variety of dwelling and household types to meet the
needs and aspirations of different groups of people.
- Creating landscaped streets and a network of open spaces to meet a variety of needs with links
to regional parks where possible.
- Protecting and enhancing native habitat.
- Facilitating an urban structure where neighbourhoods are clustered to support larger activity
centres served by high quality public transport.
- Reduce car dependency by allowing for:
  - Convenient and safe public transport.
  - Safe and attractive spaces and networks for walking and cycling.
  - Subdivision layouts that allow easy movement within and between neighbourhoods.
  - A convenient and safe road network.
- Being accessible to people with disabilities.
- Creating an urban structure and providing utilities and services that enable energy efficiency,
resource conservation, integrated water management and minimisation of waste and air pollution.

Policy documents
Consider as relevant:

- Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning,
2017)
Healthy neighbourhoods

Objective
To achieve neighbourhoods that foster healthy and active living and community wellbeing.

Strategies
Design neighbourhoods that foster community interaction and make it easy for people of all ages and abilities to live healthy lifestyles and engage in regular physical activity by providing:

- Connected, safe, pleasant and attractive walking and cycling networks that enable and promote walking and cycling as a part of daily life.
- Streets with direct, safe and convenient access to destinations.
- Conveniently located public spaces for active recreation and leisure.
- Accessibly located public transport stops.
- Amenities and protection to support physical activity in all weather conditions.

Policy documents
Consider as relevant:

Neighbourhood character

Objective
To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Strategies
Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.

Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:

- Pattern of local urban structure and subdivision.
- Underlying natural landscape character and significant vegetation.
- Heritage values and built form that reflect community identity.
Design for rural areas

Objective
To ensure development respects valued areas of rural character.

Strategies
Ensure that the siting, scale and appearance of development protects and enhances rural character.
Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.
Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.
15.02 SUSTAINABLE DEVELOPMENT

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Energy and resource efficiency

Objective
To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

Strategies
Improve the energy, water and waste performance of buildings and subdivisions through environmentally sustainable development.
Promote consolidation of urban development and integration of land use and transport.
Improve efficiency in energy use through greater use of renewable energy technologies and other energy efficiency upgrades.
Support low energy forms of transport such as walking and cycling.
Reduce the urban heat island effect by greening urban areas, buildings, transport corridors and open spaces with vegetation.
Encourage retention of existing vegetation and planting of new vegetation as part of development and subdivision proposals.
Heritage conservation

Objective
To ensure the conservation of places of heritage significance.

Strategies
Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.

Provide for the protection of natural heritage sites and man-made resources.

Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.

Encourage appropriate development that respects places with identified heritage values.

Retain those elements that contribute to the importance of the heritage place.

Encourage the conservation and restoration of contributory elements of a heritage place.

Ensure an appropriate setting and context for heritage places is maintained or enhanced.

Support adaptive reuse of heritage buildings where their use has become redundant.

Consider whether it is appropriate to require the restoration or reconstruction of a heritage building in a Heritage Overlay that has been unlawfully or unintentionally demolished in order to retain or interpret the cultural heritage significance of the building, streetscape or area.

Policy guidelines
Consider as relevant:

- The findings and recommendations of the Victorian Heritage Council.
Aboriginal cultural heritage

Objective
To ensure the protection and conservation of places of Aboriginal cultural heritage significance.

Strategies
Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme.

Provide for the protection and conservation of pre-contact and post-contact Aboriginal cultural heritage places.

Ensure that permit approvals align with the recommendations of any relevant Cultural Heritage Management Plan approved under the *Aboriginal Heritage Act 2006*.

Policy guidelines
Consider as relevant:

- The findings and recommendations of the Aboriginal Heritage Council.
- The findings and recommendations of the Victorian Heritage Council for post-contact Aboriginal heritage places.

Policy documents
Consider as relevant:

- *Aboriginal Heritage Act 2006*
HOUSING

Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.

Planning should ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.

Planning for housing should include the provision of land for affordable housing.
**Integrated housing**

**Objective**

To promote a housing market that meets community needs.

**Strategies**

Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.

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.

Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.

Facilitate the delivery of high quality social housing.

**Policy documents**

Consider as relevant:


Location of residential development

Objective
To locate new housing in designated locations that offer good access to jobs, services and transport.

Strategies
Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.
Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.
Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.
Facilitate residential development that is cost effective in infrastructure provision and use, energy efficient, water efficient and encourages public transport use.
Identify opportunities for increased residential densities to help consolidate urban areas.
Housing diversity

Objective
To provide for a range of housing types to meet diverse needs.

Strategies
Ensure housing stock matches changing demand by widening housing choice.
Facilitate diverse housing that offers choice and meets changing household needs through:
  - A mix of housing types.
  - Adaptable internal dwelling design.
  - Universal design.
Encourage the development of well-designed medium-density housing that:
  - Respects the neighbourhood character.
  - Improves housing choice.
  - Makes better use of existing infrastructure.
  - Improves energy efficiency of housing.
Support opportunities for a range of income groups to choose housing in well-serviced locations.
Ensure planning for growth areas provides for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.
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.

Policy documents
Consider as relevant:
Rural residential development

Objective
To identify land suitable for rural residential development.

Strategies
Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.

Encourage the consolidation of new housing in existing settlements where investment in physical and community infrastructure and services has already been made.

Demonstrate need and identify locations for rural residential development through a housing and settlement strategy.

Ensure planning for rural residential development avoids or significantly reduces adverse economic, social and environmental impacts by:

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

Ensure land is not zoned for rural residential development if it will encroach on high quality productive agricultural land or adversely impact on waterways or other natural resources.

Discourage development of small lots in rural zones for residential use or other incompatible uses.

Encourage consolidation of existing isolated small lots in rural zones.

Ensure land is only zoned for rural residential development where it:

- Is located close to existing towns and urban centres, but not in areas that will be required for fully serviced urban development.
- Can be supplied with electricity, water and good quality road access.
16.01-6S

Community care accommodation

Objective
To facilitate the establishment of community care accommodation and support their location being kept confidential.

Strategies
Planning schemes should not require a planning permit for or prohibit the use of land in a residential area for community care accommodation that accommodates no more than 20 clients and that is funded by, or conducted by or on behalf of, a government department or public authority, including a public authority established for a public purpose under a Commonwealth Act.

Facilitate the confidential establishment of community care accommodation through appropriate permit, notice and review exemptions.
Residential aged care facilities

Objective
To facilitate the development of well-designed and appropriately located residential aged care facilities.

Strategies
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.

Policy guidelines
Consider as relevant:

- The Commonwealth Government’s Responsible ratios for the provision of aged care places under the Aged Care Act 1997.
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.
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.
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.
Diversified economy - Gippsland

Strategies

Support production and processing facilities that add value to local agricultural, forestry and fisheries products.

Support the development of industry sectors focussed on growing Asian and other international markets.

Support development of coal-to-products industries such as diesel, fertiliser and gas, for both domestic and export markets.

Improve Gippsland’s capacity in advanced manufacturing and engineering with particular reference to Latrobe Valley industries.

Support Gippsland’s fishing industry by maintaining ports and enabling development of fishing operations at Lakes Entrance, Mallacoota, Port Welshpool, San Remo, Port Franklin and Port Albert.

Facilitate opportunities within aviation-related industries.
Innovation and research

Objective
To create opportunities for innovation and the knowledge economy within existing and emerging industries, research and education.

Strategies
Encourage the expansion and development of logistics and communications infrastructure.

Support the development of business clusters.

Support the development of enterprise precincts that build the critical mass of employment in an area, leverage the area’s public and private sector economic competitive strengths and assets, and cater to a diversity of employment types and scales.

Promote an accessible, well-connected, high-amenity and collaborative physical environment that is conducive to innovation and to creative activities.

Encourage the provision of infrastructure that helps people to be innovative and creative, learn new skills and start new businesses in locations identified to accommodate employment and economic growth.

Support well-located, appropriate and low-cost premises for not-for-profit or start-up enterprises.

Improve access to community-based information and training through further developing libraries as community learning centres.
Innovation and Research - Gippsland

Strategies

Facilitate opportunities for innovation and industry development arising from climate change and initiatives to reduce greenhouse gas emissions.

Support development of the region’s research and development capacity in places with an established presence including Churchill and Ellinbank.
**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.
Commercial centres - Gippsland

Strategy

Support redevelopment initiatives in commercial centres that will be subject to significant growth (Traralgon, Morwell Mid Valley, Warragul, Wonthaggi, Leongatha, Sale and Bairnsdale) to improve their attractiveness and usability.
Out-of-centre development

**Objective**

To manage out-of-centre development.

**Strategies**

Discourage proposals for expansion of single use retail, commercial and recreational facilities outside activity centres.

Give preference to locations in or on the border of an activity centre for expansion of single use retail, commercial and recreational facilities.

Discourage large sports and entertainment facilities of metropolitan, state or national significance in out-of-centre locations unless they are on the Principal Public Transport Network and in locations that are highly accessible to their catchment of users.

Ensure that out-of-centre proposals are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal or provides small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.
Industrial land supply

Objective
To ensure availability of land for industry.

Strategies
Provide an adequate supply of industrial land in appropriate locations including sufficient stocks of large sites for strategic investment.

Identify land for industrial development in urban growth areas where:
- Good access for employees, freight and road transport is available.
- Appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses.

Protect and carefully plan existing industrial areas to, where possible, facilitate further industrial development.

Avoid approving non-industrial land uses that will prejudice the availability of land in identified industrial areas for future industrial use.

Policy documents
Consider as relevant:
- *Recommended Buffer Distances for Industrial Residual Air Emissions* (Environment Protection Authority, 1990)
Industrial land supply - Gippsland

Strategy

Facilitate the release of additional industrial zoned land in towns including Warragul, Leongatha, Sale, Lakes Entrance, Paynesville and Mallacoota.
Industrial development siting

Objective
To facilitate the sustainable development and operation of industry.

Strategies
Ensure that industrial activities requiring substantial threshold distances are located in the core of industrial areas.
Encourage activities with minimal threshold requirements to locate towards the perimeter of the industrial area.
Minimise inter-industry conflict and encourage like industries to locate within the same area.
Protect industrial activity in industrial zones from the encroachment of commercial, residential and other sensitive uses that would adversely affect industry viability.
Encourage industrial uses that meet appropriate standards of safety and amenity to locate within activity centres.
Provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.
Encourage manufacturing and storage industries that generate significant volumes of freight to locate close to air, rail and road freight terminals.

Policy documents
Consider as relevant:
- *Recommended Buffer Distances for Industrial Residual Air Emissions* (Environment Protection Authority, 1990)
State significant industrial land

Objective
To protect industrial land of state significance.

Strategies
Protect state significant industrial precincts from incompatible land uses to allow for future growth. State significant industrial precincts include but are not limited to:

- Southern Industrial Precinct - Dandenong South.
- Northern Industrial Precinct - Campbellfield, Somerton and Thomastown.
- Western Industrial Precinct - Laverton North and Derrimut.
- Officer / Pakenham Industrial Precinct.
- Port of Hastings Industrial Precinct.

Ensure sufficient availability of strategically located land for major industrial development, particularly for industries and storage facilities that require significant threshold distances from sensitive or incompatible uses.

Protect heavy industrial areas from inappropriate development and maintain adequate buffer distances from sensitive or incompatible uses.
Facilitating tourism

Objective
To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

Strategies
Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.
Seek to ensure that tourism facilities have access to suitable transport.
Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.
Create innovative tourism experiences.
Encourage investment that meets demand and supports growth in tourism.

Policy guidelines
Consider as relevant:
- Any applicable regional tourism development strategy.

Policy documents
Consider as relevant:
Tourism - Gippsland

Strategies

Facilitate tourism in strategic tourism investment areas shown on the Gippsland Regional Growth Plan.

Facilitate tourism development in existing urban settlements to maximise access to infrastructure, services and labour and to minimise impacts on the environment and exposure to natural hazards.

Support nature-based tourism proposals that complement and are compatible with the region’s environment and landscape attractions or are close to identified strategic tourism investment areas.
Coastal and maritime tourism and recreation

Objective
To encourage suitably located and designed coastal, marine and maritime tourism and recreational opportunities.

Strategies
Support the development of ecotourism, tourism and major maritime events.
Ensure a diverse range of accommodation options and coastal experiences are provided for and maintained.
Ensure sites and facilities are accessible to all.
Ensure tourism development, within non-urban areas, demonstrates a tourist accommodation need and supports a nature-based approach.
Ensure development is of an appropriate scale, use and intensity relative to its location and minimises impacts on the surrounding natural, visual, environmental and coastal character.
Develop a network of maritime precincts around Port Phillip and Western Port that serve both local communities and visitors.
Maintain and expand boating and recreational infrastructure around the bays in maritime precincts at Frankston, Geelong, Hastings, Hobsons Bay, Mordialloc, Mornington, Patterson River, Portarlington, Queenscliff, St Kilda, Stony Point/Cowes and Wyndham.
Provide public access to recreational facilities and activities on land and water.
Encourage high quality urban design that is innovative, sustainable and integrated with surrounding areas.
Support maritime and related industries in appropriate locations.

Policy documents
Consider as relevant:
- Boating Coastal Action Plan (Central Coastal Board, 2007)
- Victorian Coastal Strategy (Victorian Coastal Council, 2014)
- Coastal Spaces Landscape Assessment Study (Department of Sustainability and Environment, 2006)
TRANSPORT

Planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe.
Land use and transport planning

Objective
To create a safe and sustainable transport system by integrating land use and transport.

Strategies
Develop integrated and accessible transport networks to connect people to jobs and services and goods to market.

Plan urban development to make jobs and services more accessible by:

- Ensuring equitable access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.
- Coordinating improvements to public transport, walking and cycling networks with the ongoing development and redevelopment of urban areas.
- Requiring integrated transport plans to be prepared for all new major residential, commercial and industrial developments.
- Focussing major government and private sector investments in regional cities and centres on major transport corridors, particularly railway lines, in order to maximise the access and mobility of communities.

Integrate public transport services and infrastructure into new development.

Improve transport links that strengthen the connections to Melbourne and adjoining regions.

Policy documents
Consider as relevant:

Transport system

Objective
To coordinate development of all transport modes to provide a comprehensive transport system.

Strategies
Reserve land for strategic transport infrastructure.

Require transport system management plans for key transport corridors and for major investment proposals.

Incorporate the provision of public transport, cycling and walking infrastructure in all major new state and local government road projects.

Locate transport routes to achieve the greatest overall benefit to the community to making the best use of existing social, cultural and economic infrastructure, minimising impacts on the environment and optimising accessibility, safety, emergency access, service and amenity.

Locate and design new transport routes and adjoining land uses to minimise disruption of residential communities and their amenity.

Plan or regulate new uses or development of land near an existing or proposed transport route to avoid detriment to and where possible enhance, the service, safety and amenity desirable for that transport route in the short and long terms.

Facilitate infrastructure that connects and improves train services between key regional cities and townships and Melbourne.

Ensure that pedestrian and cyclist access to public transport is facilitated and safeguarded.

Ensure the design, construction and management of all transport modes reduces environmental impacts.

Ensure careful selection of sites for freight generating facilities to minimise associated operational and transport impacts to other urban development and transport networks.

Consider all modes of travel, including walking, cycling, public transport, taxis and private vehicles (passenger and freight) in providing for access to new developments.

Policy guidelines
Consider as relevant:

- Any applicable highway strategy published by VicRoads.

Policy documents
Consider as relevant:


Transport system - Gippsland

Strategy
Support timely improvements to the road, rail and public transport networks within and beyond Gippsland as population and economic growth increases to improve access to services and employment.
Sustainable personal transport

Objective
To promote the use of sustainable personal transport.

Strategies
Ensure development and the planning for new suburbs, urban renewal precincts, greyfield redevelopment areas and transit-oriented development areas (such as railway stations) provide opportunities to promote more walking and cycling.

Encourage the use of walking and cycling by creating environments that are safe and attractive.

Develop high quality pedestrian environments that are accessible to footpath-bound vehicles such as wheelchairs, prams and scooters.

Ensure cycling routes and infrastructure are constructed early in new developments.

Provide direct and connected pedestrian and bicycle infrastructure to and between key destinations including activity centres, public transport interchanges, employment areas, urban renewal precincts and major attractions.

Ensure cycling infrastructure (on-road bicycle lanes and off-road bicycle paths) is planned to provide the most direct route practical and to separate cyclists from other road users, particularly motor vehicles.

Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, transport, shopping and community facilities and other major attractions when issuing planning approvals.

Provide improved facilities, particularly storage, for cyclists at public transport interchanges, rail stations and major attractions.

Ensure provision of bicycle end-of-trip facilities in commercial buildings.

Policy documents
Consider as relevant:

Public Transport

Objective
To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.

Strategies
Maintain and strengthen passenger transport networks.
Connect activity centres, job rich areas and outer suburban areas through high-quality public transport.
Improve access to the public transport network by:
- Ensuring integration with walking and cycling networks.
- Providing end-of-trip facilities for pedestrians and cyclists at public transport interchanges.
Plan for bus services to meet the need for local travel.
Ensure development supports the delivery and operation of public transport services.
Plan for and deliver public transport in outer suburban areas that is integrated with land use and development.
Provide for bus routes and stops and public transport interchanges in new development areas.

Policy documents
Consider as relevant:

- Public Transport Guidelines for Land Use and Development (Victorian Government, 2008)
- The Victorian Transport Plan (Victorian Government, 2008)
- Cycling into the Future 2013-23 (Victorian Government, 2012)
Road system

Objective
To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.

Strategies
Plan and regulate the design of transport routes and nearby areas to achieve visual standards appropriate to the importance of the route with particular reference to landscaping, the control of outdoor advertising and, where appropriate, the provision of buffer zones and resting places.

Provide for grade separation at railway crossings except with the approval of the Minister for Transport.

Make better use of roads for all road users through the provision of wider footpaths, bicycle lanes, transit lanes (for buses and taxis) and specific freight routes.

Selectively expand and upgrade the road network to provide for:

- High-quality connections between Metropolitan Melbourne and regional cities, and between regional cities.
- Upgrading of key freight routes.
- Ongoing development in outer suburban areas.
- Higher standards of on-road public transport.
- Improved key cross-town arterial links in the outer suburbs including circumferential and radial movement.

Ensure access to jobs and services in growth areas and outer suburban areas by improving roads for all road users.

Improve the management of key freight routes to make freight operations more efficient while reducing their external impacts.

Ensure that road space complements land use and is managed to meet community and business needs.
Car parking

Objective
To ensure an adequate supply of car parking that is appropriately designed and located.

Strategies
Allocate or require land to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking.

Encourage the efficient provision of car parking by consolidating car parking facilities.

Design and locate local car parking to:
- Protect the role and function of nearby roads.
- Enable easy and efficient use.
- Enable the movement and delivery of goods.
- Achieve a high standard of urban design and protect the amenity of the locality, including the amenity of pedestrians and other road users.
- Create a safe environment, particularly at night.
- Facilitate the use of public transport.

Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.

Make adequate provision for taxi ranks as part of activity centres, transport interchanges and major commercial, retail and community facilities.

Policy documents
Consider as relevant:
Planning for ports

Objective
To support the effective and competitive operation of Victoria’s commercial trading ports at local, national and international levels and to facilitate their ongoing sustainable operation and development.

Strategies
Provide for the ongoing development of ports at Melbourne, Geelong, Hastings and Portland in accordance with approved Port Development Strategies.

Identify and protect key transport corridors linking ports to the broader transport network.

Manage any impacts of a commercial trading port and any related industrial development on nearby sensitive uses to minimise the impact of vibration, light spill, noise and air emissions from port activities.

Policy documents
Consider as relevant:

- *Victorian Ports Strategic Framework* (Department of Infrastructure, 2004)
- *Port Futures* (Victorian Government, 2009)
- *Port of Portland - Port Land Use Strategy* (Port of Portland Pty Limited, 2009)
- *Port of Geelong - Development Strategy* (Victorian Regional Channels Authority, 2013)
- *Port Development Strategy 2035 Vision* (Port of Melbourne Corporation, 2009)
Planning for port environs

**Objective**
To plan for and manage land near commercial trading ports so that development and use are compatible with port operations and provide reasonable amenity expectations.

**Strategies**
Protect commercial trading ports from encroachment of sensitive and incompatible land uses in the port environs.

Plan for and manage land in the port environs to accommodate uses that depend upon or gain significant economic advantage from proximity to the port’s operations.

Ensure that industrially zoned land within the environs of a commercial trading port is maintained and continues to support the role of the port as a critical freight and logistics precinct.

Identify and protect key transport corridors linking ports to the broader transport network.

Ensure any new use or development within the environs of a commercial trading port does not prejudice the efficient and curfew free operations of the port.

Ensure that the use and intensity of development does not expose people to unacceptable health or safety risks and consequences associated with an existing major hazard facility.

Ensure that any use or development within port environs:
- Is consistent with policies for the protection of the environment.
- Takes into account planning for the port.

**Policy documents**
Consider as relevant:

- *Port Futures* (Victorian Government, 2009)
- *Port of Portland - Port Land Use Strategy* (Port of Portland Pty Limited, 2009)
- *Port of Geelong - Development Strategy* (Victorian Regional Channels Authority, 2013)
- *Port Development Strategy 2035 Vision* (Port of Melbourne Corporation, 2009)
Planning for airports and airfields

Objective

To strengthen the role of Victoria’s airports and airfields within the state’s economic and transport infrastructure, facilitate their siting and expansion and protect their ongoing operation.

Strategies

Protect airports from incompatible land uses.

Ensure that in the planning of airports, land use decisions are integrated, appropriate land use buffers are in place and provision is made for associated businesses that service airports.

Ensure the planning of airports identifies and encourages activities that complement the role of the airport and enables the operator to effectively develop the airport to be efficient and functional and contribute to the aviation needs of the state.

Ensure the effective and competitive operation of Melbourne Airport at both national and international levels.

Protect the environs of Avalon Airport so it can operate as a full-size jet airport focussing on freight, training and services.

Recognise Essendon Airport’s current role in providing specialised functions related to aviation, freight and logistics and its potential future role as a significant employment and residential precinct that builds on the current functions.

Recognise Moorabbin Airport as an important regional and state aviation asset by supporting its continued use as a general aviation airport, ensuring future development at the site encourages uses that support and enhance the state’s aviation industry and supporting opportunities to extend activities at the airport that improve access to regional Victoria.

Maintain Point Cook Airfield as an operating airport complementary to Moorabbin Airport.

Preserve long-term options for a new general aviation airport south-east of Metropolitan Melbourne by ensuring urban development does not infringe on possible sites, buffer zones or flight paths.

Avoid the location of new airfields in areas that have greater long-term value to the community for other purposes.

Plan the location of airfields, nearby existing and potential development, and the land-based transport system required to serve them as an integrated operation.

Plan the visual amenity and impact of any use or development of land on the approaches to an airfield to be consistent with the status of the airfield.

Plan for areas around all airfields such that:

- Any new use or development that could prejudice the safety or efficiency of an airfield is precluded.
- The detrimental effects of aircraft operations (such as noise) are taken into account in regulating and restricting the use and development of affected land.
- Any new use or development that could prejudice future extensions to an existing airfield or aeronautical operations in accordance with an approved strategy or master plan for that airfield is precluded.

Policy documents

Consider as relevant:

- National Airports Safeguarding Framework (as agreed by Commonwealth, State and Territory Ministers at the meeting of the Standing Council on Transport and Infrastructure on 18 May 2012)
- *Avalon Airport Master Plan* (Avalon Airport Australia Pty Ltd, 2015)
- *Avalon Airport Strategy* (Department of Business and Employment/AeroSpace Technologies of Australia, 1993) and its associated Aircraft Noise Exposure Concepts
Freight links

Objective
To develop the key Transport Gateways and freight links and maintain Victoria’s position as the nation’s premier logistics centre.

Strategies
Support major Transport Gateways as important locations for employment and economic activity by:

- Protecting designated ports, airports, freight terminals and their environs from incompatible land uses.
- Encouraging adjacent complementary uses and employment generating activities.

Improve the freight and logistics network to optimise freight handling and maintain the efficiency and effectiveness of the network.

Support the development of freight and logistics precincts in strategic locations along key regional freight corridors.

Plan for improved freight connections that are adaptable to commodity, market and operating changes.

Link areas of production and manufacturing to export markets.

Improve freight efficiency and increase capacity of Transport Gateways while protecting urban amenity.

Facilitate increased capacity of Interstate Freight Terminals, both in regional areas and Metropolitan Melbourne.

Ensure an adequate supply of land is zoned to allow high-volume freight customers to locate adjacent to Interstate Freight Terminals.

Minimise negative impacts of freight movements on urban amenity.

Limit incompatible uses in areas expected to have intense freight activity by identifying and protecting key freight routes on the Principal Freight Network.

Policy documents
Consider as relevant:


Freight links - Gippsland

Strategies
Plan for improved rail and road connections to the Port of Hastings and other freight and logistic precincts.

Support development of freight and logistics precincts at Morwell and Bairnsdale and improve key transport links.
INFRASSTRUCTURE

Planning for development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely.

Planning is to recognise social needs by providing land for a range of accessible community resources, such as education, cultural, health and community support (mental health, aged care, disability, youth and family services) facilities.

Planning should ensure that the growth and redevelopment of settlements is planned in a manner that allows for the logical and efficient provision and maintenance of infrastructure, including the setting aside of land for the construction of future transport routes.

Planning should facilitate efficient use of existing infrastructure and human services. Providers of infrastructure, whether public or private bodies, are to be guided by planning policies and should assist strategic land use planning.

Planning should minimise the impact of use and development on the operation of major infrastructure of national, state and regional significance, including communication networks and energy generation and distribution systems.

Planning authorities should consider the use of development and infrastructure contributions in the funding of infrastructure.
Energy supply

Objective
To facilitate appropriate development of energy supply infrastructure.

Strategies
Support the development of energy facilities in appropriate locations where they take advantage of existing infrastructure and provide benefits to industry and the community.

Support transition to a low-carbon economy with renewable energy and greenhouse emission reductions including geothermal, clean coal processing and carbon capture and storage.

Facilitate local energy generation to help diversify the local economy and improve sustainability outcomes.
Energy supply – Gippsland

Strategy

Support continuing production from the region’s oil and gas fields.
Renewable energy

Objective
To promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met.

Strategies
Facilitate renewable energy development in appropriate locations.
Protect energy infrastructure against competing and incompatible uses.
Develop appropriate infrastructure to meet community demand for energy services.
Set aside suitable land for future energy infrastructure.
Consider the economic and environmental benefits to the broader community of renewable energy generation while also considering the need to minimise the effects of a proposal on the local community and environment.
Recognise that economically viable wind energy facilities are dependent on locations with consistently strong winds over the year.

Policy documents
Consider as relevant:

- Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria
  (Department of Environment, Land, Water and Planning, October 2018)
Pipeline infrastructure

Objective
To ensure that gas, oil and other substances are safely delivered to users and to and from port terminals at minimal risk to people, other critical infrastructure and the environment.

Strategies
Plan for the development of pipeline infrastructure subject to the *Pipelines Act 2005*.

Recognise existing transmission-pressure gas pipelines in planning schemes and protect from further encroachment by residential development or other sensitive land uses, unless suitable additional protection of pipelines is provided.

Plan new pipelines along routes with adequate buffers to residences, zoned residential land and other sensitive land uses and with minimal impacts on waterways, wetlands, flora and fauna, erosion prone areas and other environmentally sensitive sites.

Provide for environmental management during construction and on-going operation of pipeline easements.
Health facilities

Objective
To assist the integration of health facilities with local and regional communities.

Strategies
Facilitate the location of health and health-related facilities (including acute health, aged care, disability services and community care facilities) taking into account demographic trends, the existing and future demand requirements and the integration of services into communities.

Plan public and private developments together, where possible, including some degree of flexibility in use.

Locate hospitals and other large health facilities in designated health precincts and areas highly accessible to public and private transport.

Provide adequate car parking for staff and visitors of health facilities.
**Education facilities**

**Objective**
To assist the integration of education and early childhood facilities with local and regional communities.

**Strategies**
Consider demographic trends, existing and future demand requirements and the integration of facilities into communities in planning for the location of education and early childhood facilities.

Locate childcare, kindergarten and primary school facilities to maximise access by public transport and safe walking and cycling routes.

Ensure childcare, kindergarten and primary school facilities provide safe vehicular drop-off zones.

Locate secondary school and tertiary education facilities in designated education precincts and areas that are highly accessible to public transport.

Locate tertiary education facilities within or adjacent to activity centres.

Ensure streets and accessways adjoining education and early childhood facilities are designed to encourage safe bicycle and pedestrian access.

Develop libraries as community based learning centres.
Cultural facilities

Objective
To develop a strong cultural environment and increase access to arts, recreation and other cultural facilities.

Strategies
Encourage a wider range of arts, cultural and entertainment facilities including cinemas, restaurants, nightclubs and live theatres in the Central City and at Metropolitan Activity Centres.
Reinforce the existing major precincts for arts, sports and major events of state wide appeal.
Establish new facilities at locations well served by public transport.
Social and cultural infrastructure

Objective
To provide fairer distribution of and access to, social and cultural infrastructure.

Strategies
Identify and address gaps and deficiencies in social and cultural infrastructure, including additional regionally significant cultural and sporting facilities.
Encourage the location of social and cultural infrastructure in activity centres.
Ensure social infrastructure is designed to be accessible.
Ensure social infrastructure in growth areas, is delivered early in the development process and in the right locations.
Plan and design community places and buildings so they can adapt as the population changes and different patterns of work and social life emerge.
Support innovative ways to maintain equitable service delivery to settlements that have limited or no capacity for further growth, or that experience population decline.
Identify and protect land for cemeteries and crematoria.
Emergency services

Objective
To ensure suitable locations for police, fire, ambulance and other emergency services.

Strategies
Ensure police, fire, ambulance and other emergency services are provided for in or near activity centres.
Locate emergency services together in newly developing areas.
Open space

Objective

To establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community.

Strategies

Plan for regional and local open space networks for both recreation and conservation of natural and cultural environments.

Ensure that open space networks:

- Are linked, including through the provision of walking and cycling trails.
- Are integrated with open space from abutting subdivisions.
- Incorporate, where possible, links between major parks and activity areas, along waterways and natural drainage corridors, connecting places of natural and cultural interest.
- Maintain public accessibility on public land immediately adjoining waterways and coasts.

Create opportunities to enhance open space networks within and between settlements.

Ensure that land is set aside and developed in residential areas for local recreational use and to create pedestrian and bicycle links to commercial and community facilities.

Ensure that land use and development adjoining regional open space networks, national parks and conservation reserves complements the open space in terms of visual and noise impacts, preservation of vegetation and treatment of waste water to reduce turbidity and pollution.

Improve the quality and distribution of open space and ensure long-term protection.

Protect large regional parks and significant conservation areas.

Ensure land identified as critical to the completion of open space links is transferred for open space purposes.

Ensure that where there is a reduction of open space due to a change in land use or occupation, additional or replacement parkland of equal or greater size and quality is provided.

Ensure that urban open space provides for nature conservation, recreation and play, formal and informal sport, social interaction, opportunities to connect with nature and peace and solitude.

Accommodate community sports facilities in a way that is not detrimental to other park activities.

Ensure open space provision is fair and equitable with the aim of providing access that meets the needs of all members of the community, regardless of age, gender, ability or a person’s location.

Develop open space to maintain wildlife corridors and greenhouse sinks.

Provide new parkland in growth areas and in areas that have an undersupply of parkland.

Encourage the preparation of management plans or explicit statements of management objectives for urban parks.

Ensure exclusive occupation of parkland by community organisations is restricted to activities consistent with management objectives of the park to maximise broad community access to open space.

Ensure the provision of buildings and infrastructure is consistent with the management objectives of the park.

Ensure public access is not prevented by developments along stream banks and foreshores.

Ensure public land immediately adjoining waterways and coastlines remains in public ownership.

Plan open space areas for multiple uses, such as community gardens, sports and recreation, active transport routes, wildlife corridors and flood storage basins.
Development and infrastructure contributions plans

Objective

To facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contributions plans.

Strategies

Prepare development contributions plans and infrastructure contributions plans, under the Planning and Environment Act 1987, to manage contributions towards infrastructure.

Collect development contributions on the basis of approved development and infrastructure contributions plans.

Require annual reporting by collecting and development agencies to monitor the collection and expenditure of levies and the delivery of infrastructure.

Policy documents

Consider as relevant:

- *Development Contributions Guidelines* (Department of Sustainability and Environment, 2003 - as amended 2007)
- *Ministerial Direction on the Preparation and Content of Development Contribution Plans and Reporting Requirements for Development Contributions Plans*
- *Ministerial Direction on the Preparation and Content of Infrastructure Contribution Plans and Reporting Requirements for Infrastructure Contributions Plans*
Infrastructure design and provision

Objective
To provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.

Strategies
Provide an integrated approach to the planning and engineering design of new subdivision and development.
Integrated water management - Hume

Strategy

Avoid locating water treatment plants close to development nodes.
Telecommunications

Objective
To facilitate the orderly development, extension and maintenance of telecommunication infrastructure.

Strategies
Facilitate the upgrading and maintenance of telecommunications facilities.

Ensure that modern telecommunications facilities are widely accessible to business, industry and the community.

Ensure the communications technology needs of business, domestic, entertainment and community services are met.

Ensure that the use of land for a telecommunications facility is not prohibited in any zone.

Encourage the continued deployment of broadband telecommunications services that are easily accessible by:

- Increasing and improving access for all sectors of the community to the broadband telecommunications trunk network.

- Supporting access to transport and other public corridors for the deployment of broadband networks in order to encourage infrastructure investment and reduce investor risk.

Ensure a balance between the provision of important telecommunications services and the need to protect the environment from adverse impacts arising from telecommunications infrastructure.

Planning should have regard to national implications of a telecommunications network and the need for consistency in infrastructure design and placement.

Policy documents
Consider as relevant:

Waste and resource recovery

Objective
To reduce waste and maximise resource recovery so as to reduce reliance on landfills and minimise environmental, community amenity and public health impacts.

Strategies
Ensure future waste and resource recovery infrastructure needs are identified and planned for to safely and sustainably manage all waste and maximise opportunities for resource recovery.

Protect waste and resource recovery infrastructure against encroachment from incompatible land uses by ensuring buffer areas are defined, protected and maintained.

Ensure waste and resource recovery facilities are sited, designed, built and operated so as to minimise impacts on surrounding communities and the environment.

Encourage technologies that increase recovery and treatment of resources to produce energy and other marketable end products.

Enable waste and resource recovery facilities to locate close together in order to share separation distances, reduce the impacts of waste transportation and improve the economic viability of resource recovery.

Site, design, manage and rehabilitate waste disposal facilities in accordance with the Waste Management Policy (Siting, Design and Management of Landfills) (Environment Protection Authority, 2004).

Integrate waste and resource recovery infrastructure planning with land use and transport planning. Encourage development that facilitates sustainable waste and resource recovery.

Policy guidelines
Consider as relevant:
- Any applicable Regional Waste and Resource Recovery Implementation Plan.

Policy documents
Consider as relevant:
- Statewide Waste and Resource Recovery Infrastructure Plan (Sustainability Victoria, 2015)
- Metropolitan Waste and Resource Recovery Implementation Plan (Metropolitan Waste and Resource Recovery Group, 2016)
- Waste Management Policy (Siting, Design and Management of Landfills) (Environment Protection Authority, 2004)
- Best Practice Environmental Management Guideline (Siting, Design, Operation and Rehabilitation of Landfills) (Environment Protection Authority, 2001)
- Victorian Organics Resource Recovery Strategy (Sustainability Victoria, 2015)
- Designing, Constructing and Operating Composting Facilities (Environment Protection Authority, 2015)
LOCAL PLANNING POLICY FRAMEWORK

This section sets out the Municipal Strategic Statement and the Local Planning Policies that apply to the area covered by this planning scheme, and includes provisions about their operation.
MUNICIPAL STRATEGIC STATEMENT

The Municipal Strategic Statement (MSS) sets out the vision, objectives and strategies for managing the use and development of land within the municipality of South Gippsland. It provides the basis for the application of the local policies, zones and overlays and other provisions in the South Gippsland Planning Scheme.

The MSS must be considered in the assessment of planning applications or a plan approval. It must also be taken into account by planning authorities in preparing amendments to the South Gippsland Planning Scheme.

Themes

The objectives and strategies for South Gippsland are set out under the following themes:

- Settlement (Clause 21.05)
- Environmental and landscape values (Clause 21.06)
- Environmental risks (Clause 21.07)
- Natural resource management (Clause 21.08)
- Built environment and heritage (Clause 21.09)
- Housing (Clause 21.10)
- Economic development (Clause 21.11)
- Transport (Clause 21.12)
- Infrastructure (Clause 21.13)
- Community services (Clause 21.14)

Local areas

Detailed objectives and strategies for specific local areas of South Gippsland are provided in Clause 21.15.
MUNICIPAL PROFILE

Location

The South Gippsland Shire covers an area of approximately 3297 square kilometres and is located about 100 kilometres south east of metropolitan Melbourne. It is situated on the southern boundary of the Gippsland region and abuts five municipalities: Baw Baw and Latrobe City to the north, Wellington to the east, Bass Coast to the south-west and Cardinia to the west. The Strzelecki Ranges form much of the Shire’s northern boundary, while the coastline delineates the southern boundary.

History

South Gippsland has a rich and diverse cultural heritage. The land was originally occupied by Aboriginal people from the Gunai, Bun wurrung and Wurundjeri clans, however few places of aboriginal cultural heritage remain from the pre-contact period, and almost none from the post-contact period. The remaining places are therefore highly significant in demonstrating the indigenous history of the Shire. Examples of remaining aboriginal heritage places include the evidence of shell middens along the coast, artefact ‘scatters’ and ‘scarred’ trees.

The post-contact cultural heritage places in the Shire reflect the area’s development and can be described through themes which provide an historical explanation of the existing physical fabric and land use patterns. The majority of post-contact heritage places reflect four key historic themes:

- Early pastoralism and settlement
- The development of railways
- The development of agricultural industries (particularly dairying)
- Coal and gold mining, which had a significant influence at Korumburra and Foster respectively

These key historic themes are demonstrated by a variety of cultural heritage places including rural homesteads and farm buildings, public and community buildings such as halls, churches and schools, railway infrastructure, and commercial and industrial buildings such as butter factories. Other examples include war memorials, which include Avenues of Honour, routes of early explorers such as McDonalds Track, and significant cultural landscapes such as Mossvale Park and the former Mossvale nursery.

People and settlement

The Shire’s population of 27,937 (ABS Estimated Resident Population 2014 update) is spread across 26 settlements and 41 localities. The largest town within the Shire is Leongatha with a population of 5,332 (2011 ABS Census). Other significant towns are Korumburra 4,373, Mirboo North 2,296 and Foster 1,667 (2011 ABS Census).

Key demographic characteristics for South Gippsland are as follows:

- Population density in the Shire is greatest within the urban centres and in the area between Korumburra and Leongatha.
- There is considerable seasonal variation in the number of persons within the municipality due to the holiday homes (especially in the coastal towns) and the large influx of tourists during the summer months
- The proportion of the population in older age groups is increasing, consistent with an Australia-wide trend
- Household sizes are decreasing, in keeping with the trend for Victoria
- Just over half the Shire’s population live outside urban areas
• There is also strong demand for dwellings outside the town areas by those seeking a more remote rural lifestyle
• The proportion of persons employed in the agricultural sector is considerably higher than for the Gippsland region
• Unemployment rates are lower than for both the Gippsland region and Victoria
• The proportion of people in the Shire born overseas is slightly lower than for the Gippsland region, and significantly lower than Victoria

21.02-4
28/11/2013
C68

Environment
The Shire’s natural beauty attracts residents and tourists from around the world. South Gippsland is home to a diverse range of indigenous plants and animals. The Strzelecki Ranges contains warm temperate rainforest; the hills and plains are the home of the unique Giant Gippsland Earthworm; areas such as Corner Inlet support a wealth of marine, estuarine and freshwater plants and animals; and there are a large number of parks and reserves containing flora and fauna of State and national significance. The Shire contains areas of State, national and international natural significance, such as Wilson’s Promontory National Park, Cape Liptrap Coastal Park, the Strzelecki Ranges, and Corner Inlet and Nooramunga Marine parks.

The Shire is characterised by a diverse topography of ranges, plains, low lying land and coastal areas. This has created some of Victoria's most picturesque landscapes ranging from the natural ruggedness and beauty of the coastline and beaches (including Wilson’s Promontory, Cape Liptrap, Andersons Inlet, Waratah Bay and Corner Inlet), to the rolling hills of the agricultural districts and the tall tree forests of the Strzelecki Ranges.

A number of environmental challenges face the municipality, including:
• The loss of biodiversity (native flora and fauna)
• Land and water degradation
• Ensuring sustainable land use and development occurs
• Managing the environmental impacts resulting from climate change

21.02-5
28/11/2013
C68

Natural resource management
The South Gippsland Shire’s natural resources are essential for biodiversity, agriculture, industry and recreation. The Shire contains some of the most productive agricultural areas in Victoria and provides a substantial proportion of Victoria’s milk and milk products as well as beef, prime lamb and timber products. Other forms of agricultural production include vegetables (for example, potatoes and snow peas), cereal cropping and grape growing. The relatively abundant rainfall and high quality agricultural soils of the area will likely continue to make the Shire attractive to agricultural producers.

21.02-6
28/11/2013
C68

Built environment and heritage
The South Gippsland Shire is characterised by a variety of built heritage places including rural homesteads and farm buildings, public and community buildings such as halls, churches and schools, railway infrastructure, and commercial and industrial buildings such as butter factories. Other examples of heritage places include war memorials, which include Avenues of Honour, routes of early explorers such as McDonald’s Track, and significant cultural landscapes such as Mossvale Park and the former Mossvale nursery.
Economic development

Agricultural and associated manufacturing and service industry underpin the Shire’s economy. The agricultural industry is supported by large dairy processing plants at Leongatha and Korumburra, with some value adding such as cheese production occurring on farms. Major saleyards are located at Koonwarra and abattoirs are at Foster and Poowong. Boutique farming is a small but emerging sector with activities such as alpaca rearing, olives, native bush food and organic food production have been introduced into the municipality in recent years.

Other important industries are timber production, the ESSO terminal at Barry Beach (which services the off-shore oil and gas platforms in Bass Strait) and extractive industry (sand and gravel). Manufacturing and retail sectors provide employment in the major towns and through value-adding activities.

Tourism also plays an important role in the Shire’s economy, particularly within the major towns and coastal areas. The Shire’s outstanding natural features, heritage significance and agricultural production leave it well placed to achieve growth in agri-tourism and eco-tourism.

Transport

Three State highways—the South Gippsland, Bass and Strzelecki highways—serve South Gippsland. V-line buses serve commuters along the South Gippsland Highway to and from Melbourne throughout the week, and services also connect Leongatha to the Latrobe Valley via Mirboo North. Council community buses and cars in some towns provide additional services. Part of the former Great Southern Railway line still exists through much of the Shire and a tourist train operates between Nyora and Leongatha. The Shire contains one aerodrome located in Leongatha.

Although rail services to Melbourne remain discontinued, it is essential for the long term economic and social planning of the Shire that the option remains to return rail services in the future.

Infrastructure

The towns of Korumburra, Leongatha, Foster, Mirboo North, Toora, Welshpool and Port Welshpool are serviced by reticulated sewerage and water. Other towns and coastal areas are only serviced by reticulated water or are not serviced.

Community services

The Shire contains a range of community facilities and services to meet the needs of the community. Hospitals are located within the larger towns of Korumburra, Leongatha and Foster, while family, maternal and child health services are also provided in some of the smaller towns. Aged care facilities, such as nursing homes, are located at Korumburra, Leongatha, Foster, Mirboo North, Loch and Toora. A range of other facilities and organisations are provided throughout the Shire, including childcare centres, schools, community houses, libraries, public parks and reserves, community halls, sporting clubs and youth groups.
The key issues for the South Gippsland Shire are:

**Settlement**

- The need to recognise that the network of smaller rural towns throughout the Shire provide a valid alternative to the large settlements, particularly where reticulated services are provided
- The need to demarcate settlement boundaries and provide improved design guidance and control over development in coastal settlements, in order to protect settlement and coastal character as the pressure for development in these areas continues to increase
- The need to plan for housing and facilities to cater for anticipated population growth in the north-west of the Shire

**Environmental and landscape values**

- The need to conserve the region’s biological diversity
- The poor integration of public and private land management to provide a diversity of flora and wildlife refuge areas
- The need to closely regulate industry and farming practices to ensure environmental standards are maintained

**Environmental risks**

- The anticipated impact of climate change on the local environment, and the need to monitor and continue to plan for these impacts in the context of broader climate change policy and new knowledge
- Pressures for development and subdivision along the coast and other environmentally sensitive areas (including potable water supply catchments), and the associated impacts of vegetation clearing, introduction of pest plants and animals, erosion and a decline in water quality
- The incidence of landslip and erosion (particularly within the steep areas of the Strzelecki Ranges), flooding and drainage problems affecting certain areas of the Shire, and the potential risk of fire hazard to population and property in certain areas
- The negative impacts of pest plants and animals on the ecology of the area

**Natural resource management**

- The need to protect and promote the importance of a strong agricultural base to the Shire’s economy
- The need to preserve rural land for commercial scale agricultural production
- The diversification and restructuring of the agricultural industry through the development of more intensive farming, value-adding opportunities and the decline of traditional forms of agricultural employment

**Built environment and heritage**

- The need to protect the character and significance of sensitive coastal landscapes, particularly landscapes of State or regional significance where there is a high level of pressure for development
- The total loss or detrimental damage to heritage places through inappropriate alterations or other works
Housing

- The need to raise the awareness of people who choose to live in rural areas that they must expect rural land uses and infrastructure levels as well as a rural amenity and lifestyle, while supporting living opportunities in rural areas throughout the Shire
- The need to provide diversity in housing types to accommodate decreasing household sizes and the ageing population
- The increasing pressure for housing development along the coast
- The need to avoid landscape and servicing issues arising from the development of dwellings in rural areas that are not reasonably connected to agricultural activities

Economic development

- The increasing interest in developing timber plantations on cleared farmland
- The need to provide sufficient industrial land to accommodate and encourage existing and future industrial opportunities based on the clean and green image set by the Shire
- Commercial pressures that may result in the fragmentation of the core commercial areas of the main towns
- The changing roles and functions of some of the small towns and villages and the need to encourage each town to develop its own identity to facilitate economic development
- The steady exodus of youth to larger centres to pursue employment and educational opportunities
- The need to improve education and employment opportunities for young people within the Shire
- The strong contribution of the tourism industry to the State and local economies
- The steady increase in the number of tourists visiting the area
- The significance of the natural and cultural environment and nature based activities for tourism
- The lack of a large tourist accommodation facility in the area, particularly in the vicinity of Wilson’s Promontory

Transport

- The need to improve and maintain existing roads in order to support the future needs of the community, promote economic growth and protect the environment
- The lack of public transport opportunities, which restricts movement by residents through and from the Shire and limits the number of visitors to the area who do not have access to a vehicle
- The potential for an increase in truck traffic throughout the municipality as timber harvesting activities increase, and the impact this will have on the road network
- The development of a deep-water port at Barry Beach and the promotion of major economic development opportunities that will benefit from the deep-water port
- The need to upgrade the South Gippsland Highway, Strzelecki Highway and Grand Ridge Road for future tourism benefits to the Shire

Infrastructure

- The need to provide reticulated water and sewerage services and drainage improvements to many of the smaller towns and coastal villages to encourage population growth in the towns
- to improve and maintain existing infrastructure in order to support the future needs of the community, promote economic growth and protect the environment
• to accommodate large population fluctuations in some of the holiday towns and villages, which place different demands on infrastructure and services
• The need to encourage the development of alternative energy sources
• The development of a development contributions policy to guide infrastructure provision

21.03-10

**Community Services**

• Economic pressures that affect the viability of existing community services
• The need to provide residents with access to services and facilities, including aged care, health, recreation and education, in an efficient and equitable manner
• Catering for the needs of an ageing population

**Reference Documents**

*The South Gippsland Housing and Settlement Strategy, 2013*
VISION

South Gippsland Shire Council – Council Plan 2010 - 2014

The South Gippsland Shire Council – Council Plan sets out the key future directions of the Council. The mission of the Plan is “To effectively plan and provide for the social, built, economic and natural environments that ensure the future wellbeing of South Gippsland communities”. The Municipal Strategic Statement is consistent with and enhances the vision of the Council Plan.

Vision

The visions for South Gippsland are:

Settlement
- Availability of high quality and diverse lifestyle opportunities
- The environment, landscape, built form and heritage of the Shire is retained, managed and promoted in a way that adds to, rather than diminishes, its significance
- Land management practices are environmentally sustainable
- The coastal environment is protected for its environmental, recreational, cultural, economic, heritage and landscape values
- Development on floodplains is compatible with the level of flood risk
- Development in bushfire prone areas is compatible with the bushfire risk
- Council controlled and other public areas are well managed, including their interface with private land
- The urban environment of the Shire’s towns is of a high quality

Economic development
- Population growth and employment are facilitated through investment and development
- Ingenuity and innovation exist in both private and public sector development
- Diversity in the region’s agricultural base to enhance the Shire’s status as one of the key agricultural regions in Australia
- Prominence of service and value-adding industries relevant to the rural sector
- The region is a food bowl supplying clean, high quality food
- The thriving tourism industry builds on the Shire’s heritage assets, coastline, environmental qualities, rural landscape and agricultural produce
- The Shire capitalises on its proximity to Melbourne

Transport
- A high quality road network supporting economic development and the future needs of the community
- New public transport and freight facilities improve accessibility within the Shire

Infrastructure
- Physical infrastructure supporting the needs of the community

Community services
- A range of community services are provided in an efficient and equitable manner
- The development and provision of services support the Shire’s youth
• Services that support older persons are well provided
• The demographic profile of the Shire is monitored for changes in service needs
• A range of recreational facilities are available to meet the needs of the community
• The quality of health services is continuously improving and promoted
• The needs of people with disabilities are understood, and those needs are met
• The community is well informed of the range of services available

Reference Documents

The South Gippsland Housing and Settlement Strategy, 2013
SETTLEMENT

Growth of towns

Overview
Currently, the majority of housing for permanent residents is being constructed in the larger towns of Leongatha and Korumburra. However, there is also significant housing development within coastal towns such as Venus Bay and the rural hinterland. Townships in the west of the Shire, particularly Loch, Nyora and Poowong are expected to experience residential growth pressures due to their proximity to Melbourne and imminent connection to a reticulated sewerage network. Growth pressures will need to be carefully managed to ensure that where growth occurs, it is sustainable and sympathetic to the existing character of the Shire’s towns.

Towns – roles and functions

<table>
<thead>
<tr>
<th>Town</th>
<th>Role and Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leongatha</td>
<td>Principal township of the Shire and a centre of State significance in the milk processing industry. Leongatha plays a central role as a service provider to the South Gippsland community and the broader region with elements such as leisure, health, educational and government services.</td>
</tr>
<tr>
<td>Korumburra</td>
<td>Second largest town in the Shire comprising an economic, service and tourism centre. Situated as the South Gippsland Highway’s ‘western gateway’ into the Shire and located on a route between Bass Coast and Central Gippsland.</td>
</tr>
<tr>
<td>Mirboo North</td>
<td>Principal township in the north of the Shire, servicing the surrounding agricultural activities and rural population. Tourism is an increasingly important economic contributor</td>
</tr>
<tr>
<td>Foster</td>
<td>Principal township in the east of the Shire, servicing surrounding communities, tourists and the agricultural sector. Foster is an attractive location for retirement living and ‘lifestyle change’ residential growth.</td>
</tr>
<tr>
<td>Nyora</td>
<td>Low density community and closest Shire town to metropolitan Melbourne. Potential for significant growth with provision of reticulated sewerage.</td>
</tr>
<tr>
<td>Loch</td>
<td>Small thriving rural township with moderate capacity for growth in the future. A compact, ‘garden village’ and heritage character with tourism retail facilities set among rolling hills.</td>
</tr>
<tr>
<td>Poowong</td>
<td>Small low-density ridge-top town serving surrounding agricultural small communities and containing rural processing industries. Located on route between South Gippsland and central Gippsland. Limited capacity for growth.</td>
</tr>
<tr>
<td>Meeniyan</td>
<td>Small rural town located on the South Gippsland Highway that is the ‘western gateway’ turn off to Wilsons Promontory and the coast. Active volunteer community with tourism and arts services.</td>
</tr>
<tr>
<td>Venus Bay</td>
<td>Small coastal village that supports a small permanent population and is an attractive holiday destination. Venus Bay provides convenience facilities and is reliant on Tarwin Lower and Leongatha for major retail, industrial and commercial facilities.</td>
</tr>
<tr>
<td>Waratah Bay</td>
<td>Small coastal holiday hamlets that support small permanent populations and are attractive holiday destinations relying on Foster and Leongatha for access to major retail, industrial and commercial facilities.</td>
</tr>
<tr>
<td>Sandy Point</td>
<td>Small coastal holiday hamlets that support small permanent populations and are attractive holiday destinations relying on Foster and Leongatha for access to major retail, industrial and commercial facilities.</td>
</tr>
<tr>
<td>Tarwin Lower</td>
<td>Small country hamlet with a healthy commercial precinct servicing Venus Bay and surrounding rural areas.</td>
</tr>
<tr>
<td>Eastern District</td>
<td>A network of small townships (Port Franklin, Toora, Welshpool and Port Welshpool) and localities (Mt Best, Agnes and Hedley) with a range of roles and services designed to cater for the needs of residents and visitors in the eastern district of the Shire.</td>
</tr>
</tbody>
</table>
Role and Function

Small settlements with a range of roles (varying from low-density residential clusters to provision of community and recreation facilities, and retail and educational services).

Includes:
Agnes, Allambee South, Arawata, Baromi, Bena, Bennison, Berrys Creek, Binginwarri, Boolarong, Boorool, Buffalo, Dollar, Dumbalk, Fairbank, Fish Creek, Gunyah, Hallston, Hazel Park, Hedley, Jumbunna, Kongwak, Koonwarra, Mirboo, Mt Best, Port Franklin, Port Welshpool, Stony Creek, Toora, Walkerville, Welshpool, Yanakie

Other small towns and localities
Boolarra South, Delimurra, Delburn, Thorpdale South, Wonyip

Objectives and strategies

Objective 1
To ensure the growth of towns occurs in accordance with their role and function

Strategy 1.1 Promote the residential use and development of land in accordance with the township framework and structure plans at Clause 21.15
Strategy 1.2 Support the development of vacant, serviced residential land, in accordance with the areas indicated on township framework and structure plans
Strategy 1.3 Encourage consolidated residential development adjacent to central activity districts of towns to achieve a more efficient use of urban infrastructure
Strategy 1.4 Discourage the development of dwellings on small lots in old Crown township areas except where such land is zoned Township, Rural Living or is adjacent to existing urban development
Strategy 1.5 Discourage medium and high density housing in areas without reticulated water or sewerage
Strategy 1.6 Retain undeveloped breaks between towns by focussing further development within existing township boundaries and avoiding ribbon development, particularly along the coastal strip and key touring routes
Strategy 1.7 Ensure residential development in small towns is sustainable and sympathetic to the existing character of these areas

Implementation
The strategies relating to the growth of towns will be implemented by:

Policy guidelines
- Using the township framework and structure plans at Clause 21.15
- Guiding development and allocating sufficient land in these towns to accommodate future residential development

Application of zones and overlays
- Applying the General Residential Zone and Township Zone to the existing serviced residential areas and small additional areas to ensure that there is sufficient residential land (i.e. at least a fifteen year supply), particularly around the larger towns in accordance with the township framework and structure plans
- Applying the Low Density Residential Zone and Rural Living Zone to the existing and serviced low density residential and rural living areas to consolidate development and limit urban growth into rural areas
- Applying the Mixed Use Zone to areas on the periphery of the commercial centres of Leongatha and Korumburra to encourage residential opportunities close to town centres

Further strategic work
- Developing and implementing a rural Housing and Settlement Strategy
- Reviewing the *Mirboo North Structure Plan*
- Developing structure plans for those townships serviced (and proposed to be serviced) by reticulated water and sewerage currently without a plan

**Reference Documents**

*The South Gippsland Housing and Settlement Strategy, 2013*
ENVIRONMENTAL AND LANDSCAPE VALUES

Biodiversity

Overview
Since European Settlement, there has been a steady decline in biodiversity in Australia. South Gippsland Shire has mirrored this trend with only approximately 15% of the native vegetation that existed prior to the year 1750 remaining (excluding Wilson’s Promontory Bioregion). Much of the Shire’s remaining native biodiversity is now found on private property and roadsides. The protection, enhancement and linking of remnant vegetation and animal species on private and public land is an important issue facing the community.

Objectives and strategies

Objective 1
To achieve a measurable net gain in the extent and quality of the Shire’s biodiversity.

Strategy 1.1 Ensure the protection of sites of biological significance on both roadsides and private property via a range of management actions, including the control of pest plants and animals.

Strategy 1.2 Ensure forestry management practices enhance the Shire’s biodiversity values.

Strategy 1.3 Encourage private landholders to protect remnant vegetation on their land by fencing off areas of native vegetation and excluding stock.

Strategy 1.4 Identify opportunities to enhance and expand native flora and fauna habitat.

Implementation
Strategies for biodiversity will be implemented by:

Application of zones and overlays

- Applying the Rural Conservation Zone to Estate 3 at Venus Bay to protect and enhance the area’s environmental values.
- Applying the Environmental Significance Overlay – Areas of Natural Significance to areas comprising significant flora and fauna.
- Applying the Environmental Significance Overlay – Giant Gippsland Earthworm and Habitat Protection to areas comprising suitable habitat and earthworms.

Reference document
- Giant Gippsland Earthworm Environmental Significance Overlay Reference Document (September 2015)

Coastal and hinterland landscapes

Overview
The Coastal Spaces Landscape Assessment Study (2006) identifies six perceptibly different Character Areas. These are shown on the Landscape Character Areas map and described in detail in clause 21.15. Further detail, including Landscape Management Guidelines, is found in the Coastal Spaces Landscape Assessment Study: South Gippsland Municipal Reference Document (2006).

The Landscape Character Areas Map has been derived from the Coastal Spaces Landscape Assessment Study (2006).
Additional to the direction outlined above, specific coastal landscapes within the Shire have been determined to have either State or regional significance. These are the landscapes of Venus Bay Peninsula and Anderson Inlet, Cape Liptrap and Waratah Bay, and Corner Inlet Amphitheatre. The Significant Landscape Overlay has been applied to these areas to protect the landscape values by requiring a planning permit for specified development and stipulating objectives to be achieved.

The general objectives and strategies of this clause, and the specific objectives and strategies for the Character Areas should be considered when assessing planning permit applications for development in these areas. The design objectives and decision guidelines of the relevant Significant Overlay schedule should be met when assessing planning permit applications in areas affected by the Overlay.

Objectives and strategies

Objective 1

To ensure that coastal development at the edge of settlements responds appropriately to the landscape setting and character

Strategy 1.1 Utilise existing landscape features, where they exist, (for example, topography, vegetation coverage, vistas) to define edges to settlements, protecting the surrounding landscape character

Strategy 1.2 Scale the height and form of new development at the coastal edge of settlements to be sensitive to surrounding development, the surrounding landform and the visual setting of the settlement, particularly when viewed from the foreshore

Strategy 1.3 Support a hierarchy of built form within coastal settlements, with lower buildings adjacent to the foreshore and higher buildings away from the foreshore

Objective 2

To ensure that coastal development between settlements responds appropriately to the landscape setting and character

Strategy 2.1 Retain the natural and undeveloped character of the coastal strip between settlements by:
   - avoiding or carefully siting and designing development
   - using colours and materials which are appropriate in a coastal environment and minimise contrast with the surrounding landscape

Strategy 2.2 Retain undeveloped breaks between settlements by focussing further development within existing township boundaries and avoiding ribbon development, particularly along the coastal strip and key touring routes

Strategy 2.3 Retain a dominant natural character, particularly within 500 metres of the coast, by setting development back from the coast in flatter locations, avoiding loss of vegetation, and minimising the visibility and impact of pedestrian and vehicular access paths and site servicing on the coastal landscape

Objective 3

To ensure that hinterland development between settlements responds appropriately to the landscape setting and character

Strategy 3.1 Ensure building design strongly responds to the natural setting in relation to siting, materials and colours to minimise visibility, particularly in prominent and highly visible locations and when viewed from main road corridors and key public use areas

Strategy 3.2 In open rural areas, ensure buildings are set back long distances from roads and/or group buildings in the landscape among substantial landscaping of indigenous or non-invasive exotic / native feature planting (including existing shelterbelts)

Strategy 3.3 Maximise the undeveloped area of a lot and utilise permeable surfacing to support vegetation and minimise surface run-off

Strategy 3.4 Retain trees that form part of a continuous canopy beyond the property, and encourage new trees to be planted in a position where they will add to a continuous canopy
Objective 4

To maintain locally significant views and vistas that contribute to the character of the coastal and coastal hinterland region

Strategy 4.1 Protect views of Mt Hoddle, the Welshpool Hills and the Corner Inlet Amphitheatre and other hinterland areas by avoiding development in these areas that is visually intrusive, particularly when viewed from the South Gippsland Highway, as well as from other key touring routes, lookouts and residences

Objective 5

To ensure that development is subordinate to the natural, visual and environmental landscape character and significance

Strategy 5.1 Discourage development on prominent ridgelines, particularly those close to the coast

Strategy 5.2 Where development cannot be avoided in steep locations or prominent hill faces:

- site development in the lower one third of the visible slope, wherever possible
- set buildings and structures among existing vegetation, and/or establish gardens of locally appropriate species
- design buildings to follow the contours or step down the site to minimise earthworks
- articulate buildings into separate elements, and avoid visually dominant elevations

Strategy 5.3 Protect and enhance indigenous vegetation

Strategy 5.4 Encourage the planting of appropriate indigenous vegetation for rehabilitation works and landscaping around development

Strategy 5.5 Retain existing shelterbelts and non-indigenous feature planting where they are features of the area and the species are non-invasive

Implementation

Strategies for coastal and hinterland landscapes will be implemented by:

Policy guidelines

- Considering the specific objectives and strategies for the Character Areas at Clause 21.15-12, when assessing permit applications for development in these areas

Application of zones and overlays

- Applying the Significant Landscape Overlay to areas to protect landscape values by requiring a planning permit for specified development and stipulating objectives to be achieved

Further strategic work

- Implementing the recommendations of the Coastal Spaces Landscape Assessment Study (2006)
- Developing a coastal development policy to guide the design and siting of dwellings in coastal areas
ENVIRONMENTAL RISKS

Climate change

Overview
The effects of climate change on the local environment are also starting to appear and will continue into the future, including a hotter, drier climate with fewer rainy days but an increased intensity of rainfall events. The potential flow-on effects from these changing climatic conditions include reduced agricultural production, decreased and more erratic environmental flows in waterways and wetlands, increased risk of bushfire, and decreased water security for settlements and activities. Direct impacts of climate change are also likely to include an increase in storm surges, increased and altered patterns of erosion of beach and dune systems, undercutting of cliffs, increased peak flows in coastal rivers and estuaries and damage to coastal infrastructure (piers, jetties, breakwaters and seawalls).

Objectives and strategies

Objective 1
To manage the impacts resulting from climate change

Strategy 1.1 Consider the impacts of climate change in recognition of Foster’s location at the frontline of rising sea levels and the demands this may make on the township as a safer alternative to coastal township development.

Strategy 1.2 Apply the precautionary principle when considering the intensification of development in coastal areas.

Implementation
Strategies relating to climate change will be implemented by:

Application of overlays

- Applying the Land Subject to Inundation Overlay Overlay to riverine and coastal areas to recognise existing inundation risk and in expectation that sea level rise will continue into the future.

Further actions

- Monitoring and continuing to plan for the impacts of climate change on the local environment in the context of broader climate change policy and new knowledge

Land and catchment management

Overview
Interaction with the natural environment directly and indirectly impacts on the community’s lifestyle and standard of living. Land and water degradation issues facing the Shire include soil erosion, pest plants and animals, water quality and salinity. It is important to ensure that the Shire’s natural resources are protected and actively promoted for the benefit of current and future generations.

Developments in floodplains must be appropriately managed to minimise the risk and cost to both private landowner and the broader community.

Objectives and strategies

Objective 1
To achieve a measurable improvement in the health of the Shire’s land and water resources
Strategy 1.1  Ensure integrated catchment management principles are applied when managing the Shire’s land and water resources.
Strategy 1.2  Ensure that changes in land use do not lead to a decline in the quality of land and water resources.
Strategy 1.3  Support and promote efforts to improve water quality, aquatic and riparian ecosystems, including streams, rivers, lakes, bays and their adjacent side channels, floodplain and wetlands.
Strategy 1.4  Ensure that development does not reduce the natural functions of floodplains to store and convey floodwaters.
Strategy 1.5  Ensure that development on floodplains is compatible with the level of flood risk.
Strategy 1.6  Reduce sediment and nutrient inputs into the Shire’s waterways.

Implementation

Strategies relating to land and catchment management will be implemented by:

Policy guidelines

- Ensuring development in water catchments is assessed with consideration to relevant South Gippsland Water catchment policy requirements.
- Ensuring development is consistent with the West Gippsland Regional Catchment Management Strategy and associated action plans.

Application of zones and overlays

- Applying the Environmental Significance Overlay – Water Catchments to water supply catchments to protect water quality.
- Applying the Land Subject to Inundation Overlay to areas known to be subject to flooding or on the flood fringe.
- Applying the Environmental Significance Overlay – Areas Susceptible to Erosion to protect land subject to erosion.
- Applying the Erosion Management Overlay to areas identified as being susceptible to landslip and erosion.

Further strategic work

- Implementing and supporting relevant catchment management strategies and action programs including the development of a Catchment Policy (in consultation with South Gippsland Water) for the Tarwin River (Meeniyan) Water Catchment to guide land use and development in the Catchment.

Dams

Overview

The construction of dams is often necessary to support the agricultural or residential use of land. However, there remains a need to maintain environmental flows and natural conditions within waterways. The siting, design and construction of dams should be undertaken to minimise the impact on land, roads and waterways, with particular emphasis on maintaining environmental flows in rivers and streams of the water catchment.

Objectives and strategies

Objective 1

To ensure that the construction of dams on waterways does not detrimentally affect environmental flows or the amount of water available to downstream users.

Strategy 1.1  Ensure that the siting and design of the dam is consistent with the recommendations of any relevant land or water management plan.
Strategy 1.2  Require an environmental impact statement prepared by a suitably qualified expert to be submitted after consultation with the Department of Sustainability and Environment and Southern Rural Water, detailing:
- annual yield from the catchment area above the proposed dam site.
- existing water supply commitments from the catchment or from watercourses downstream.
- how existing water supply commitments for downstream users, both locally and regionally, will be maintained.
- how minimum environmental flows will be maintained all year round.
- impact on biodiversity values, including in stream aquatic and riparian environments.

Objective 2

To ensure that the design, siting and construction of dams minimises the potential for dam failure and damage to the environment including adjacent infrastructure.

Strategy 2.1  Ensure that dams are designed and constructed in accordance with certified engineering plans.
Strategy 2.2  Discourage dams in environmentally sensitive areas, such as bush gullies.
Strategy 2.3  Encourage the maximum amount of vegetation to be retained in the construction of the dam.
Strategy 2.4  Encourage the revegetation of exposed soils with perennial grasses and appropriate indigenous vegetation.
Strategy 2.5  Encourage the retention and use of top soil in the construction of the dam.
Strategy 2.6  Discourage dams on sites where soil is not suitable for dam construction and water retention.
Strategy 2.7  Ensure dam spillways are of a sufficient capacity to cater for a 1 in 50 year storm flow, and are at a level that maintains an adequate freeboard.

Implementation

Strategies relating to dams will be implemented by:

Policy guidelines

- Requiring the following information (as appropriate) to be supplied to accompany an application for the construction of a dam:
  - Proposed siting of the dam, including spillway and outlet locations and setback distances from all title boundaries and adjacent roads.
  - Existing contour plan.
  - Dimensions and capacity of the dam and wall/embankment height.
  - Extent of vegetation clearing works proposed.
  - Landscape plan indicating proposed revegetation works.

- Considering the following matters (as appropriate) when assessing applications for a dam:
  - Views of the Department of Environment and Primary Industries, Southern Rural Water and any relevant water authority, the Catchment Management Authority and VicRoads prior to deciding an application for a permit.
  - Protection of any existing water supply commitments from the catchment or watercourses downstream.
  - Maintenance of minimum environmental flows within the water catchment.
  - Potential impacts on water quality during and after the construction of the dam.
  - Suitability of the siting and design of the dam with regard to the topography of the land and the amount of vegetation proposed to be removed.
- Suitability of the size and capacity of the dam with regard to the catchment area of the site.
- Suitability of the soil on the site for dam construction and water retention.
- Protection of infrastructure, such as roads, from the impact of potential dam failure.

Considering the following performance measures when assessing applications for a dam:
- Only the minimum amount of vegetation should be removed to facilitate the construction of the dam
- Top soil stripped from the site should be spread on any exposed batters
- Dams should be setback a minimum of 20 metres from any road

Note: Proposals that do not meet these performance measures may still meet the objectives of the policy.

Application of zones and overlays
- Applying the Environmental Significance Overlay – Areas Susceptible to Erosion to protect erosion prone areas.
- Applying the Erosion Management Overlay to protect areas prone to erosion, landslip or other land degradation processes.
- Applying the Environmental Significance Overlay- Water Catchments to catchments used for provision of potable water supplies.
- Applying the Land Subject to Inundation Overlay to areas known to be subject to flooding or no the flooding fringe.
Agriculture and associated agricultural manufacturing has always been the major industry within the Shire. Considerable opportunities exist to add value to primary produce and to diversify the base income of the rural sector and improve employment opportunities. The region’s competitive strengths of rich agricultural soils, high rainfall and close proximity to Melbourne should be promoted to attract new industries complementary to the region’s lifestyle.

Objectives and strategies

Objective 1

To maintain a viable and sustainable agricultural industry as the corner stone to the Shire’s economy and its future wellbeing

- **Strategy 1.1** Protect high quality agricultural land for primary production
- **Strategy 1.2** Strongly discourage rural residential land use on lots over 4.1 hectares in agricultural areas
- **Strategy 1.3** Strongly discourage the development of houses in old Crown township areas except where such lots form part of a sustainable farm or are adjacent to existing urban/serviced areas or have been approved for re-structure
- **Strategy 1.4** Limit the impact of house lot excisions by strongly encouraging:
  - minimum log size of 0.4 hectares and a maximum lot size of 2 hectares for a house lot
  - residual lot to generally be a minimum of 40 hectares
- **Strategy 1.5** Encourage and promote new and existing diverse and sustainable agriculture industries as an important contributor to the Shire’s economy, including promoting the region as a premium ‘green’ products food bowl
- **Strategy 1.6** Provide essential services to support agricultural production and economic development
- **Strategy 1.7** Promote best practice agricultural land management which includes sustainable integration of economic and environmental needs
- **Strategy 1.8** Ensure that the road network is capable of serving the transport needs of the farming community on an equitable basis
- **Strategy 1.9** Promote sustainable land management through best practice, by encouraging the preparation and implementation of farm management plans addressing issues such as fire safety and prevention, safe storage and handling of dangerous goods, land management practices that address any significant environmental hazards, and diversification in crops and stock
- **Strategy 1.10** Consider land capability when assessing applications for the use and development of rural land

Objective 2

To support developing marine industries and farm forestry

- **Strategy 2.1** Support and facilitate the development of the marine industry in appropriate locations, such as wild harvest and aquaculture ventures
- **Strategy 2.2** Support and facilitate the development of farm forestry in appropriate locations

Implementation

The strategies relating to resource management – agriculture will be implemented through the planning scheme by:

Policy guidelines

- Assessing applications for land use or development with reference to the Regional Catchment Strategies and the South Gippsland Rural Land Use Strategy (2011)
Assessing subdivision of rural land that will facilitate more intensive agricultural land uses with reference to the recommendations of the South Gippsland Rural Land Use Strategy (2011)

- Applying a minimum subdivision size of 80 hectares in Farming Zone areas in accordance with the schedule to the Farming Zone
- Applying a minimum area for which no permit is required for a dwelling of 40 hectares in the Farming Zone
- Applying the Rural Dwelling local policy at Clause 22.05 to all applications for dwellings in the Farming Zone
- Applying the Rural Subdivision local policy at Clause 22.06 to all applications for subdivision in the Farming Zone

Application of zones and overlays
- Applying the Farming Zone to areas outside the towns to protect land for primary production and to facilitate diversity in agricultural land uses

Extractive industry

Overview
South Gippsland Shire is well placed to strengthen and build upon its existing resources, assets and infrastructure to create new and diverse economic development opportunities in relation to extractive industry.

Objectives and strategies

Objective 1
To encourage mining and extractive industry, processing and associated research in an environmentally responsible manner while ensuring that all land disturbed by mining and extractive industries is appropriately rehabilitated

Strategy 1.1 Protect the area identified in the Lang Lang to Grantville Regional Sand Extraction Strategy in the north-west of the Shire for its significant regional sand resource
Strategy 1.2 Promote sand extraction, quarrying and mining activities that do not have significant adverse impacts on the environment
Strategy 1.3 Ensure the appropriate rehabilitation of mines and extractive industry sites at the completion of their use

Implementation
Strategies for resource management – extractive industry will be implemented by:

Application of zones and overlays
- Applying the Rural Activity Zone to areas outside the towns to protect land for primary production and to facilitate diversity in tourism based uses in an agricultural context

Policy guidelines
- Assessing applications for land use and development in the north-west of the Shire are with reference to the Lang Lang to Grantville Regional Sand Extraction Strategy

Further strategic work
- Investigating the preparation of Gippsland Coalfields Area local policy including an overall framework plan for the resource
- Commissioning the Geological Survey of Victoria to undertake a report on the Extractive Industry Interest Areas to identify stone resources and to contribute to their use and development in a manner consistent with State wide protection of stone resources
BUILT ENVIRONMENT AND HERITAGE

Heritage

Overview
The South Gippsland Heritage Study 2004 identifies the rich and diverse heritage of the Shire. Heritage places of the Shire include buildings, trees, railways, and public infrastructure. Apart from the important cultural and social values of heritage places, they provide significant economic benefits by enhancing the appeal of the Shire as a place to live, work and visit.

Objectives and strategies

Objective 1
To ensure that heritage places in the Shire are used, managed and developed in a way that conserves or reveals their heritage significance

Strategy 1.1 Protect heritage places from inappropriate development that would diminish their significance
Strategy 1.2 Support the on-going viable use of heritage places as an essential part of their conservation and management

Implementation
Strategies relating to heritage will be implemented by:

Policy guidelines
- Using the Heritage local policy at Clause 22.04 and the South Gippsland Heritage Study 2004 to guide consideration of applications for demolition, buildings, works and subdivision of heritage places within the Heritage Overlay

Application of zones and overlays
- Applying the Heritage Overlay to heritage places identified by the South Gippsland Heritage Study 2004 as being of national, State, or local historical significance, and to places or precincts added to the National Trust Register, Victorian Heritage Register, the Commonwealth Heritage List or the National Heritage List

Further strategic work
- Preparing conservation management plans for heritage places, where this is a specific recommendation in the South Gippsland Heritage Study 2004
- Undertaking further studies to identify, document and assess places of cultural landscape, archaeological and aboriginal heritage significance

Further actions
- Providing support, advice and assistance to owners and custodians of heritage places to enable them to conserve and maintain heritage places
- Improving community awareness and understanding of the importance of heritage places
- Engaging the services of a Heritage Officer, as required, to consider planning applications for heritage places
Urban environment

Overview

From the larger towns to the smaller settlements, South Gippsland has a range of compact urban environments in scenic rural settings. Residential development is primarily detached medium density, low profile housing. Higher density residential development is starting to infill near the centres of the larger towns. Commercial development is also low profile and is mainly located near town intersections although some is scattered among residential development. Industrial development often clusters in the vicinity of an existing or former milk processing factory. Many locations within the urban environments offer a rural outlook. The towns of Korumburra, Leongatha, Foster, Meeniyan, Mirboo North, Toora, Welshpool and Port Welshpool are serviced by reticulated sewerage and water. Waratah Bay has reticulated sewerage but no reticulated water. Other towns and coastal areas are serviced by reticulated water only or are not serviced. Wastewater treatment facilities for some towns are approaching maximum capacity. Effluent disposal is a major problem in the smaller coastal towns, particularly in the peak holiday periods and associated influx of population.

Objective 1

To continuously improve all aspects of the urban environment

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Retain and enhance areas of remnant vegetation within urban areas</td>
</tr>
<tr>
<td>1.2</td>
<td>Promote the use of passive and active energy efficient systems for residential and commercial/industrial development</td>
</tr>
<tr>
<td>1.3</td>
<td>Provide areas of open space for active and passive recreation</td>
</tr>
<tr>
<td>1.4</td>
<td>Improve the quality of design in the coastal settlements of Venus Bay, Waratah Bay, Sandy Point and Tarwin Lower, through the implementation of the Urban Design Frameworks prepared for these areas</td>
</tr>
</tbody>
</table>

Implementation

Strategies relating to urban environment will be implemented by:

Application of zones and overlays

- Applying the Design and Development Overlay schedule to the settlements of Venus Bay, Waratah Bay, Sandy Point and Tarwin Lower in order to introduce design objectives to protect the coastal character of these settlements

Further strategic work

- Developing and applying environmentally responsive standards and controls for residential, commercial and industrial building design

Signage and infrastructure

Overview

Signage and infrastructure are required for information and service provision respectively for residents, businesses and visitors. Sensitivity is required in design and location of these necessary structures so they do not detract from the Shire’s significant landscapes and natural environments.

Objectives and strategies

Objective 1

To minimise the visual impact of signage and infrastructure on the landscape

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Avoid visual clutter across the landscape, such as large, visually intrusive or brightly coloured signage and advertising signage at settlement entrances and exits</td>
</tr>
</tbody>
</table>
Strategy 1.2 Locate infrastructure away from highly scenic locations, key views and near-coastal locations, or underground wherever possible in the case of powerlines and other utility services

Strategy 1.3 Locate power lines, access tracks and other infrastructure in areas of low visibility, preferably in previously cleared locations, and avoid the use of materials that contrast with the landscape

Strategy 1.4 Use vegetation to screen infrastructure from key viewing corridors and public use areas

Strategy 1.5 Encourage reticulated electricity to be provided by underground cabling

Implementation
Strategies relating to signage and infrastructure will be implemented by:

- applying the Advertising Signs local policy provisions of clause 22.01
- applying Significant Landscape Overlays
HOUSING

Housing Choice and Diversity

Overview
The Shire contains a diverse range of housing types that contribute to the lifestyle opportunities and attractiveness of the region as a place to work, live and visit. For the long-term sustainability of the region, it is important that adequate opportunities are provided to accommodate the changing lifestyles and housing needs of the existing and future population. Currently, there is a lack of innovative and creative medium density housing development within the Shire and opportunities exist to encourage this type of development in appropriate locations.

Objectives and strategies

Objective 1
To provide diversity in housing types across the Shire to meet the changing needs of the population

Strategy 1.1 Encourage diversity in dwelling type and size to provide greater choice and affordability
Strategy 1.2 Promote new housing that provides for the retention and development of sustainable communities throughout the Shire
Strategy 1.3 Encourage the development of retirement villages, hostel accommodation and medium density housing for older persons, in appropriate locations
Strategy 1.4 Encourage medium density housing in close proximity to the commercial centres of Leongatha, Korumburra, Foster and Mirboo North

Implementation
Strategies relating to housing choice and diversity will be implemented by:

Application of zones and overlays
- Applying Development Plan Overlays and / or Design and Development Overlays to vacant land proposed to be subdivided and developed for urban residential purposes
- Applying town structure plans and urban design frameworks

Further strategic work
- Developing and implementing town structure plans or urban design frameworks to introduce design objectives and to protect the character of settlements in the Shire

Housing design

Overview
All new housing should be encouraged to incorporate energy efficient principles in its design. The orientation and design of dwellings and the retention of vegetation reduces fossil fuel energy use by making use of natural ventilation, daylight and solar energy. This will promote the development of sustainable communities throughout the Shire.

Objectives and strategies

Objective 1
To ensure dwellings incorporate energy efficiency and environmentally sustainable design principles

Strategy 1.1 Encourage the orientation and siting of all dwellings that optimises the use of passive solar energy and energy efficiency principles, solar heating and natural daylight
Strategy 1.2 Promote and encourage the retention and planting of appropriate indigenous vegetation, to provide screening and assist in decreasing greenhouse gas emissions
Strategy 1.3  Encourage all new dwellings to achieve a house-energy rating of at least three and a half stars as recommended by the Sustainable Development Authority

Objective 2
To ensure dwellings are innovative and creative in design and positively contribute to the character of the surrounding area

Strategy 2.1  Encourage dwellings to incorporate high standards of access, amenity, on-site car parking and landscaping

Strategy 2.2  Encourage dwellings to use exterior building materials, finishes and colours that are non-reflective and blend with the colours and textures of the surrounding natural environment

Strategy 2.3  Encourage retention and planting of indigenous vegetation to adequately screen dwellings and ancillary outbuildings from adjoining properties, roads and nearby public space

Implementation
Strategies relating to housing design will be implemented by:

- Application of zones and overlays
- Applying the Environmental Significance Overlay – Coastal Areas to the coastal areas to ensure that development is sensitive to the environmental values of the area
- Improving the quality of design in the coastal settlements of Venus Bay, Waratah Bay, Sandy Point and Tarwin Lower, through the application of Design and Development Overlays

Further strategic work
- Developing a Coastal Development Policy to guide the design and siting of dwellings in coastal areas

Rural residential development

Overview
The rolling hills of the agricultural districts in South Gippsland are attractive locations for those seeking a rural residential lifestyle. However, the Shire contains some of the most productive agricultural areas in Victoria and there is a need to preserve rural land for commercial scale agricultural production. There is also a need to avoid landscape and servicing issues arising from the development of dwellings not reasonably connected to agricultural activities.

Objectives and strategies

Objective 1
Ensure that the resource of agricultural land is protected and retained in primary production

Strategy 1.1  Strongly discourage dwellings not related to commercial scale agriculture in rural and high quality agricultural areas

Strategy 1.2  Strongly discourage the development of houses in old Crown township areas except where such lots form part of a sustainable farm or are adjacent to existing urban/serviced areas or have been approved for re-structure

Strategy 1.3  Strongly discourage rural residential use of land on lots over 4.1 hectare in agricultural areas

Strategy 1.4  Protect the rural farmland landscape from inappropriate dwelling development

Implementation
Strategies for rural residential development will be implemented by:

Policy guidelines
- Applying the Rural Dwellings local policy at clause 22.05
- Applying the Rural Subdivision local policy at clause 22.06
- Applying the Rural Activity Zone local policy at clause 22.07
- Implementing the strategies and actions of the *South Gippsland Rural Land Use Strategy 2011*
- Considering applications for land use or development with reference to the Regional Catchment Strategies and the *South Gippsland Rural Land Use Strategy 2011*
- Considering subdivision of rural land that will facilitate more intensive agricultural land uses with reference to the recommendations of the *South Gippsland Rural Land Use Strategy 2011*
- Implementing the strategies and actions of the *Rural Tourism Development Strategy 2009*

**Application of zones and overlays**

- Applying the Farming Zone to areas outside the towns to protect land for primary production and to facilitate diversity in agricultural land uses

**Reference Documents**

*The South Gippsland Housing and Settlement Strategy, 2013*
ECONOMIC DEVELOPMENT

Processing and manufacturing

Overview
Value adding manufacturing and processing plays an important part in the future economic growth opportunities in the Shire. The lower operational costs for businesses and the unique lifestyle that the Shire offers should be promoted to attract new employment opportunities and population growth.

Objectives and strategies

Objective 1
To attract and develop value adding opportunities to diversify the industry base and maximise employment opportunities

- **Strategy 1.1** Encourage the development of meat processing facilities as vital industries supporting the local agricultural sector
- **Strategy 1.2** Promote the Leongatha, Korumburra, Foster and Mirboo North industrial precincts as locations for new manufacturing industries
- **Strategy 1.3** Encourage opportunities for the expansion of industry and the provision of related infrastructure
- **Strategy 1.4** Maximise the economic benefits of timber production to the municipality by supporting value adding opportunities within the Shire
- **Strategy 1.5** Encourage the location of industries within existing industrial precincts

Objective 2
To ensure that industries in rural areas specifically support the agricultural sector

- **Strategy 2.1** Encourage and facilitate limited value adding of primary produce at the source
- **Strategy 2.2** Encourage industries in rural areas that add value to primary produce and/or provide a necessary service to the local agricultural sector
- **Strategy 2.3** Encourage the development of equine and horse racing related industries around Stony Creek

Objective 3
To promote emerging natural resource-based industries

- **Strategy 3.1** Encourage the use of wind, tidal, solar and methane as alternative energy sources
- **Strategy 3.2** Encourage industries that develop products from the reuse and recycling of industrial waste
- **Strategy 3.3** Encourage and promote niche industries such as the packaging and export of natural spring water

Objective 4
To encourage well designed, sustainable industrial development that enhances the visual amenity of the neighbourhood

- **Strategy 4.1** Ensure new development is designed and constructed to be responsive to environmental standards, is safe and functional in its layout, and improves the appearance and amenity of industrial areas
- **Strategy 4.2** Promote the use of passive and active energy efficient systems for commercial/industrial development
- **Strategy 4.3** Encourage the provision of shared infrastructure such as car parking, power and telecommunications
- **Strategy 4.4** Ensure adequate car parking, at a rate appropriate for rural and regional areas, is provided for all new industrial development
Implementation
Strategies relating to processing and manufacturing will be implemented by:

Policy guidelines
- Using the Industrial Development local policy at clause 22.02 to ensure that new industrial developments are designed and sited to improve visual amenity and solar efficiency and to provide adequate on site car parking and vehicular access

Application of zones and overlays
- Applying the Industrial 1 and 3 zones to existing and serviced industrial areas to accommodate existing and future industrial development

Further strategic work
- Investigating the potential for development of industries within the industrial zoned land at Barry Point that will support the proposed deepwater port facility
- Investigate a development contribution framework to support industry related infrastructure provision in Leongatha and other townships as required
- Identify appropriate zones to support specific industry-related development at the Leongatha Airport and land north of the Koonwarra Saleyards east of the Great Southern Rail Trail to the South Gippsland Highway.

Technology and service industry

Overview
The beauty of the Shire and its proximity to Melbourne makes it attractive to those who can telecommute or have transportable businesses in the information technology, consulting and business services sectors. The promotion of the Shire to these groups and to those seeking improved lifestyle will lead to population and economic growth.

Objectives and strategies

Objective 1
To encourage the location of service industries in towns to support the local population and provide employment opportunities

Strategy 1.1 Encourage the expansion of regional services in the main towns of Leongatha, Korumburra, Foster and Mirboo North

Implementation
Strategies for technology and service industry will be by:

Policy guidelines
- Applying the particular provisions of clause 52.11 Home Occupation

Further strategic work
- Investigating the feasibility of establishing a Technology Park within the Shire
Office and commercial uses

Overview

Vibrant and functional town centres are integral to local economic development as well as servicing the needs of the business sector and the community. New commercial and industrial developments should be located within appropriate areas of the town centres to ensure that town viability is retained. There is also a need to retain a high level of services within the region to meet the needs of the community and provide employment opportunities.

Objectives and strategies

Objective 1

To encourage businesses which generate employment opportunities and provide goods and services to meet the needs of the community

Strategy 1.1 Encourage the establishment of new offices to service the region
Strategy 1.2 Encourage retail facilities offering higher order goods within Korumburra and Leongatha

Objective 2

To strengthen the commercial capacity of existing town centres

Strategy 2.1 Encourage retail and office activities to locate in precincts identified in the local area structure and framework plans at clause 21.15 for each town
Strategy 2.2 Discourage the establishment of office and retail developments outside existing business precincts
Strategy 2.3 Encourage and support new investment through the redevelopment of existing retail facilities within town centres identified on the township structure and framework plans at clause 21.15 and the promotion of new retail facilities on key redevelopment sites within established town centres
Strategy 2.4 Encourage the visual improvement of town centre business precincts to attract new commercial development
Strategy 2.5 Support commercial development that enhances the amenity of the towns and is safe and functional in its layout

Implementation

Strategies relating to office and commercial uses will be implemented by:

Policy guidelines

- Using the Advertising Sign local policy at clause 22.01 to ensure that the design and siting of advertising signs complements the streetscape and individual building lines, particularly in heritage places and precincts

Application of zones and overlays

- Applying the Commercial 1 Zone to the existing commercial areas of the major towns to concentrate office, retail and other commercial activities within the existing commercial centres
- Applying the Township Zone to the existing commercial areas of the small towns to concentrate commercial and retail activities within and adjacent to the existing town centres
- Applying the Design and Development Overlay to the Leongatha town entrance to provide an attractive and distinctive town approach

Further strategic work

- Investigating the need to apply a Design and Development Overlay to the entrances to all towns within the Shire
- Developing a commercial development policy to ensure that the design and siting of commercial development is of a high standard and enhances the amenity of the surrounding area
Tourism

Overview
Tourism is fast becoming a significant employer and generator of economic activity within the Shire. The region boasts one of the State’s major icons, Wilson’s Promontory National Park, and borders the internationally recognised Phillip Island. The quality of the Shire's rural landscapes, spectacular coastal areas and environmental features, and numerous historic and culturally significant sites are major tourism attractions. The South Gippsland region provides a diverse range of recreational and tourism related experiences, such as festivals, Coal Creek Heritage Village, Grand Ridge Road scenic drive, Grand Ridge Brewery and the Nyora Speedway. Growth opportunities exist in eco-tourism and various types of agricultural and farming activities can also provide services to the tourism industry through the development of agri tourism.

Objectives and strategies

Objective 1
To encourage a diverse range of tourism opportunities

Strategy 1.1 Encourage the development of eco-tourism and agri-tourism, building on the Shire's natural assets and agricultural land use
Strategy 1.2 Promote the development of new or expanding tourism enterprises that are ecologically sustainable
Strategy 1.3 Encourage outdoor education and adventure type tourism activities
Strategy 1.4 Encourage the development of tourism and education packages based on sustainable energy projects
Strategy 1.5 Encourage the development of a major tourist accommodation facility within reasonable proximity of Wilson’s Promontory
Strategy 1.6 Encourage the development of bed and breakfast, cabin, homestead and motel accommodation in appropriate locations

Objective 2
To recognise the importance of the Shire's natural environment and built form to the tourism industry

Strategy 2.1 Protect and promote the Shire's heritage assets, coastline, environmental qualities, rural landscape and agricultural produce for their tourism value
Strategy 2.2 Encourage a high standard of streetscape amenity for residential and commercial centres within the Shire

Objective 3
To promote and encourage tourism use and development in the Rural Activity Zone that is compatible with agricultural production and the environmental attributes of the area

Strategy 3.1 Implement the policy contained in the Rural Tourism Development Strategy 2010 and those aspects of the Rural Land Use Strategy 2011 related to tourism

Implementation
Strategies relating to tourism will be implemented by:

Further strategic work
• Developing and implementing a tourism strategy for the Shire
Transport

Overview

It is important to maintain a safe and efficient transport network across the Shire. Many of the roads within the Shire are facing increased usage by large transport vehicles associated with agriculture, timber haulage and other industries. The ongoing development of freight transport opportunities is required for the future economic prosperity of the Shire. Future opportunities such as the reopening of the South Gippsland railway for freight transport and the development of a deepwater port and industrial precinct at Barry Point will improve access to national and international markets.

The current lack of public transport facilities within the Shire restricts the movement of residents within the municipality and impedes visitors to the region who do not have access to a vehicle. Additional public transport facilities, such as rail and bus, are required to improve accessibility for both the resident population and the wider community. There is a need to ensure sustainable pedestrian and car parking facilities are provided across the Shire, in accordance with the needs of a regional area.

The Leongatha aerodrome is the only commercially operating airfield within the Shire, and has recently been subdivided to facilitate future aviation related development opportunities. The area surrounding the aerodrome needs to be protected to ensure that incompatible development does not restrict its future expansion.

Objectives and strategies

Objective 1

To maintain a safe and efficient road network across the Shire

Strategy 1.1 Ensure that the use and development of land does not prejudice the safety and efficiency of roads
Strategy 1.2 Encourage the development of road underpasses for the movement of stock
Strategy 1.3 Encourage improvements to the South Gippsland and Strzelecki Highways
Strategy 1.4 Ensure that the road network is capable of serving the transport needs of the farming community on an equitable basis
Strategy 1.5 Ensure that the design and siting of advertising signs does not interfere with the safety or efficiency of a road or public way
Strategy 1.6 Develop the region as a strategic base for transport and logistics companies for State and interstate activities
Strategy 1.7 Ensure that adequate provision is made for transport interchange facilities in appropriate locations
Strategy 1.8 Promote and encourage the development of transport and logistic enterprises
Strategy 1.9 Facilitate and promote the development of a deep-water port at Barry Point to open up opportunities for linkages to national and international markets
Strategy 1.10 Facilitate the use and expansion of the terminal facility at Port Welshpool for recreation, passenger and freight activities
Strategy 1.11 Ensure that the future expansion of the Leongatha aerodrome is not prejudiced by the encroachment of incompatible land use and development
Strategy 1.12 Encourage aviation-related industrial and commercial activities including the provision of regular freight and passenger services from Leongatha aerodrome

Objective 3

To deliver sustainable public transport, pedestrian and car parking facilities across the Shire

Strategy 3.1 Provide interconnected pedestrian, bicycle and bridle paths throughout the Shire
Strategy 3.2 Ensure that adequate car parking facilities are provided to support land use and development and are suitable to a rural and regional area
Strategy 3.3 Provide additional public transport facilities, including rail and bus, to improve accessibility for both the resident population and the wider community
Implementation

Strategies relating to transport will be implemented by:

Policy guidelines

- Applying Clause 52.06 Car Parking for applications that require a reduction or waiver or car parking requirements
- Applying the guidelines of the South Gippsland Paths and Trails Strategy 2010 (as amended)
- Applying the Tourism Victoria and VicRoads Tourist Signing Guidelines for tourism signage on road reserves
- Applying the requirements of the Infrastructure Design Manual (vers 4, March 2013, as amended)

Application of zones and overlays

Applying appropriate zones and overlays in the South Gippsland Planning Scheme, including:

- the Parking Overlay at Clause 45.09 to ensure sustainable car parking facilities in Leongatha Central Business District.
- the Airport Environs Overlay in the vicinity of the Leongatha aerodrome to restrict land uses that are sensitive to aircraft noise and to require appropriate noise attenuation measures in noise sensitive buildings
- the Public Acquisition Overlay to land identified for future road infrastructure development
- Road Zones – Category 1 & Category 2 according to the function of the road

Further strategic work

- Developing and implementing a development contributions policy to finance improvements and additions to physical infrastructure such as roads, bridges, carparking and footpaths, where new development is likely to impact on the capacity of existing infrastructure
- Reviewing the significance of the Melbourne to Leongatha railway line
- Developing a master plan for the Leongatha aerodrome

Further actions

- In consultation with relevant government agencies, formally closing unmade road reserves within the Shire that are no longer required to provide access and facilitate the sale and consolidation of the land to adjoining owners.
Waste management and stormwater drainage

Overview

Wastewater management is a major issue for the unsewered small towns and coastal areas of the Shire. Reticulated water and sewerage services and stormwater drainage improvements are required to minimise impacts on the environment and accommodate future population growth.

Objectives and strategies

Objective 1

To ensure that waste disposal facilities are appropriately located, designed and managed

Strategy 1.2  Provide for one central landfill at Koonwarra, and transfer stations in appropriate locations throughout the Shire

Strategy 1.3  Ensure that landfills are appropriately rehabilitated at the completion of their life span

Strategy 1.4  Protect waste transfer and landfill assets from incompatible development through the use of buffers

Objective 2

To plan for the provision of efficient and effective wastewater management systems to all towns within the Shire

Strategy 2.1  Ensure that wastewater disposal and drainage infrastructure for existing development is progressively upgraded to current standards

Strategy 2.2  Protect land in the vicinity of sewerage treatment plants from incompatible use or development

Strategy 2.3  Promote the use of new technology in wastewater system design, testing and management

Objective 3

To implement stormwater drainage standards that minimises impacts on the environment

Strategy 3.1  Establish artificial wetlands, retention basins and stormwater pollution traps as a means of controlling the quality and quantity of stormwater run-off from urban areas

Implementation

Strategies for waste management and stormwater drainage implemented through the planning scheme by:

Policy guidelines

- Assessing applications for development near to waste transfer and landfill assets against the buffer distances recommended in Clause 52.10
- Requiring waste disposal facilities to be developed and managed in accordance with the Gippsland Regional Waste Management Plan
- Requiring waste disposal facilities to be developed and managed in accordance with the Infrastructure Design Manual (vers 4, March 2013, as amended)

Application of zones and overlays

- Applying the Public Use – Local Government Zone to municipal transfer stations and landfills
- Applying the Environmental Significance Overlay – Sewerage Treatment Plant and Environs to land containing and surrounding sewerage treatment plants
Applying the Environmental Significance Overlay – Water Catchments to land within a water supply catchment to protect water quality

Further strategic work

- Developing and implementing a Wastewater Management Strategy for the Shire
- Investigating the development of waste disposal systems that are specifically designed to suit the local environment and community needs
- Developing and implementing a development contributions policy to finance improvements and additions to physical infrastructure such as drainage, where new development is likely to impact on the capacity of existing infrastructure
- Developing stormwater drainage strategies for all the major towns and for rural areas

Alternative energy

Overview

Using alternative energy as a source of electricity for dwellings can have significant environmental benefits. The use of alternative, renewable energy sources such as solar and wind power is a small, yet significant, method by which the community can address the global issue of climate change through local actions. However, there needs to be a balance between the potential benefits and negative impacts of using alternative energy technologies.

Objectives and strategies

Objective 1

To encourage the use of alternative energy sources in the provision of electricity

Strategy 1.1 Promote the use of alternative energy sources, such as wind, tidal and solar power

Objective 2

To ensure that the use of alternative energy technology does not detrimentally affect the surrounding environment

Strategy 2.1 Ensure the design and siting of structures associated with alternative energy production does not detrimentally affect the character of the area
Strategy 2.2 Discourage tall structures on ridgelines or in view corridors
Strategy 2.3 Minimise the potential impact of alternative energy sources on the existing physical and ecological relationships of flora and fauna, and identify appropriate mitigation techniques where required
Strategy 2.4 Minimise the potential impact of alternative energy sources on public health and safety, including fire hazard

Implementation

Strategies relating to alternative energy will be implemented by:

Policy guidelines

- Requiring the following information, (as appropriate) to be supplied to accompany an application for a dwelling, where an alternative energy source is proposed:
  - Plans showing the siting and design of the structures associated with energy production
  - Details of the potential impact of the structures associated with energy production and their use on the surrounding environment, such as noise, vegetation removal, earthworks and visual amenity
When deciding on an application for alternative energy sources, the following matters will be considered as appropriate:

- The design and siting of any structure associated with the energy installation
- The visual impact on the landscape, including visual corridors and sight lines
COMMUNITY SERVICES

Community wellbeing

Overview
There is a need to identify and provide for a range of social, cultural, educational, leisure and health services to meet the needs of the community, including youth, families and older persons. Adequate provision of community services assists in sustaining the Shire’s population, and attracting new residents to the region. There is a correlation between the wellbeing of the community and the economic prosperity of the region.

Objectives and strategies

Objective 1
To provide a range of services and facilities that meet the needs of a diverse community, including youth, families and older persons

| Strategy 1.1 | Encourage a diverse range of recreational and social activities for young people |
| Strategy 1.2 | Facilitate the provision of a range of family and childcare services across the Shire |
| Strategy 1.3 | Ensure that a range of health, recreational support and social programs are provided to maintain the independence and wellbeing of older persons |
| Strategy 1.4 | Encourage quality service solutions that meet the diverse needs of older persons |
| Strategy 1.5 | Encourage the joint usage of existing older person facilities within the Shire |

Implementation

Strategies for community well-being will be implemented by:

Policy guidelines
- Applying the guidelines of Healthy by Design 2012 (as amended)

Further strategic work
- Developing and implementing a long term youth services strategy
- Undertaking short and long term planning for the provision of community services within the Shire

Further actions
- Consulting with youth on their needs in relation to programs and facilities

Recreation, education and health services

Overview
Due to the widespread distribution of the population throughout the Shire, there is a need to undertake effective planning to ensure that the community has access to a range of recreation, education and health services and facilities in an efficient and equitable manner. Continual improvements to the quality and type of community services and facilities available are also required to meet the changing needs of the community.

Objectives and strategies

Objective 1
To provide a wide range of recreation facilities to meet the needs of the community

| Strategy 1.1 | Encourage the provision of multi-purpose meeting venues for use by community groups |
Objective 2
To provide a wide range of education facilities and programs to meet the needs of the community

Strategy 2.1 Promote joint planning with all stakeholders in providing for a range of education facilities
Strategy 2.2 Promote the retention and improvement of existing education facilities
Strategy 2.3 Promote Leongatha as the centre for educational excellence, as a means of attracting and retaining tertiary and technical training programs
Strategy 2.4 Promote the provision of tertiary and technical training programs, as means of providing for the educational and employment needs of young people

Objective 3
To ensure that the community has access to a range of quality health services that address the needs of the community

Strategy 3.1 Support and promote the development of preventive health facilities and services as well as acute health care facilities and services
Strategy 3.2 Encourage the joint usage of existing health facilities within the Shire

Implementation
Strategies for recreation, education and health services will be implemented by:

Policy Guidelines
- Considering the objectives and provisions of the South Gippsland Municipal Public Health and Wellbeing Plan (as amended) when assessing any new development within the Shire
- Applying the guidelines of Healthy by Design 2012 (as amended)
- Consider the provisions and directions of the South Gippsland Open Space Strategy 2007
- Consider the provisions and directions of the South Gippsland Recreation Plan 2007

Further strategic work
- Implementing the South Gippsland Shire Recreation and Open Space Strategy
- Working in partnership with relevant State, regional and local agencies and the community:
  - to identify priorities for the provision of leisure and recreation facilities and programs
  - to facilitate new education opportunities within the Shire
  - to develop new health services and facilities and upgrade of existing services
- Developing a strategy for the provision and maintenance of public amenities

Further actions
- Improving community awareness of recreational opportunities throughout the Shire
- Continuing to assess future recreation needs
- Consulting with the community on a regular basis to establish ongoing education needs
- Consulting with adult and community education providers to identify suitable sites for the provision of services
LOCAL AREAS

This clause focuses on local area implementation of the objectives and strategies for particular townships or landscape character areas. This clause should be read in conjunction with the rest of the Municipal Strategic Statement.

This clause is organised under the following local area headings:

- 21.15-1 - Leongatha
- 21.15-2 - Korumburra
- 21.15-3 - Mirboo North
- 21.15-4 - Foster
- 21.15-5 - Nyora
- 21.15-6 - Loch
- 21.15-7 - Poowong
- 21.15-8 - Meeniyan
- 21.15-9 - Venus Bay
- 21.15-10 - Waratah Bay
- 21.15-11 - Sandy Point
- 21.15-12 - Tarwin Lower
- 21.15-13 - Eastern District Towns (Port Franklin, Toora, Welshpool and Port Welshpool) and Localities (Mt Best, Agnes and Hedley)
- 21.15-14 - Small towns
- 21.15-15 - Landscape Character Areas
  - Character Area 1.3 – Bunurong coast and hinterland
  - Character Area 1.4 – Tarwin floodplain
  - Character Area 1.5 – Waratah Bay/Corner Inlet
  - Character Area 2.3 – Cape Liptrap
  - Character Area 3.2 – Welshpool hills and Mount Hoddle
  - Character Area 4.1 – Venus Bay dunes

Leongatha

Leongatha is the principal township of the South Gippsland Shire and a centre of State significance in the dairy milk processing and beef industries. Key issues in Leongatha include establishing a town centre heavy vehicle bypass route, the development of a bulky goods retail precinct, the provision of additional industrial land, and development of the surplus railway precinct land. Leongatha’s future will depend on consolidating and growing its commercial sector, promoting residential development, and defining and building upon Leongatha’s broader role within the greater West Gippsland region.

Car parking within the Leongatha Central Business District area was reviewed in the Leongatha CBD Parking Strategy 2013. As a consequence, the Parking Overlay was introduced to this precinct.

Local area implementation

- Ensure that any proposed use and development of land in Leongatha is generally in accordance with the Leongatha Framework Plan and the Leongatha Town Centre Framework Plan
• Retain Leongatha as the major regional service centre in the Shire

**Settlement**

• Ensure that sufficient areas of residential land, at a range of densities, are available to accommodate future township growth

• Achieve sequential and staged residential development that integrates with existing infrastructure networks

• Encourage the rezoning of appropriate areas identified in the Leongatha Framework Plan to maintain an estimated 15-year residential land supply

• Promote higher density residential development and retirement living within a 400m radius of the existing commercially zoned land in the town centre

• Require the preparation of development plans for new residential estates that: establish appropriate integration with existing residential areas and infrastructure; provide pedestrian and cyclist connectivity to the town centre and key community features; and protect the environmental values of the land

**Economy**

• Maintain the primacy of the town centre as the retail and service hub of the settlement

• Discourage the development of retail uses outside of the town centre where such uses may weaken the principal role of the town centre

• Maintain a compact town centre that reduces the need for car usage, with all key features and major retail activities within comfortable walking distance of the intersection of Bair Street and McCartin Street

• Ensure that adequate land is available to accommodate new retail, social, community, commercial and entertainment facilities within the town centre

• Provide adequate areas of commercial and industrial land

• Encourage industrial development on land which is provided with town infrastructure

• Promote the establishment of a bulky goods retail precinct on the western side of the South Gippsland Highway, and commercial use precinct for uses not appropriate to a town centre location on the eastern side of the Highway, at the southern entry to the township – see Southern Leongatha Growth Area provisions below

• Focus industrial development within existing industrial areas encouraging the development of vacant or under-utilised land

• Promote the expansion of industrial uses into the land north and west of the golf course recreation reserve while integrating the potential for heavy vehicle connectivity to the South Gippsland Highway

**Landscape and built form**

• Ensure a high standard of building design, layout and landscaping for all new development, and particularly at the highway entrances to the town

**Infrastructure**

• Provide strong pedestrian and cycling connectivity to the town centre and key community assets

• Improve heavy vehicle and highway traffic movement through and around the township

• Ensure new development and road traffic improvements do not compromise the longer-term potential return of rail services to Melbourne

• Promote integrated storm water management on a ‘whole of catchment’ basis
Further strategic work

- Review the existing zoning of the town centre and immediate surrounds and prepare a detailed strategic plan for the town centre which includes consideration of the areas identified as ‘Town Centre Expansion Investigation Areas’ and ‘Future Commercial Investigation Area’

- Pursue the establishment of a highway bypass of the Leongatha town centre by the diversion of South Gippsland Highway traffic along Long Street and Hughes Street in accordance with the Leongatha Town Centre Framework Plan

- Pursue options to improve heavy vehicle traffic movements from the South Gippsland Highway to the industrial estate

- Investigate the application of a Development Plan Overlay addressing industrial development in investigation areas

Southern Leongatha Growth Area

The Southern Leongatha Growth Area is situated on the southern development boundary of Leongatha and is defined by Simons Lane and Boags Road to the south, the Great Southern Rail Trail to the west and Coalition Creek to the east. The area has significant opportunities for residential and highway frontage commercial development over the next 25 years and beyond.

The Leongatha Framework Plan shows four precincts in the Southern Leongatha Growth Area. The precincts comprise:

- The Bulky Goods Retail Area on the west side of the South Gippsland Highway north of Simons Lane

- The Highway Frontage Commercial Area on the east side of the South Gippsland Highway north of Boags Road

- Urban Expansion Areas on both sides of the South Gippsland Highway south of the existing urban development

- Low Density Residential Zone on both sides of the South Gippsland Highway located south of the Urban Expansion Areas

The following provisions for the Southern Leongatha Growth Area should be considered in addition to the other ‘Leongatha’ provisions in this clause.

Local area implementation

- Ensure that any proposed use and development of land in the Leongatha Growth Area is generally in accordance with the Southern Leongatha Growth Area policies.

- Achieve high quality residential and commercial development that responds to the landform, amenity, and development and community infrastructure requirements of the subject land and its surrounds in an equitable long-term manner.

Bulky Goods Retail Area

- Promote application of a Special Use Zone Zone in the Bulky Goods Retail Area identified on the Leongatha Framework Plan.

- Direct large floor-plate developments/uses defined as ‘Restricted retail premises’ to the ‘Bulky Goods Area’ identified on the Leongatha Framework Plan.

- Discourage Accommodation (excepting Hotel and Motel) Food and drink premises, Office, Place of assembly (excluding Conference / Function centre and Place of worship), Retail premises (excluding Restricted retail premises) and Warehouse.

- Strongly discourage commercial or community uses that may weaken the primacy of the Town Centre.
- Strongly discourage the establishment of industrial uses, or other discretionary uses, that may detrimentally affect the amenity of surrounding sensitive land uses.

**Highway Frontage Commercial Area**

- Promote application of a Special Use Zone Zone in the Highway Frontage Commercial Area identified on the Leongatha Framework Plan.

- Direct uses that benefit from highway exposure, that are not suited to a Town Centre location and that will have visitation patterns that do not encourage cross-highway vehicle and pedestrian traffic movements to the ‘Highway Frontage Commercial Area’ identified on the Leongatha Framework Plan. Such uses may include (but are not restricted to) Car wash, Conference/Function centre, Emergency services facility, Hotel, Landscape gardening supplies, Motel, Motor vehicle boat or caravan sales, Place of worship, Service station, Trade supplies, and Veterinary centre.

- Discourage Accommodation (excepting Hotel and Motel) Food and drink premises, Office, Place of assembly (excluding Conference / Function centre and Place of worship), Retail premises (excluding Restricted retail premises) and Warehouse.

- Strongly discourage commercial or community uses that may weaken the primacy of the Town Centre.

- Strongly discourage the establishment of industrial uses, or other discretionary uses, that may detrimentally affect the amenity of surrounding sensitive land uses.

**Urban Expansion Areas**

- Promote the application of the General Residential Zone in the Urban Expansion Areas identified on the Leongatha Framework Plan.

- Promote the subdivision of land to maximize the efficient use of land across a range of lot sizes

- Promote the staged and sequential rezoning and subdivision of General Residential zoned land that integrates with the existing road network and infrastructure to the north, and avoids the creation of development that is isolated or has poor connectivity to the north.

- Avoid the creation of residential lots in the Coalition Creek flood plain, except where the potential exists for dwellings to be located within lots above the flood level and associated access to and within the lot is above the flood level.

- Minimise the number of residential lots with boundaries adjoining the highway frontage commercial uses.

- Encourage the creation of wide, landscaped road reserves that create a residential sense of place in residential areas accessed through commercial areas.

**Low Density Residential Zone**

- Promote the retention and application of the Low Density Residential Zone to the land immediately north of Simons Lane and Boags Road, and the land south of the proposed commercial area on the eastern side of the Highway as identified on the Leongatha Framework Plan.

- Encourage connectivity with the land to the north

**Landscape and built form**

- Minimise the number of highway entry points through subdivision, building layout and access design that avoids the requirement to create new highway access points.

- Promote high quality urban design, site layout, building and landscape design suitable to a township entry point that includes:
- Generally consistent building setback lines with buildings of not more than 10 metres height above ground level.

- Building layout that considers the long term potential for widening of the highway.

- Ample onsite car parking, without visually dominating front setbacks.

- Building siting and design which makes efficient use of land with specific regard to minimizing unused areas of land (not including landscaping) to the side and rear of development.

- Encourage appropriate buffers to adjoining sensitive land uses

- Provide sufficient size and depth to residential lots adjoining commercial uses so that screening landscaping can be applied to soften the potential visual and amenity impact.

**Infrastructure**

- Encourage the location and design of new highway intersection treatments that facilitate development on both sides of the highway.

- Create an internal road network that considers the future requirements of adjoining undeveloped land and the potential for cumulative increased usage over time.

- Encourage creation of a new connector road between Parr Street and Nerrena Road.

- Consider the requirement for road and pathway infrastructure upgrading and funding at locations separated from development sites.

- Avoid location of roads in flood prone areas of the Coalition Creek flood plain.

- Create a shared pathway network around the boundaries of the Growth Area and along both sides of the highway.

- Promote integrated storm water management on a ‘whole of catchment’ basis.

- Avoid the duplication of drainage assets or reliance on overland flows outside of drainage easements and declared waterways.

- Encourage the provision of reticulated sewage assets that consider the development requirements of surrounding land and avoid asset duplication and the need for incremental asset upgrading.

- Provide and/or reserve an open space reserve of approximately four hectares on the flatter sections of the residential area west of the highway. If this cannot be achieved, additional open space should also be provided at a location adjoining the rail trail.

- Provide and/or reserve a one-hectare (minimum) land parcel west of the highway for future community development infrastructure.

- Provide continuous linear open space connectivity between the eastern end of Parkside Close and the wetland area adjoining the Boags Road / Tarwin Ridge Boulevard.

- Encourage provision of a local park adjoining Coalition Creek.

**Implementation**

Strategies relating to the Leongatha Growth Area will be implemented by:

**Policy guidelines**

- Requiring the following information (as appropriate) to be supplied to accompany an application to rezone land in the Bulky Goods Retail Area and the Highway Frontage Commercial Area:

- A detailed assessment of the appropriate zone provisions to accord with zoning for commercial use to maintain the primacy of the Leongatha Town Centre and with the Leongatha and Southern Leongatha policy provisions.
Requiring the following information (as appropriate) to be supplied to accompany an application to rezone land and/or to develop land:

- A detailed Development Plan that includes but is not limited to:
  - A site analysis and design response.
  - Building/subdivision plans that display the proposed outcomes on the land.
  - An assessment of traffic generated by the proposed building/subdivision.
  - The scenario of a logical development unit that is bounded by main roads, natural features or the boundaries of the Development Plan Overlay map area, including consideration of linkages with and impacts on the broader area surrounding the development.

- A detailed Development Infrastructure Plan (that addresses the requirements of Council’s Infrastructure Design Manual) that will form the basis for a developer contributions scheme to be implemented through a Development Contributions Plan Overlay or section 173.

- Clear demonstration that the requirements of the Leongatha Outline Development Plan can be satisfied, where residential rezoning and Development Plan applications are submitted for individual small lots on the eastern side of the highway.

- Agreements instigated when land is rezoned or developed are to address, but not be limited to:
  - The full development scenario, including consideration to linkages with and impacts on, the broader area surrounding the development.
  - The full construction of the whole length of Simons Lane; upgrading the Boags Road/Simons Lane highway intersection.
  - Improvements to the Simons Lane/Bass Highway intersection including its potential relocation further north.
  - Improvements to the South Gippsland Highway intersections with Parr Street and Greenwood Parade.
  - The provision of shared pathways, open space drainage and community infrastructure.
  - The timing, staging and trigger points for infrastructure provision.

**Further strategic work**

- Investigate the application of a Special Use Zone to the ‘Bulky Goods Retail Area’ and the ‘Highway Frontage Commercial Area’ to guide the use of the precinct in a manner that responds to the amenity interface issues of the proposed residential areas, does not weaken the established commercial role of the Town Centre, and minimises the ‘cross Highway’ commercial interrelationships of the land uses.

- Investigate the implementation of a Design & Development Overlay, or design guidelines, over the land adjoining the highway frontage that will promote urban design outcomes suitable to a township entry point.

- Investigate the relocation of the Simons Lane/Bass Highway intersection to a safer location further north of the existing intersection.

- Investigate the potential to locate a small neighbourhood retail service centre (adjoining an open space reserve) in the residential area west of the highway.

**Reference documents**

*Leongatha Structure Plan, 2008*

*Southern Leongatha Outline Development Plan July 2011 (as amended)*

*South Gippsland Paths and Trails Strategy 2010 (as amended)*
Infrastructure Design Manual (version 4, March 2013) (as amended)
Leongatha CBD Parking Strategy 2013 (as amended)
Leongatha Industrial Land Supply Study 2013 (as amended)
Healthy by Design 2012 (as amended)
South Gippsland Open Space Strategy 2007 (as amended)
South Gippsland Recreation Plan 2007 (as amended)
The South Gippsland Housing and Settlement Strategy, 2013
Korumburra

Situated on the South Gippsland Highway in a picturesque landscape of rolling hills, Korumburra is the second largest town in the municipality and a key service provider to the smaller towns and communities in the Shire’s western region. Ongoing improvements to the highway and the development of the Pakenham Bypass make Korumburra increasingly accessible to metropolitan Melbourne and help underpin population and economic growth that will contribute to securing the town’s growth into the future.
Challenges for Korumburra include improving the retail offer, function and appearance of the Town Centre; responding to the existing highway traffic management problems; achieving appropriate redevelopment of the former Korumburra Saleyards site; planning new residential growth areas; and, continuing to define a role and character for Korumburra that distinguishes its place in the Shire’s western region.

**Local area implementation**

- Maintain and promote Korumburra as a significant industrial, retail, service, residential and tourism centre in the Shire.

- Ensure the use and development of land in accordance with the strategic directions in the Korumburra Framework Plan and the Korumburra Town Centre Framework Plan.

**Settlement**

- Provide sufficient residential land, at a range of densities, available to accommodate future township growth.

- Plan for sequential and staged residential development that integrates with existing infrastructure networks.

- Monitor the availability and development of residential land and encourage the rezoning of appropriate areas identified in the Korumburra Framework Plan map to maintain an estimated 15-year residential land supply.

- Promote the development of new residential estates that establish appropriate integration with existing residential areas and infrastructure; provide pedestrian and cyclist connectivity to the Town Centre and key community features; and, protect the environmental values of the land, especially the waterways.

- Promote higher density residential development and retirement living on land within the inner township residential areas that can be provided with convenient pedestrian access to the Town Centre.

- Focus industrial development within the established industrial areas, and at the site of the former Korumburra Saleyards. Development of the former saleyards land must have close regard to the amenity interface with the adjoining showgrounds and residential areas.

- Consider the potential adverse amenity impacts of the ‘manufacture of milk products’ operations in the Station Street Industrial Area on rezoning proposals and sensitive land uses, development & subdivision applications that allow, or intensify, the establishment of sensitive land uses in the area surrounding the manufacturing operations.

**Economy**

- Support and encourage Korumburra’s role as a retail and service centre with civic and community functions for its population and nearby small communities.

- Strongly discourage the development of new retail uses outside of the Korumburra Town Centre Retail Core where such uses may weaken the principal role of the Korumburra Town Centre.

- Support tourism developments that promote Korumburra as a tourist destination and plan for the provision of services and features that support highway tourism traffic.

**Landscape and built form**

- Promote site responsive residential subdivision design (supported by geotechnical reports on land exceeding 15% slope) that allow for the creation of appropriately sized and configured lots that minimise the impact of earthworks.

- Ensure a high standard of building design, layout and landscaping for all new development, and particularly at the entrances to the town.
- Support the conservation and enhancement of the town’s heritage places and streetscapes in recognition of their central role in establishing Korumburra’s ‘rural township’ character and ‘sense of place’.

**Infrastructure**
- Improve highway traffic movement through the town.
- Provide strong pedestrian and cycling connectivity to the Korumburra Town Centre, key community assets and the schools.
- Discourage land uses that may compromise the proposed highway realignment at the south east entry to the town.
- Ensure new development and road traffic improvements do not compromise the longer-term potential return of rail services to Melbourne.

**Further strategic work**
- Investigate applying a Restructure Overlay over the old Crown Township to the south-east of the town.
- Review and implement the recommendations of the *South Gippsland Heritage Study 2004* in consultation with affected landowners and the community.
- In consultation with affected landowners and the community, prepare development plans and overlays for Korumburra’s growth areas.

**Korumburra town centre**
Korumburra Town Centre and the Korumburra Town Centre Retail Core are defined on the Framework Plan map. The Korumburra Town Centre Retail Core is centred on Commercial Street along the section from King Street in the north west to Bridge Street in the south east, and is bounded by the railway line to the north east and Victoria Street to the south west. The Korumburra Town Centre is a wider area which in addition to the Retail Core includes peripheral areas with commercial and civic services. It includes the block on Mine Road between John and Bridge Streets, the courthouse and police station in Bridge Street, the existing supermarket in South Railway Crescent and the service station on the north west corner of the highway and King Street.

**Local area implementation**
- Ensure the use and development of land occurs in accordance with the strategic directions in the Korumburra Town Centre Framework Plan.

**Settlement**
- Encourage the long term development of under-used and vacant land identified in the Korumburra Town Centre Framework Plan as ‘potential future development’.
- Encourage quality office and high density residential development, in locations identified in the Korumburra Town Centre Framework Plan, to improve the local demand for goods and services and to extend the hours of activity in the Korumburra Town Centre.

**Economy**
- Maintain the primacy of the Korumburra Town Centre as the compact retail and service hub of the town.
- Actively support the establishment of new retail opportunities in the Korumburra Town Centre Retail Core.
- Actively encourage outdoor, street-based activity within the Korumburra Town Centre.
Actively encourage major retail, office and community developments to concentrate in the Korumburra Town Centre Retail Core, comprising the blocks bounded by Commercial Street, King Street, Victoria Street and Bridge Street.

Focus active retail uses on the Korumburra Town Centre’s ‘main streets’, being Commercial Street, Radovick Street and Bridge Street.

Encourage the consolidation of sites in the Korumburra Town Centre Retail Core to accommodate new, large floorspace developments.

Consider the use of Council-owned sites and Council’s potential power to acquire land in order to consolidate sites to facilitate large floorspace retail development.

Actively encourage the development of a major retail use such as an additional supermarket on either of the preferred development sites nominated on the Korumburra Town Centre Framework Plan.

Promote tourism, community and other associated uses and activities at the Korumburra Railway Station Precinct to improve diversity of activities on either side of Commercial Street.

Encourage transition from light industrial to commercial, retail and tourism uses in the Korumburra Town Centre Retail Core.

Landscape and built form

Ensure all new development within the Town Centre respects existing built form character by the application of the following guidelines (as appropriate):

- Conserve and enhance heritage places in recognition of their contribution to the overall image of the Korumburra Town Centre.
- Encourage the reuse, refurbishment, enhancement and conservation of heritage places as identified in the South Gippsland Heritage Study 2004.
- Strongly discourage the demolition of heritage places.
- Maintain the traditional built form scale of 2-3 storeys that respect identified view lines.
- Ensure any infill development adjoining heritage places sensitively reflects the particular characteristics of the adjoining places and avoids visual dominance.
- Ensure the fine-grain pattern of development is retained.
- Encourage reinstatement and continuation of traditional verandahs to provide weather protection.
- Encourage active and attractive shop frontages throughout the Korumburra Town Centre and the concealment of loading, car parking and service areas to the rear.
- Encourage the development of buildings that create a positive Korumburra Town Centre image and are reflective of its character.

Improve and formalise pedestrian connections especially between Little Commercial Street and Commercial Street. As part of any future development proposals, investigate opportunities to provide additional mid-block pedestrian connections between Little Commercial Street parking areas and Commercial Street.

Improve the layout and operation of car parking, pedestrian, cycling and mobility scooter facilities.

Advertising signs to be designed and located to respect the sensitivity of heritage places, strategic views and the town’s future desired character as identified in the Korumburra Town Centre Framework Plan.
• Encourage the redevelopment of the existing library site and adjoining sites (south east corner of Commercial and King Streets) for a major retail use such as an additional supermarket. Ensure any new development of the site respects and enhances the town character by application of the following guidelines:
  - Provide a skin of fine-grain speciality retail shops and active pedestrian interfaces to Commercial Street.
  - Provide a distinctive and attractively designed landmark statement with the building and landscape treatments in recognition of the site’s gateway entrance into the Korumburra Town Centre.
  - Appropriately articulate, screen or treat any blank walls.
  - Consider inclusion of co-located community facilities and services, such as a library, meeting spaces, public toilets and the like.
• Promote coordinated directional and wayfinding signage in the Korumburra Town Centre and surrounds.
• Ensure infill development provides active interfaces to the street through maximising windows and entry points.
• Support redevelopment of the site on the north-west corner of Bridge and Commercial Streets to a retail use and form that is reflective of its main street corner address and consistent with the town’s character.
• Encourage development of two-storey built form on the potential future development sites on the north-east side of Commercial Street, to address the significant change in ground level so as to allow pedestrian access between the Korumburra Railway Station Precinct and the Korumburra Town Centre.
• Maintain strategic views from key vantage points identified in the Korumburra Town Centre Framework Plan by the application of the following guidelines (as applicable):
  - Maintain a modest two storey traditional built form scale with appropriate roof form designs to ensure the maintenance of long views to landscape.
  - Frame views to attractive features such as the rolling hills beyond the town and to provide a visual link to surrounding rural land.
  - Retain and enhance existing streetscape vegetation.
• Maintain and extend streetscape plantings in the Korumburra Town Centre and surrounding area to enhance the town’s existing ‘boulevard’ character.
• Encourage the provision of additional public open space in the Korumburra Town Centre, with spaces ranging in size from pocket parks to plazas suitable for accommodating festivals and community events.
• Encourage provision of artworks in the Korumburra Town Centre
• Encourage pedestrian and street activity by applying the principles identified in the Safer Design Guidelines for Victoria (Department of Sustainability and Environment and Crime Prevention Victoria 2005) (as amended) to new developments and redevelopments.

**Infrastructure**

• Implement traffic management and calming measures within the Korumburra Town Centre (in consultation with VicRoads) to reduce the impact of heavy vehicles, to increase pedestrian safety and to improve streetscape amenity.
• Improve location of pedestrian crossing points throughout the Korumburra Town Centre.
- Improve streetscape amenity and pedestrian safety throughout the Korumburra Town Centre by increasing public open spaces and defining pedestrian access areas, particularly in Commercial and Little Commercial Streets.

- Encourage the reconfiguration of Little Commercial Street as a pedestrian, cyclist and mobility-scooter friendly space, which provides safe and convenient linkages to existing and new community and retail facilities.

- Upgrade the pedestrian railway underpass and connections between Commercial Street and Station Street.

- Where appropriate and in reference to the Korumburra Town Centre Car Parking Strategy June 2013 consider reduction or waiving of car parking provision to encourage commercial outcomes, heritage retention, alternative transport use and active frontages.

**Korumburra community hub**

- Strongly encourage the co-location of community services within the Korumburra Town Centre at the preferred Korumburra Community Hub site (existing kindergarten in Victoria St) nominated in the Korumburra Town Centre Framework Plan. Ensure the Korumburra Community Hub is designed, sited and located to:
  - Provide active uses on the ground floor at public interfaces.
  - Incorporate links to pedestrian connections between Commercial Street and Little Commercial Street.
  - Provide a generous public open space / landscape opportunity along the Little Commercial Street frontage.
  - Maintain and encourage active through-access to Victoria Street and Boston Place to maximise site frontage and accessibility.

**Further strategic work**

- Continue implementation of the recommendations of the Korumburra Town Centre Framework Plan: Framework Report October 2013 as appropriate in consultation with landowners, stakeholders and the community.

- Investigate the most appropriate zone to be applied to 4 Victoria Street (existing kindergarten and preferred Korumburra Community Hub site) based on a consideration of the land ownership, management and range of land use and activities to be accommodated on the site.

- Prepare and implement a Design and Development Overlay for the Korumburra Town Centre, especially for the Korumburra Town Centre Retail Core, in order to protect and enhance the town’s character.

- Review and implement recommendations of the South Gippsland Heritage Study 2004 relevant to the Korumburra Town Centre in consultation with affected landowners and the community.

- Investigate applying a Public Acquisition Overlay to sites in Victoria Street, King Street, Radovick and Bridge Street to facilitate consolidation of and access to major development sites, improvement of access to Little Commercial Street car parking and/or to maintain view lines.

- Investigate appropriate zoning and layout of Council-owned car parking land.

**Reference documents**

Korumburra Structure Plan, June 2014 (as amended)

Korumburra Town Centre Car Parking Strategy June 2013

Korumburra Town Centre Framework Plan Economic Assessment March 2013

South Gippsland Paths and Trails Strategy 2010 (as amended)
Infrastructure Design Manual (version 4, March 2013) (as amended)
Healthy by Design 2012 (as amended)
South Gippsland Open Space Strategy 2007(as amended)
South Gippsland Recreation Plan 2007 (as amended)
The South Gippsland Housing and Settlement Strategy, 2013
Notes:
Where Township Boundary line does not
accord with a lot boundary or road the line is
indicative and zone boundaries may vary
depending on site specific requirements.
See 'Korumburra Town Centre Framework
Plan' map on separate page.
Mirboo North

Mirboo North is the principal township in the north of the municipality. Servicing the surrounding agricultural activities and rural population are mainstays of the local economy. With its location on the Grand Ridge Road, tourism is an increasingly important economic contributor and a basis upon which future growth may be promoted. It is important that the existing character of Mirboo North be respected and that growth complements those elements that create and define the existing character of the township.
Local area implementation

- Ensure that any proposed use and development of land in Mirboo North is generally in accordance with the Mirboo North Framework Plan
- Promote Mirboo North as a sustainable community and the principal town in the north of the Shire

Settlement

- Promote higher density residential development and retirement living within a 400m radius of the existing commercially zoned land in the town centre
- Promote residential infill development and township consolidation as a priority over expansion of the townships boundaries
- Where demand can be demonstrated, promote the staged release of new residential land in a contiguous and integrated manner, providing for a range of densities that decrease with distance from the town centre

Economy

- Retain the main street for retailing and other commercial development
- Encourage new commercial and economic development opportunities that support the needs of the local community
- Promote tourism and other economic development that complements the natural environment and landscape values of the region

Landscape and built form

- Retain a compact town centre which promotes high quality urban design
- Protect and enhance the distinctive village atmosphere and picturesque location within the Strzelecki Ranges

Infrastructure

- Build upon Mirboo North’s public open space reserves to promote pedestrian and cycle friendly development with strong linkages to the town centre

Further strategic work

- Review the residential development growth options in the Mirboo North Structure Plan to provide increased certainty around future land releases
- Investigate the development of a master plan to improve the layout and function of the town centre
- Investigate the application of a planning scheme overlay to protect native vegetation within the township boundaries

Reference documents

Mirboo North Structure Plan, November 2004
Infrastructure Design Manual (version 4, March 2013) (as amended)
Healthy by Design 2012 (as amended)
South Gippsland Open Space Strategy 2007 (as amended)
South Gippsland Recreation Plan 2007 (as amended)
The South Gippsland Housing and Settlement Strategy, 2013
Foster

Foster is the principal township in the eastern half of the Shire. Foster’s close proximity to Wilsons Promontory has secured the township a leading role in the region’s growing tourism industry. Foster is also well situated to benefit from the economic activity likely to be generated from the continuing development of port related activities around Corner Inlet. With its pristine environment and open farmed landscapes, Foster is an attractive location for retirement living and ‘lifestyle change’ residential growth.

Local area implementation

- Ensure that any proposed use and development of land in Foster is generally in accordance with the Foster Framework Plan
- Consolidate Foster’s role as the key commercial and community service provider to the eastern region of the municipality

Settlement

- Promote a range of residential options that respects the small town character and landscape values of Foster
- Promote higher density residential development and retirement living within 200m radius of the existing commercially-zoned land in the town centre
Ensure that residential land release (including rural residential land) occurs in a staged, contiguous and integrated manner, with subdivision designs that respond to the topographic, landscape and environmental constraints of the land.

Discourage low density and rural residential development in areas close to the township unless the land has constraints inappropriate to higher density development.

**Environment**

Consider the impacts of climate change in recognition of Foster’s location at the frontline of rising sea levels and the demands this may make on the township as a safer alternative to coastal township development.

**Economy**

Support the expansion of the town centre to appropriate contiguous land when demand requires.

Strongly discourage the establishment of uses outside of the town centre that may weaken the primacy of the town centre.

Promote economic development that complements the social and high quality environmental values of the township.

Encourage new commercial opportunities and community functions in the town centre that support the needs of the local community.

Encourage greater tourism promotion and co-ordination within the town to build upon Foster’s role as the gateway to Wilsons Promontory.

**Landscape and built form**

Ensure a high standard of building design, layout and landscaping for all new development, particularly at the main entrance points to the town.

Protect and enhance the compact qualities of the town centre.

**Infrastructure**

Build upon Foster’s expansive public open space reserves to promote pedestrian and cycle friendly development with strong linkages to the town centre.

**Further strategic work**

Review the existing zoning of the town centre and immediate surrounds and prepare a master plan for the town centre including the area identified as ‘Potential Town Centre Expansion Investigation Areas’ in the Foster Framework Plan.

Review the extent and appropriateness of the existing Mixed Use Zone at the northern entry to the town to ensure appropriate development at the main township entry point and to control the establishment of inappropriate uses that may weaken the primacy of the town centre.

**Reference documents**

*Foster Structure Plan, 2008*

*Infrastructure Design Manual (version 4, March 2013) (as amended)*

*Healthy by Design 2012 (as amended)*

*South Gippsland Open Space Strategy 2007 (as amended)*

*South Gippsland Recreation Plan 2007 (as amended)*

*The South Gippsland Housing and Settlement Strategy, 2013*
Nyora

Nyora is a small rural township that is the closest South Gippsland Shire town to metropolitan Melbourne. Nyora is seen as a desirable lifestyle location due to its rural character and proximity to major urban centres. It is experiencing strengthening levels of population growth. Planning for the town and new residential areas needs to accommodate new infrastructure and commercial and community services that support the community’s social and employment needs whilst respecting the town’s rural character.

The Nyora Town Centre’s desired future Character Statement is as follows:

- The Nyora Town Centre area will be a pedestrian-orientated urban centre with retail, commercial and community activities that support a growing population. These activities will replace residential uses over time.

- Buildings will have minimal or no front setbacks in order to reinforce this area as the commercial centre and distinguish it from the surrounding residential areas. Built form will provide a sense of human scale and appear low rise. Pedestrian access and amenity will be facilitated by the development of footpaths, shared paths, continuous weather protection, active frontages and articulated facades along pedestrian connections. Development will provide for physical and
visual linkages to and from the surrounding residential areas and the railway reserve. It will be softened by landscaping (e.g. views of tree tops behind buildings, planting in small front setbacks).

- Any fences will be restricted in height and open-style to provide for views beyond fencing, specifically for passive surveillance. Building materials will reference country styles (e.g. through the use of timber, masonry, corrugated iron).

- Development along Mitchell Street will be built to the front boundaries with weather protection. Buildings will be closely spaced with narrow frontages. This will reinforce Mitchell Street’s role as the “main street”. It will also improve the experience for pedestrians by ensuring that there are no long stretches of building frontages.

- Advertising signage will be modest in size, scale and boldness (colour and lighting). Its visual impact will be proportional to the individual business premises (building size, business type, floor area). Signage will designed to integrate with the building. It will generally placed on building frontages and verandahs, avoiding protrusions above verandahs, roof lines or parapets. Directional signage will only be acceptable for a future supermarket. Brightly illuminated signs, Major promotion signs, Reflective signs, Panel signs, High-wall signs and Sky signs will not be seen.

**Local area implementation**

- Ensure that any proposed use and development of land in Nyora is generally in accordance with the Nyora Framework Plan.

- Ensure that residential growth and land release is staged so that the provision of essential physical, retail and community infrastructure keeps pace with development and strengthens the town’s role in providing services.

**Settlement**

- Ensure that any subdivision in the Future Residential Areas or Long Term Residential Areas identified in the Nyora Framework Plan does not occur until:
  - Reticulated sewerage can be provided to the land
  - There is an identified need for additional residential land within the township.
  - A comprehensive assessment, feasibility study and costing has been done of required development infrastructure (roads, drainage, etc) and community infrastructure
  - A Development Contributions Plan Overlay (or similar infrastructure cost recovery method) based on the above infrastructure studies, has been applied to provide equitable financial contribution towards, or the provision of, development and community infrastructure upgrades required to support new urban residential development.
  - A Development Plan Overlay has been prepared which provides for the integrated development of the entire land having regard to environmental and landscape constraints and opportunities and the town’s existing and preferred rural township character.

- Encourage infill development in the residential zoned land adjoining the Town Centre in a coordinated and integrated manner.

- Promote medium density residential development near the Town Centre to support retirement living and household downsizing.

- Discourage low density and rural residential development close to the township, unless the land has constraints that make it inappropriate for higher density development.

- Discourage development in areas susceptible to water logging
Economy

- Encourage new light industrial activities to locate within the designated industrial area in Watts Road.

- Improve the retail offer of the Town Centre.

- Consolidate and develop the Town Centre in the vicinity of Mitchell and Davis Streets as the focus for all business, community and tourist services and facilities.

- Strongly discourage residential land use and development, including subdivision, on commercial land apart from minor alterations to existing residential development that do not compromise commercial development in the Town Centre.

- Provide for the expansion of the retail, commercial and community activities in the Town Centre that support a growing population and encourage activity at the ground level of buildings.

- Ensure subdivision proposals in the Town Centre are only approved in conjunction with an approved planning permit for building development on the land.

- Strongly discourage retail development outside of the Town Centre.

- Promote the use and development of a supermarket at land in the Town Centre, preferably at the location shown on the Nyora Framework Plan, to service Nyora and surrounding area as the population grows.

Landscape and built form

- Promote residential development that complements the small rural township character of the area.

- Protect the natural environmental qualities and landscape values of the Future Residential Areas and the Long Term Residential Areas identified in the Nyora Framework Plan.

- Ensure vegetation continues as the dominant landscape feature.

- Ensure that residential land release occurs in a staged, contiguous and integrated manner with subdivision designs that respond to the topographic, landscape and environmental constraints of the land.

Infrastructure

- Ensure development contributes to provision of community services and facilities.

- Create an integrated network of pedestrian and bicycle paths linking features and facilities in and around the township in accordance with the directions of Council’s Paths and Trails Strategy 2010 (or as amended) and Melbourne Water’s *Shared Pathway Guidelines* (January 2009) as amended.

- Where residential development intensification is to occur in established areas (particularly land bounded by Hewson St, Davis St, Walters Rd and Lang Lang Poowong Road), promote development that integrates roads, pathways and utility infrastructure with adjoining areas.

Implementation

Strategies relating to the Nyora Framework Plan will be implemented by:

Policy guidelines

Requiring the following information (as appropriate) to be supplied to accompany an application to rezone land and/or to develop land in the Future Residential Areas:

- Identified need for the additional residential land within the township.
A Development Contributions Plan Overlay (or similar infrastructure cost recovery method) based on the infrastructure studies, has been applied to provide equitable financial contribution towards, or the provision of, development and community infrastructure upgrades required to support new urban residential development.

Evidence of reticulated sewerage being provided to the land in coordination with commencement of development.

A Development Plan Overlay that provides for:
- The integrated development of the entire land having regard to environmental constraints and opportunities and which demonstrates how new development will complement existing development.
- Continuation of vegetation as the dominant landscape feature.
- Built form consistent with rural township character.
- Provision of and contribution towards development infrastructure and community infrastructure within the site and within the township.

Application of zones and overlays
- Applying the Commercial 1 Zone at 2-12 Hewson Street and 29-31 Davis Street, Nyora to provide for the development of a supermarket and other commercial uses.
- Applying a Design and Development Overlay to guide the future character of the town centre as the town grows.

Further strategic work
- Rezone land in accordance with the Nyora Framework Plan at the initiation of landowners, when demand can be justified, and the policies for Nyora can be met.
- Determine the extent and cost of infrastructure works required in Nyora by doing Development and Community Infrastructure Assessment and Feasibility Studies.
- Investigate options for the future use of the VicTrack land with the view of improving public spaces, facilities and the Town Centre.
- Prepare a Stormwater Management Plan in consultation with Melbourne Water which is consistent with or exceeds the requirements of the State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO, 1999).
- In consultation with the Nyora community, investigate long term residential development options for the Farming Zone land adjoining the township boundary in the area west of Patman Drive and south of Lang Lang Poowong Road.
- Prepare an urban design plan to improve Nyora’s visual appeal and liveability.

Reference documents
Nyora Structure Plan June 2013 (as amended)
Nyora Development Strategy (2016)
South Gippsland Shire Council Paths and Trails Strategy 2010 (as amended)
Infrastructure Design Manual (version 4, March 2013) (as amended)
Healthy by Design 2012 (as amended)
South Gippsland Open Space Strategy 2007 (as amended)
South Gippsland Recreation Plan 2007 (as amended)
The South Gippsland Housing and Settlement Strategy, 2013
Loch

Nestled among rolling hills and rich agricultural land, Loch township has a moderate growth opportunity which should be supported, provided the essential compact ‘village’ character can be maintained. The heritage character and design of the built form provides a critical component to the overall image and identity of the township, and underpins both its tourism role and village atmosphere.

Local area implementation

- Promote the use and development of land in accordance with the strategic direction in the Loch Framework Plan.
- Develop Loch as a small thriving rural township with a distinctive garden village character.
Settlement

- Ensure that any subdivision in the Residential Expansion, Potential Residential Development and Low Density Residential Development areas identified in the Loch Framework Plan does not occur until:
  - Reticulated sewerage can be provided to the land.
  - A Design and Development Overlay, or similar control, has been prepared to promote new development that is complementary to the existing built form and vegetated character of the township.

Economy

- Consolidate and develop the town centre as the preferred focus for all business, community and tourist services and facilities.
- Encourage tourist services and facilities in the township.

Landscape and built form

- Retain the existing heritage character, design and built form of the buildings along Victoria Street and Smith Street (north of Victoria Street), in recognition of their contribution to the overall image of Loch.
- Conserve and enhance heritage places in the town in recognition of their contribution to the overall character of Loch.
- Promote the distinctive garden village character in Loch Ensure that new growth, infill and redevelopment maintains the town’s rural township character.

Infrastructure

- Improve community services and facilities in the township.
- Ensure that new growth and development occurs in coordination with the provision of development infrastructure.
- Consider the requirement for new or improved public infrastructure and how infrastructure is to be provided/funded when land is rezoned for residential development.
- Require new developments to connect to the reticulated sewerage system.
- Create an integrated network of shared pedestrian and bicycle paths linking features and facilities in and around the township.

Implementation

Strategies relating to the Loch Framework Plan will be implemented by:

Policy guidelines

Requiring the following information (as appropriate) to be supplied to accompany an application to rezone land and/or to develop land:

- A detailed Development Plan that includes but is not limited to:
  - The scenario of a logical development unit that is bounded by main roads, natural features or the boundaries of the Development Plan Overlay map area, including consideration of linkages with and impacts on the broader area surrounding the development.
  - A site analysis and design response for the integrated development of the entire land parcel having regard to the land’s environmental constraints (particularly areas of steep slopes and waterways) and which demonstrates how new development will complement adjoining and surrounding development.
  - Building / subdivision plans that display the proposed outcomes on the land.
- An assessment of traffic generated by the proposed building/subdivision.
- A detailed Development Infrastructure Plan (in accordance with Council’s *Infrastructure Design Manual (version 3.0 September 2010) (as amended)* that will form the basis for a developer contributions scheme to be implemented through a Development Contributions Plan Overlay or section 173.
- Agreements instigated when land is rezoned or developed to address, but not be limited to:
  - The full development scenario, including consideration to linkages with and impacts on, the broader area surrounding the development.
  - The provision of shared pathways, open space drainage and community infrastructure.
  - The timing, staging and trigger points for infrastructure provision.

**Further strategic work**
- Rezone land in accordance with the Loch Framework Plan, at the initiation of landowners, when demand can be justified, and the policies for Loch can be satisfied.
- Prepare Residential Development Design Guidelines for both existing and proposed urban residential zoned land (including the Low Density Residential Zone) within the township boundary to inform a Design and Development Overlay (DDO). The Guidelines should consider such matters and principles as, height, setbacks, site coverage, external colours and slope sensitive design that minimises the requirement for earthworks and ensure that future development will maintain the desired character and image.
- Application of a DDO, based on the Guidelines above, to promote development in keeping with the character of the township. As a priority, undertake a review and implement the recommendations of the South Gippsland Heritage Study (2004) for Loch. As part of the Heritage Review, investigate application of a Heritage Overlay to the commercially-zoned land (including the Mixed Use Zone) to protect and enhance the village character of the Town Centre.

**Reference documents**
*Loch Structure Plan June 2013 (as amended)*
*Infrastructure Design Manual (version 4, March 2013) (as amended)*
*Healthy by Design 2012 (as amended)*
*South Gippsland Open Space Strategy 2007 (as amended)*
*South Gippsland Recreation Plan 2007 (as amended)*
*The South Gippsland Housing and Settlement Strategy, 2013*
Poowong

Poowong is a small rural township located on a narrow ridgeline with panoramic views over the surrounding rural hills. Its role as a service township for the surrounding agricultural communities will continue. The town can support a limited level of population growth.

**Local area implementation**

- Promote the use and development of land in accordance with the strategic direction in the Poowong Framework Plan.

- Retain and strengthen Poowong as a small service township supporting residents and surrounding agricultural communities.

**Settlement**

- Promote residential development that respects Poowong’s rural character and landscape values.

- Ensure that residential land release occurs in a staged, contiguous and integrated manner with subdivision designs that respond to the topographic, landscape and environmental constraints of the land.

- Ensure that any residential expansion into greenfield development sites does not occur until reticulated sewerage is available.

**Economy**

- Consolidate the Town Centre on the Poowong Ranceby Road.
- Encourage and support community and commercial/retail opportunities in the Town Centre.
- Improve community, industrial and retail services, facilities and employment opportunities to support Poowong residents and visitors.
- Continue to support the operation of the abattoir and milk processing factory and other industrial business as important employment providers in Poowong.

Landscape and built form

- Promote site responsive development that respects Poowong’s rural character and landscape values.
- Protect the natural environmental qualities and landscape values of the township to retain its attraction for tourism and rural living.

Infrastructure

- Consider the requirement for new or improved public infrastructure and how infrastructure is to be provided / funded when land is rezoned for residential development.
- Improve opportunities for walking and cycling in Poowong.
- Require new developments to connect to the reticulated sewerage system.
- Promote walking and cycling around the township by providing shared walking and cycling paths between residential areas, the Town Centre and services.

Further strategic work

- Investigate introducing a development overlay control (DDO) or Development Plan Overlay (DPO) to greenfield residential land to promote subdivision and development in keeping with the small township rural character of Poowong. Controls should consider matters such as height, setbacks, site coverage, external colours and slope sensitive design that minimises the requirement for earthworks.
- Rezone land in accordance with the Poowong Framework Plan at the initiation of landowners, when demand can be justified, and the policies for Poowong can be satisfied.

Reference documents

Poowong Structure Plan June 2013 (as amended)
Infrastructure Design Manual (version 4, March 2013) (as amended)
Healthy by Design 2012 (as amended)
South Gippsland Open Space Strategy 2007 (as amended)
South Gippsland Recreation Plan 2007 (as amended)
The South Gippsland Housing and Settlement Strategy, 2013
Meeniyan

Meeniyan is a small rural town that provides retail, community and trades services to its residents and the smaller settlements in the surrounding district. Located at an important junction on the main route to Wilsons Promontory, Meeniyan’s tourism role as ‘Gateway to the Prom’ is boosted by its arts, culture and food attractions.

Local area implementation

- Promote the use and development of land in accordance with the strategic direction provided in the Meeniyan Framework Plan.
- To retain Meeniyan as a small rural town that offers a quality lifestyle for its residents.

Settlement

- Promote a range of residential options that respects the small town character and landscape values of Meeniyan.
- Promote medium density residential development near the commercial centre to support retirement living and smaller household opportunities.
- Ensure that residential land release occurs in a staged, contiguous and integrated manner with subdivision designs responding to the topographic, landscape and environmental constraints of the land.

**Economy**
- Retain Meeniyan as a provider of retail, community and trades services to its residents and the smaller surrounding settlements in the region.
- Consolidate commercial development in the Town Centre precinct, from the intersection of Whitelaw Street and Geale Street to the intersection of Whitelaw Street and Ross Street.
- Support the development of service industrial uses on the Meeniyan - Nerrena Road to the north of the township and in appropriately zoned locations on the South Gippsland Highway.
- Encourage the development of tourist accommodation in Meeniyan.
- Encourage the development of music, arts, culture and food services in Meeniyan.

**Landscape and built form**
- Promote housing diversity to support a range of household types and retirement living opportunities.
- Promote site responsive development that respects the small town character and landscape values of Meeniyan.

**Infrastructure**
- Require new developments to connect to the reticulated sewerage system.
- Consider the requirement for new or improved public infrastructure and how infrastructure is to be provided / funded when land is rezoned for residential development.

**Further strategic work**
- Rezone land in accordance with the Meeniyan Framework Plan at the initiation of landowners, when demand can be justified, and the Objectives and Strategies for Meeniyan can be satisfied.

**Reference documents**

*Meeniyan Structure Plan June 2013 (as amended)*
*Infrastructure Design Manual (version 4, March 2013) (as amended)*
*Healthy by Design 2012 (as amended)*
*South Gippsland Open Space Strategy 2007 (as amended)*
*South Gippsland Recreation Plan 2007 (as amended)*
*The South Gippsland Housing and Settlement Strategy, 2013*
Venus Bay

Future population growth in Venus Bay, when required, will be promoted within the existing zoned land and in the growth areas defined on the Venus Bay Framework Plan. It will provide low end convenience facilities and rely on Tarwin Lower and Leongatha for access to major retail, industrial and commercial facilities. Simple urban forms, low rise development and the natural bushland setting will continue to characterise the appearance of the village.

Local area implementation

- Ensure that any proposed use and development of land in Venus Bay is generally in accordance with the Venus Bay Estate 1 and Estate 2 Framework Plans.

Settlement

- Discourage development in areas susceptible to erosion.
- Maintain the current housing density.
- Limit projected residential growth to the long term development areas identified on the Venus Bay Framework Plan.
- Encourage the ongoing use and development of the Special Use Zone for the purpose of a caravan park.
Discourage uses in the Special Use Zone which compromise the purpose of the zone.

Ensure that any expansion into the long term development areas identified on the *Venus Bay Framework Plan* does not occur until the following Development Prerequisites have been met:

- A significant proportion of vacant lots within the Township Zone and Low Density Residential Zone have been developed.
- Reticulated water and sewerage is available.
- Further investigation is undertaken to confirm the extent of potential problems associated with acid sulfate soils and flooding.
- Further investigation is undertaken to confirm the location of sites of recognised cultural and heritage significance.
- Further investigation is undertaken to confirm the location of sites of recognised environmental significance.

**Environment**

- Ensure that each site is capable of on-site waste disposal that does not prejudice groundwater quality.
- Maintain areas of indigenous and native vegetation where possible in new development.
- Protect the environmental values of Anderson Inlet and Cape Liptrap Coastal Park.

**Landscape and built form**

- Maintain the low key holiday character of the village and preserve the different styles of each estate.
- Maintain the rural buffer between the first, second and third estates of Venus Bay as well as between Venus Bay and Tarwin Lower.
- Encourage the use of best practice water sensitive urban design measures for new developments.
- Promote ecologically sustainable and attractive forms of development that complement the natural environmental characteristics of Venus Bay.

**Further strategic work**

- Investigate a flood study for Venus Bay to inform a local policy or overlay control within the planning scheme. The study should include a reference to climate change impacts.
- Review the suitability of planning controls to land potentially affected by flooding, acid sulfate soils and sites of known cultural heritage significance. Amend or develop new controls as appropriate.
- Develop a Master Plan, which clearly defines the boundaries of commercial development, and planning controls to ensure that the design of commercial areas is consistent with preferred town character.
- Investigate rezoning land to the south of Jupiter Boulevard, Venus Bay, from Township Zone to Commercial 1 Zone as shown in the Venus Bay Framework Plan in order to focus the commercial use and development into a central precinct and reduce these uses amongst residential uses.
- Investigate rezoning the Commercial 1 Zone land in Black Avenue in Venus Bay Estate 2 to Township Zone, in order to recognise and support the existing role of the commercial area in Venus Bay Estate 1.

**Reference documents**

*Venus Bay Urban Design Framework: Settlement Background Paper (2006)*
SOUTH GIPPSLAND PLANNING SCHEME

Infrastructure Design Manual (version 4, March 2013) (as amended)
Healthy by Design 2012 (as amended)
South Gippsland Open Space Strategy 2007 (as amended)
South Gippsland Recreation Plan 2007 (as amended)
The South Gippsland Housing and Settlement Strategy, 2013

Venus Bay - Estate 1 Framework Plan

[Map Image]

Venus Bay is an area of known significant Aboriginal Cultural Heritage. New development must have due regard to known and potential Aboriginal Cultural Heritage.

Venus Bay - Estate 2 Framework Plan

[Map Image]

Note: This is an area of known significant Aboriginal Cultural Heritage. New development must have due regard to known and potential Aboriginal Cultural Heritage.
Waratah Bay

There is an opportunity to capitalise on the unique views and nature based recreation opportunities in and around Waratah Bay. Views of Waratah Bay, Wilson’s Promontory and Cape Liptrap Coastal Park are key features of the area. Flora and fauna, cultural and landscape values and nature based recreation will be promoted and supported. Future population growth will be promoted within the existing zoned land and in the growth areas defined on the Waratah Bay Framework Plan when required. It will rely on Foster and Leongatha for access to major retail, industrial and commercial facilities.

Local area implementation

- Ensure that any proposed use and development of land in Waratah Bay is generally in accordance with the Waratah Bay Framework Plan

Settlement

- Maintain current housing density
- Ensure that any expansion into the long term development areas identified on the Waratah Bay Framework Plan does not occur until the following Development Prerequisites have been met:
  - a significant proportion of vacant lots within the Township Zone and Low Density Residential Zone has been developed
  - reticulated water and sewerage is made available
  - further investigation is undertaken to confirm the extent of potential problems associated with flooding
  - further investigation is undertaken to confirm the location of sites of recognised cultural heritage significance
  - further investigation is undertaken to confirm the location of sites of recognised environmental significance
  - plans are included to minimise the visual impact from key viewing locations, particularly town approaches and high points in the coastal landscape

Environment

- Protect the environmental values of Cape Liptrap Coastal Park, the beaches and flora and fauna in and around Waratah Bay
- Promote Waratah Bay as the gateway to Cape Liptrap Coastal Park and as a tourist destination for nature-based recreation
- Promote environmentally sustainable principles within the coastal hamlet
- Develop a network of habitat corridors and vegetation linkages throughout the town

Economy

- Maintain the low level of commercial development within the hamlet

Landscape and built form

- Maintain areas of indigenous and native vegetation in new development
- Protect the identified landscape values of the area including the views across Waratah Bay, Wilson’s Promontory and Cape Liptrap Coastal Park by:
  - maintaining the rural buffer between Waratah Bay and Sandy Point
  - maintaining the low-key, unobtrusive coastal character of the hamlet
Further strategic work

- Rezone land at Waratah Avenue and Caringal Street, Waratah Bay, known as Lots 1, 2 and 3 of LP147252, from Farming Zone to Rural Conservation Zone, in order to better protect the environmental significance of the area.

- Develop and implement a planning scheme response to achieve design objectives relating to built form, building heights, siting, setbacks, site coverage, materials, colours, fencing, landscaping treatments and soil disturbance and vegetation retention.

- Define long term development areas in Waratah Bay through implementation of the *Waratah Bay Framework Plan*.

Reference document


*Infrastructure Design Manual (version 4, March 2013) (as amended)*

*Healthy by Design 2012 (as amended)*

*South Gippsland Open Space Strategy 2007 (as amended)*

*South Gippsland Recreation Plan 2007 (as amended)*

*The South Gippsland Housing and Settlement Strategy, 2013*

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**Sandy Point**

Future population growth in Sandy Point, when required, will be promoted within the existing zoned land and in the growth areas defined on the Sandy Point Framework Plan. The town will rely on Foster and Leongatha for access to major retail, industrial and commercial facilities. Simple urban forms, low rise development and the natural bushland setting will continue to characterise the appearance of the area.

**Local area implementation**

- Ensure that any proposed use and development of land in Sandy Point is generally in accordance with the *Sandy Point Framework Plan*. 
Settlement

- Maintain the current housing density
- Promote long term development areas in locations which maintain pedestrian accessibility to the nearby foreshore and commercial centre
- Ensure that any expansion into the long term development areas identified on the Sandy Point Framework Plan does not occur until the following development prerequisites have been met:
  - a significant proportion of vacant lots within the Township Zone and Low Density Residential Zone have been developed
  - reticulated water and sewerage is available
  - further investigation is undertaken to confirm the extent of potential problems associated with acid sulfate soils and flooding
  - further investigation is undertaken to confirm the location of sites of recognised cultural and heritage significance
  - further investigation is undertaken to confirm the location of sites of recognised environmental significance

Landscape and built form

- Maintain the low key, holiday character of the village
- Promote development that respects and enhances the coastal character of the village
- Maintain the rural buffer between Sandy Point and Waratah Bay
- Promote environmentally-sustainable principles within the village, including the use of best practice water sensitive urban design measures for new developments

Further strategic work

- Implement a planning scheme response to achieve design objectives relating to built form, building heights, siting, setbacks, site coverage, materials, colours, fencing, landscaping treatments and soil disturbance and vegetation retention

Reference documents

Infrastructure Design Manual (version 4, March 2013) (as amended)
Healthy by Design 2012 (as amended)
South Gippsland Open Space Strategy 2007 (as amended)
South Gippsland Recreation Plan 2007 (as amended)
The South Gippsland Housing and Settlement Strategy, 2013
Tarwin Lower

Future population growth for Tarwin Lower will be promoted within the existing zoned land and in the growth areas defined on the Tarwin Lower Framework Plan following detailed investigation of site constraints such as flooding and acid sulphate soils. Unobtrusive development will continue to demonstrate the low key character of the hamlet.

Local area implementation

- Ensure that any proposed use and development of land in Tarwin Lower is generally in accordance with the Tarwin Lower Framework Plan
- Promote Tarwin Lower as an important local centre serving the needs of the local community and tourists in the southern portion of the Shire

Settlement

- Maintain the current housing density
- Encourage infill development of suitable vacant lots within the Township Zone and Low-Density Residential Zone
- Ensure that any expansion into the long term development areas identified on the Tarwin Lower Framework Plan does not occur until the following Development Prerequisites have been met:
  - a significant proportion of vacant lots within the Township Zone and Low Density Residential Zone have been developed
  - reticulated water and sewerage is made available
  - further investigation is undertaken to confirm the extent of potential problems associated with flooding
  - further investigation is undertaken to confirm the location of sites of recognised cultural heritage significance
  - further investigation is undertaken to confirm the location of sites of recognised environmental significance
Environment
- Protect the environmental values of the Tarwin River environment and Anderson Inlet
- Maintain areas of indigenous and native vegetation where possible in new development

Economy
- Focus new commercial and industrial use and development within the existing commercial precinct in Evergreen Road between Walkerville Road and School Road
- Discourage commercial and industrial use and developments within the residential areas

Landscape and built form
- Maintain the low-key rural character of Tarwin Lower
- Encourage development that enhances the character of the commercial precinct
- Maintain the rural buffer between Tarwin Lower and Venus Bay
- Promote environmentally sustainable principles including the use of best practice water sensitive urban design measures for new developments

Further strategic work
- When demand can be demonstrated, investigate rezoning land defined for urban and residential purposes on the Tarwin Lower Framework Plan, subject to the detailed investigation of issues including the extent of flooding and acid sulfate soils
- Review the suitability of planning controls relating to land potentially affected by acid sulfate soils and develop amended or new controls as appropriate

Reference documents
Infrastructure Design Manual (version 4, March 2013) (as amended)
Eastern District towns (Port Franklin, Toora, Welshpool and Port Welshpool) and localities (Mt Best, Agnes and Hedley)

The Eastern District has a network of small towns and localities with a range of roles and services designed to cater for the needs of residents and visitors to the Shire. The towns are Port Franklin, Toora, Welshpool and Port Welshpool. The localities are Mt Best, Agnes and Hedley.

Local area implementation

- To provide an attractive and safe residential environment and strengthen the economic future of the small towns within the Shire.

Settlement

- Promote the use and development of land in accordance with the strategic guidance provided in the Eastern District Urban Design Framework Plans.

Economy

- Encourage economic development, particularly in relation to tourism and industry.
- Identify the Town Centres of Toora and Welshpool as the preferred focus for commercial services and facilities in those towns.
- Encourage small-scale tourism within the Township Zone in Toora, Welshpool Port Welshpool and Port Franklin.
- Encourage medium-scale tourism, compatible with any environmental constraints, in the precinct in the Township Zone in the vicinity of Long Jetty at Port Welshpool.

Landscape and built form

- Promote ecologically sustainable and attractive forms of development that complement the natural and built environmental characteristics of the small coastal towns.
- Encourage development that is sympathetically designed and located so as to protect the environmental and landscape values of the surrounding area.
- Conserve and enhance heritage places, in particular along Stanley Street Toora, in recognition of their contribution to the overall image of the Eastern District towns and localities.

Infrastructure

- Improve community services and facilities in the township.
- Discourage development in the absence of reticulated sewerage at Port Franklin.

Further strategic work

- Rezone land in accordance with the Port Franklin, Toora, Welshpool and Port Welshpool Land Use Frameworks, and the Urban Design Frameworks for Mt Best, Agnes and Hedley.
- Review zonings, overlays and investigation areas in accordance with the Land Use Frameworks and Urban Design Frameworks for Port Franklin, Toora, Welshpool and Port Welshpool, and the Urban Design Frameworks for Mt Best, Agnes and Hedley.
- Develop and implement urban design actions for the improvement of the visual image of Port Franklin, Toora, Welshpool and Port Welshpool in accordance with the Eastern District Urban Design Frameworks.

- Undertake a review and implement the recommendations of the South Gippsland Heritage Study (2004) for the Eastern District towns and localities. As part of the Heritage Review, investigate application of a Heritage Overlay to Stanley Street properties to protect and enhance the heritage character of Toora’s Town Centre.

Reference documents

Eastern District Urban Design Frameworks (January 2012)

Infrastructure Design Manual (version 4, March 2013) (as amended)

Healthy by Design 2012 (as amended)

South Gippsland Open Space Strategy 2007 (as amended)

South Gippsland Recreation Plan 2007 (as amended)

The South Gippsland Housing and Settlement Strategy, 2013
Port Franklin Framework Plan

SOUTH GIPPSLAND PLANNING SCHEME

Urban Zoned land
Open Space / Public Use / Education & Environmental Areas
Restructure Overlay Investigation Area
Township Boundary
Waterway
Township Gateway

SUPPORT TOURISM OPPORTUNITIES:
1. Bowen Street & Fishermans Way Precinct

INSERT MAP:

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Small towns

South Gippsland Shire’s small towns contain a range of roles and services designed to cater for the needs of residents and visitors to the Shire. It is important to maintain an attractive and safe residential environment and to strengthen the economic future of the small towns within the Shire.

Settlement

- Maintain Walkerville, Walkerville North and the Promontory Views Estate as principally unserviced holiday destinations

Economy

- Encourage small towns to identify niche business sectors that can be used to exploit the tourist market
- Encourage aquaculture and other marine related activities at Port Welshpool
- Encourage self-contained tourist development at Yanakie
- Promote equine related land uses between Stony Creek and Meeniyan
- Discourage any further commercial development in the Walkerville, Walkerville North and Promontory Views Estate area apart from non-retail commercial facilities which are aimed at the tourist market and which could be readily confined to a house or residential property
Ensure that prior to approval of any rezoning proposal that the sealing of Aerodrome Road leading to Leognatha Airport is completed to the satisfaction of Council and any agreement relevant to the property.

In the Koonwarra Agriculture Services Precinct:
- Promote a range of agricultural service related uses that support the local economy.
- Strongly discourage the establishment of uses typically required to service urban communities.
- Ensure development responds to the high visual amenity of the locality and the precinct’s prominent location on a highway tourist route.

**Landscape and built form**
- Promote ecologically sustainable and attractive forms of development that complement the natural environmental characteristics of the small coastal towns
- Encourage sympathetically designed and sited development to protect the environmental and landscape values of the surrounding area
- Improve the visual amenity of the western entrance to Fish Creek

**Further strategic work**
- Develop policies and actions for the future development of Yanakie and the surrounding area, recognising the importance of Yanakie’s strategic location in respect to Wilson’s Promontory
- Undertake detailed planning in the Cape Liptrap area to ensure preservation of its complex and unique plant communities
- Develop local structure plans for each town to coordinate future development in and around the towns
- Investigate options to provide low cost reticulated sewerage to all small towns
- Develop stormwater management plans for all towns
- Investigate applying a Restructure Overlay over old Crown township areas:
  - west of Meeniyan
  - south of Toora in the vicinity of Grip Road
  - west of Port Franklin
  - west of Stony Creek
  - north east of Fish Creek
  - west of Hedley
- Investigate the future use of the railway land within the town centre of Meeniyan
- Investigate formally closing the old alignment of the South Gippsland Highway – Stony Creek Road in Stony Creek
- Investigate rezoning of land between Stony Creek township and racecourse to Low Density Residential Zone and Rural Living
- Investigate the rezoning of land to the west of Koonwarra to Low Density Residential or Rural Living Zone
- Investigate the rezoning of the Leongatha Airport for uses which complement and build upon these existing precincts while not compromising the industrial areas in Leongatha
- Rezone Council owned land adjacent to the waste management facility in Koonwarra-Inverloch Road to Public Conservation Resource Zone to recognise its significant vegetation and habitat.

Reference documents

* Infrastructure Design Manual (vers 4, March 2013) (as amended)
* Healthy by Design 2012 (as amended)
* South Gippsland Open Space Strategy 2007 (as amended)
* South Gippsland Recreation Plan 2007 (as amended)
* The South Gippsland Housing and Settlement Strategy, 2013

**Landscape character areas**

The *Coastal Spaces Landscape Assessment Study* (2006) assessed the coastal landscapes of the Shire and identified six perceptibly different Character Areas. These are shown on the Landscape Character Areas map and described in this Clause. Further detail, including Landscape Management Guidelines, is found in the *Coastal Spaces Landscape Assessment Study: South Gippsland Municipal Reference Document* (2006).

**Character Area 1.3 – Bunurong coast and hinterland**

This area includes the diverse and rugged Bunurong coastline between Kileunda and Inverloch in Bass Coast Shire, and a largely cleared, rolling pastoral hinterland extending inland to the Strzelecki Range and east to Cape Liptrap (including the Bald Hills) in South Gippsland Shire. Along the Bass Strait coast, high sand dunes, sea cliffs, rocky headlands, rock stacks and beaches are valued landscape features. The immediate hinterland is largely undeveloped and in part supports native heathy vegetation in coastal reserves. Further inland, open grazing land is interspersed with corridors of native vegetation (especially riparian reserves and at roadsides), exotic windbreaks, farmhouses and settlements.
Landscape and built form

- Retain clear views of the coastal dunes, cliffs and formations from coastal areas coastal roads
- Maintain the dominance of the natural landscape along the coastline, on hill slopes visible from main roads and settlements and prominent slopes adjoining Anderson Inlet
- Protect and enhance the character of the near-coastal hinterland by encouraging the progressive revegetation of rural land adjoining coastal reserves, and by siting developments at long setback distances from the coast and out of view of key viewing locations,
- Maintain extensive rural character outside settlements by siting new development long distances apart, back from roads and amongst vegetation, and siting large-scale built development within or close to existing built areas to avoid dominance of built form over the open pastoral hinterland

Reference Documents

The South Gippsland Housing and Settlement Strategy, 2013

Character Area 1.4 – Tarwin Floodplain

This area comprises a wetland environment with very flat topography surrounding the Tarwin River Estuary and part of Anderson Inlet, primarily used for agricultural purposes. The area extends inland to include the flood plains of the Bald Hill Creek and Fish Creek and their confluence with the Tarwin River. Open views are experienced throughout owing to lack of topographic and vegetative screening.

Landscape and built form

- Protect locally significant views and vistas which contribute to the character of the Area, particularly expansive, open out views between Tarwin Lower and Venus Bay, and open views across Anderson Inlet
- Protect the flats between Townsend Bluff and Tarwin Lower from visually dominant development
- Retain the sense of uncluttered openness throughout the Character Area
- Where development on the flats cannot be avoided, use low scale building forms and appropriate materials and colours that are not highly visible, particularly from main road corridors

Reference Documents

The South Gippsland Housing and Settlement Strategy, 2013

Character Area 1.5 – Waratah Bay/Corner Inlet

This low-lying, flat area covers a long stretch of varied coastline at the gateway to Wilsons Promontory. The area exhibits a strong and open rural character wedged between the dramatic topographies of the lower Strzelecki Range and Wilsons Promontory. Scenic coastal landforms and extensive views to the Promontory provide valued visual links to natural landscapes. To the north, the Strzelecki Range and Mount Hoddle form the boundary and create prominent landscape features adjoining the flat plains. Low density development is scattered throughout, with several small lifestyle settlements on the coast and medium sized rural towns in the east.
Landscape and built form

- Protect the rural character and views that create a scenic ‘gateway’ to Wilsons Promontory (especially along Foster – Promontory Road), by restricting linear urban sprawl or the cluttering of built development
- Ensure that long stretches of the coastal strip remain free of development of any kind
- Reduce the visibility of buildings or structures, within the coastal strip, outside settlements
- Carefully manage development at the Corner Inlet coastal edge to retain intact natural coastal character by restricting heights of dwellings, controlling colours and clustering development at already developed centres (e.g. Port Welshpool)
- Contain linear residential expansion of Waratah Bay along access road and avoid exposure of built form above low dunes
- Minimise clutter of built elements throughout hinterland areas to protect the rural character

Reference Documents

The South Gippsland Housing and Settlement Strategy, 2013

Character Area 2.3 – Cape Liptrap

This elevated area consists of a broad rocky headland with a flat undulating plateau creating a unique landscape unit extending from Cape Liptrap to the township of Waratah Bay. Natural landscape features include rugged coastal cliffs. Beaches are scenic and valued elements of the area and intact coastal vegetation communities dominate the few small settlements that occur along the Waratah Bay edge. Historic built elements including Cape Liptrap Lighthouse and limestone kilns at Walkerville add character to the wild natural landscapes.

Landscape and built form

- Maintain the dominance of the natural landscape and vegetation on hill faces and ridges throughout Cape Liptrap
- Preserve the landscape setting for landmarks or features of cultural heritage significance, such as the Cape Liptrap Lighthouse and limestone kilns at Walkerville
- Control the design and siting of development in Walkerville / Walkerville South by:
  - minimising visual intrusion of development into public use areas on the beach
  - maintaining continuous indigenous vegetation canopy
  - reducing distant visibility through the use of darker colours / non-reflective materials
- Ensure development on private land adjoining the coast is set back from the cliff top / coast so as to retain a dominant natural character and views to coastal and near-coastal hinterland features

Reference Documents

Character Area 3.2 – Welshpool hills and Mount Hoddle

This hilly area stretches from Waratah Bay almost to Yarram and is part of the Strzelecki Range landform that extends inland to Warragul and west to the Bass Hills. The southern edge rises sharply from flat coastal plains forming the topographic ‘amphitheatre’ setting to Corner Inlet. Mount Hoddle and the Welshpool Hills are prominent and regionally significant landforms that are highly visible backdrops to coastal and coastal hinterland areas from Yarram to Waratah Bay, while Mount Hoddle is visible as far west as Tarwin Lower and Venus Bay. Much of the area has a cultural landscape quality of cleared land and exotic vegetation and there is a distinct absence of built elements in prominent locations, with the exception of a large wind energy facility in the hills above Toora.

Landscape and built form

- Ensure ridge tops and visually prominent hill faces are largely kept free of development, particularly slopes visible from the coast and coastal hinterland such as between Mount Hoddle and the municipal boundary with Wellington Shire.
- Encourage development to be tucked into in the inland rolling topography and away from prominent viewing locations and skylines.
- Ensure large scale infrastructure is sited out of the coastal viewshed wherever possible and away from prominent locations.

Reference Documents

The South Gippsland Housing and Settlement Strategy, 2013

Character Area 4.1 – Venus Bay dunes

Extending from Point Smythe at the mouth of Anderson Inlet almost to Cape Liptrap, this area contains large coastal dune landforms extending for up to one kilometre inland. A large portion of the area is reserved as part of Cape Liptrap Coastal Park and, with the exception of the sprawling settlement of Venus Bay in the north, is undeveloped. South of Venus Bay, the area is largely inaccessible except by four-wheel drive. The high dunes are a background landscape feature to the inland agricultural plains for much of the length of the area.

Landscape and built form

- Retain the natural and undeveloped character of the Bass Strait coastal edge by avoiding buildings and structures outside the settlements.
- Enhance the dominant vegetated character of the Venus Bay Peninsula as viewed from Anderson Inlet.
- Ensure buildings are integrated with their surroundings by using darker colours and landscaping around dwellings to minimise contrast and distant visibility, particularly on the eastern edge of the Character Area.

Reference Documents

The South Gippsland Housing and Settlement Strategy, 2013
REFERENCE DOCUMENTS

The following strategic studies have informed the preparation of this planning scheme. All relevant material has been included in the Scheme. Decision-makers should use these for background research only. Material in these documents that potentially provides policy guidance on decision-making but which is not specifically referred to by the Scheme, should not be given any weight.

- Corner Inlet Dynamic Storm Tide Modelling Assessment – Water Technology June 2014
- Draft Guidelines for the Assessment of Heritage Planning Applications (Heritage Victoria, 2000)
- Foster Structure Plan, (2008)
- Giant Gippsland Earthworm Environmental Significance Overlay Reference Document, (September 2015)
- Gippsland Regional Waste Management Plan (Gippsland Regional Waste Management Group, 1999) (as amended)
- Healthy by Design ®. A guide to planning environments for active living in Victroia, Melbourne: National Heart Foundation of Australia, updated June 2012 (as amended), National Heart Foundation of Australia (Victroia Division)
- Infrastructure Design Manual (version 4, March 2013)( as amended)
- Korumburra Structure Plan (June 2014) (as amended)
- Korumburra Town Centre Car Parking Strategy, June 2013
- Korumburra Town Centre Framework Plan Economic Assessment, March 2013
- Korumburra Milk Processing Plant Buffer Assessment (Burra Foods) November 2014
- Leongatha CBD Parking Strategy (2013) (as amended)
- Leongatha Industrial Land Supply Study (2013) (as amended)
- Nyora Structure Plan (2013)
- Nyora Development Strategy (2016)
- Regional Sand Extraction Strategy: Lang Lang to Grantville (1996, Department of Infrastructure)
- Rural Tourism Development Strategy (2009)
- Safer Design Guidelines for Victoria 2005
- South Gippsland Eastern District Urban Design Frameworks January 2012 (as amended)
- South Gippsland Heritage Study (2004)
- South Gippsland Shire Heritage Study Amendment C92 Heritage Citations April 2014
- South Gippsland Housing and Settlement Strategy, 2013 (as amended)
- South Gippsland Municipal Public Health and Wellbeing Plan (as amended)
- South Gippsland Open Space Strategy 2007 (as amended)
- South Gippsland Rural Land Use Strategy, (2011)
- South Gippsland Shire Council Paths and Trails Strategy (2010) (as amended)
- South Gippsland Recreation Strategy, (2007, as amended)
- Tourist Signing Guidelines – Information for Tourism Businesses (VicRoads, 2009) (as amended)
- Water Supply Catchment Development and Land Use Guidelines (South Gippsland Water, 2012)
ADVERTISING SIGNS

This policy applies to all advertising signs that require a permit.

Policy basis

Clause 21.09-3 of the Municipal Strategic Statement identifies the need for signs to be designed and located so that they enhance the appearance of urban, rural and coastal areas of the Shire. Advertising signs should not only be effective in advertising a product or promoting a business or event, but also complement the surrounding environment. The inappropriate design or placement of signs can have a significant effect on the visual amenity of an area.

Objectives

- To encourage signs that will enhance the visual amenity of the built and natural environment
- To ensure that signs relate to the use and development of land on which they are located
- To ensure that signs do not interfere with the safety and efficiency of a road, railway or other public way

Policy

It is policy to:

- strongly discourage signs that do not relate to the use or development of the land on which they are sited (third party promotion signs)
- ensure that the size, design and colour of signage do not detract from the visual amenity of the surrounding environment
- ensure that the location, design and size of signage compliments the architectural character of the building on which it is fixed
- ensure that the sign does not dominate the building on which it is fixed or the land on which it is sited
- discourage signs above parapets, fascias or rooflines of buildings
- limit the number of suspended under-verandah signs per shopfront to ensure both equity to shop owners and visibility

Application requirements

An application for a sky sign, panel sign or major promotion sign must be accompanied by a streetscape perspective showing the relationship of the proposed sign to the existing building or site, surrounding buildings or land and other signage in the immediate vicinity.

Performance measures

It is policy to assess proposals against the following performance measures:

- signs should not obscure architectural features and detailing, windows and door openings or verandahs, particularly on buildings of identified heritage significance or in Heritage Overlay areas
- suspended under-verandah signs should be limited to one per shopfront, except on large premises where the limit should be one per ten (10) metres of shopfront
- above-verandah signs should not be mounted directly to a verandah, but mounted to the building upper fascia or parapet at right angles to the road
- signs should not project above the skyline or profile of a building
- home occupation signs should not be illuminated or exceed one (1) square metres in size
- Pole signs should not exceed the building height of adjacent buildings or project over a footpath or road formation.

Proposals that do not meet these criteria may still meet the objectives of the policy.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines at Clause 52.05, the responsible authority will consider, as appropriate:

- Whether the sign relates to the use and development of the land on which it is proposed to be located.
- Whether the existing signage on the building or land is adequate.
INDUSTRIAL DEVELOPMENT

This policy applies to all industrial development that requires a permit.

Policy basis
Clause 21.11-1 of the Municipal Strategic Statement refers to the need to improve the appearance and overall amenity of industrial areas to make these areas more attractive to new industries seeking to establish within the Shire. The appearance and function of industrial areas can be improved by applying particular attention to the layout of the site, building materials, proximity of complementary uses and landscaping. All industrial development is encouraged to incorporate responsive environmental design standards for improved energy efficiency.

Objectives
- To encourage well designed industrial development, which is safe and functional in its layout
- To encourage industrial development that does not detract from the amenity of surrounding area
- To ensure that industrial development is designed and constructed to responsive environmental design standards

Policy
It is policy to:
- Encourage all new buildings and building additions to incorporate passive solar and energy efficient design principles in their siting and design
- Ensure that new buildings and building additions are designed so that their height and bulk enhances the visual amenity of the surrounding area
- Ensure that new industrial development is provided with adequate parking, loading, servicing and storage facilities
- Ensure that new industrial development responds to the environmental context and addresses drainage, waste management and all forms of pollution
- Ensure that new industrial development considers infrastructure and any adverse impacts on existing neighbouring uses
- Ensure new industrial development considers freight connections and other important transport networks
- Consider the standards and design as set out in the Infrastructure Design Manual (vers 4, March 2013, as amended)

Application Requirements
An application for development must be accompanied by the following information, as appropriate:
- A site analysis indicating:
  - built form and scale of development on adjoining land
  - variation in ground levels between the site and adjoining land
  - location and height of walls built to the boundary on adjoining sites
  - solar access enjoyed by surrounding developments

Performance measures
It is policy to assess proposals against the following criteria:
- External finishes of walls and roofs of buildings should be brick, stone, concrete, colour impregnated steel cladding or other non-reflective material
- A minimum two metre wide strip of landscaping should be provided along the front title boundary (principal road frontage) of the site
- The area of the site between the landscaping strip and building envelope should be designated for customer car parking
- Staff car parking areas should be located at the rear of the site
- External storage areas should be located at the rear of the site
- Car parking and access areas, including loading & unloading areas, should be sealed with an all weather surface, such as asphalt, concrete, brick pavement or other similar treatment
- Car parking areas should be designed so that vehicles are able to enter and exit the site in a forward motion
- External storage areas should be surfaced in either a gravel or all-weather surface such as asphalt, concrete or other similar treatment
- External storage areas should be screened from view from adjoining sites or nearby roads through the use of landscaping or fencing
- Fencing along the frontage of the site should be a minimum of fifty percent (50%) transparent, not exceed 1.8 metres in height and be constructed out of non-reflective materials
- Landscaping should be provided on each site which:
  - is used in place of fencing along the frontage
  - is low maintenance
  - uses indigenous vegetation
  - screens areas where visibility for safety is not essential
  - defines areas of pedestrian and vehicular movement
- On-site infiltration trenches, incorporated into landscaping areas, should be used to minimise stormwater run-off from the site
- Stockpiles should be located at least 10 metres away from drainage lines and surrounded by batter(s) and silt fences
- Buildings should be setback from the frontage generally in line with the setback of buildings on adjoining properties
- Where no adjoining buildings exist, buildings should be setback no closer than seven metres to the frontage of the site
- Buildings should be designed and sited to maximise the use of natural light and solar energy
- North-facing windows should be maximised to improve solar efficiency
- Sites adjacent a General Residential or Township Zone containing residential development should be landscaped along the boundaries to screen the activities on the site

Proposals that do not meet these criteria may still meet the objectives of the policy

**Decision guidelines**

Before deciding on an application, the responsible authority will consider, as appropriate:
- any adopted outline development or concept plan that applies to the subject land
- the layout of the development and building materials proposed to be used
• whether the development incorporates energy efficient principles in its siting and design
• the impact of the development on the solar access enjoyed by adjoining development
• the design and treatment of car parking, access and loading areas
• the type and extent of landscaping proposed
• the findings and recommendations of the Leongatha Industrial Land Supply Study, 2013 (as amended)
INTERIM TELECOMMUNICATIONS CONDUIT POLICY

This policy appears where a permit is required for the subdivision of land.

Policy Basis

The Federal Government has undertaken to provide broadband telecommunication access to 90% of the Australian population through the installation of optical fibre cables. Optical fibre provides increased data carrying capacity and will allow for faster access to multimedia services, larger data files and new telecommunication tools.

Providing underground conduit infrastructure for optical fibre cables in new subdivisions before the completion of development is efficient, cost effective and provides infrastructure ready to meet the needs of communities.

Objectives

To ensure the provision of a network of open access conduits for optical fibre cabling to facilitate broadband telecommunication services in a timely, efficient and cost effective manner.

Policy

It is policy that:

- New subdivisions are provided with open access underground conduits to carry optical fibre at the development stage. This may be waived if the responsible authority considers provision is unwarranted.
- All subdivision applications include a plan showing the conduit network for the subdivision, to the satisfaction of the responsible authority.
- Conduits are provided in accordance with a plan approved by the responsible authority.
- Subdivision permits include a condition requiring the conduit and associated infrastructure to be protected from damage to the satisfaction of the responsible authority.
- Ownership of a conduit will vest in Council, and may be transferred to another agency or a telecommunications carrier at a later date.
- Where a conduit crosses private land, an easement may be required in favour of Council.
HERITAGE
This policy applies to all heritage places included in the Heritage Overlay

Policy Basis
This policy builds on Clause 21.09-1 of the Municipal Strategic Statement to protect and conserve identified heritage places in the Shire. The management and development of heritage places will assist in conserving or revealing the heritage significance of the place.

Objectives
- To ensure that the future conservation, development and management of heritage places is guided by the reasons for their significance as set out in the South Gippsland Heritage Study (2004)
- To ensure that the cultural significance of heritage places identified by the South Gippsland Heritage Study (2004) is not diminished by:
  - the loss of any fabric which contributes to the significance of the heritage place
  - inappropriate new development
- To promote the conservation of heritage places in accordance with the principles and procedures recommended by the Australian ICOMOS Charter for the Conservation of Places of Cultural Significance (the Burra Charter)

Policy
Where a permit is required to demolish a building or part of a building, it is policy to:
- Discourage the demolition of a building that contributes to the significance of a heritage place
- Discourage the demolition of part of a building unless it can be demonstrated that, as appropriate:
  - The fabric to be removed is not of primary significance and its removal will not adversely affect the significance of the place
  - It will assist in the long term conservation of the place
  - In the case of an industrial heritage place, it will facilitate the historic use of the place and will not result in the loss of fabric considered to be of primary significance

Where a permit is required for development or works, it is policy to:
- Encourage development that assists in revealing the significance of the place
- Discourage development that would alter, destroy or conceal any fabric that contributes to its significance, except where it can be demonstrated that any alteration is reversible
- Ensure that the siting, size, height, setback, materials, form and colour of new development are sympathetic to the elements that contribute to the significance of a heritage place, including its context
- Ensure that new development can be distinguished from old and, whilst being sympathetic, does not simply mimic or copy an earlier style

Application requirements
An application for development of a heritage place must be accompanied by the following information, as appropriate:
- A report prepared by a suitably qualified heritage consultant, which assesses the impact of the application upon the significance of the heritage place. This report should:
  - Include a Site Analysis which:
· describes the significant elements of the place having regard to the relevant citation in the South Gippsland Heritage Study (2004)

· demonstrates how the significant elements of the place have been considered in the preparation of the application

- For applications that include demolition, provide an assessment of whether the fabric is significant and, if so, why it is to be removed

- Provide an assessment of how the application will affect the significance of the heritage place

Note: It is possible that there may be significant fabric not specifically identified by the South Gippsland Heritage Study (2004). Any additional fabric identified should be noted and assessed as part of the report.

Decision Guidelines
Before deciding on an application, in addition to the decision guidelines in the heritage overlay, the responsible authority will consider, as appropriate:

· The significance of the heritage place as described in the South Gippsland Heritage Study (2004)

· Whether the proposed buildings or works will assist in revealing significance or will adversely affect the cultural significance of the heritage place

· Whether the proposed demolition, buildings, works or subdivision will assist in the short or long term conservation of the place by:
  - maintaining, protecting, restoring, repairing or stabilizing significant fabric
  - supporting the continued original use of the building by enabling it to be upgraded to meet present day requirements and standards, including improved energy efficiency
  - allowing an alternative use (where this is permitted by the zoning or in accordance with the Heritage Overlay Schedule) when the original use of the building is no longer viable

· Whether the proposed buildings or works will have an adverse effect upon a significant tree identified by the South Gippsland Heritage Study (2004), or any tree that contributes to the setting of a heritage place

References
South Gippsland Heritage Study (2004)

Draft Guidelines for the Assessment of Heritage Planning Applications (Heritage Victoria, 2000)

The Burra Charter: The Australia ICOMOS Charter for the Conservation of Places of Cultural Heritage Significance 1999
RURAL DWELLINGS

This policy applies to applications for the use and development of dwellings in the Farming Zone

Policy basis

South Gippsland Shire contains some of the most productive agricultural areas in Victoria and provides a substantial proportion of Victoria’s milk as well as beef, prime lamb and vegetables. Agriculture and its associated processing and service industry underpin the Shire’s economy. The future outlook for agriculture in the Shire is strong with the advantages of high rainfall, soil and land types suited to producing a wide range of agricultural commodities. With issues of climate change and water scarcity at hand, there is likely to be increasing demand for the Shire’s high quality agricultural land from producers in less fertile areas. Existing farming activities in the Shire will need to have the capacity to grow and expand and will require access to affordable land unencumbered by unwanted infrastructure.

The settlement and subdivision history of the Shire has left a legacy of small lots scattered amongst larger farming lots. There are approximately 12,000 lots in the Farming Zone, including a large number of small lots in old Crown Townships and remnant vacant lots arising from early subdivisions. These lots are often isolated, or in strips along road sides and surrounded by agricultural uses. Multi-lot farms (tenements) are the most common structure of land tenure in the Shire, with commercially viable production areas being formed by the aggregation of smaller lots.

The Shire’s significant environmental and landscape assets make the area attractive for rural residential lifestyles. The northern and western areas of the Shire are particularly popular for rural living, primarily due to the proximity to Melbourne and the area’s attractive pastoral and forested landscapes. There is a significant level of ad hoc rural lifestyle development already in the rural areas of the Shire. The conversion of agricultural land into rural residential land use activities results in a net loss to agriculture due to permanent land use changes. In the absence of a planned approach to rural residential development, detrimental impacts on the landscape, environmental and agricultural values of the Shire may arise.

Objectives

- To discourage the proliferation of dwellings not associated with agriculture on lots over 4.1 hectares
- To discourage the proliferation of dwellings on lots over 4.1 hectares where the agricultural use of the land does not require the presence of a land manager
- To ensure that the development of dwellings on rural land does not prejudice existing agricultural activities on surrounding land
- To ensure that agricultural land is maintained for the cost-effective production of food and raw materials
- To retain the open farmed landscape as the defining visual characteristic of the Shire
- To ensure the cost-effective servicing of towns and communities across the Shire by avoiding the impacts of a dispersed population base
- To provide a consistent basis for considering planning permit applications for the use and development of dwellings in rural areas

Policy

Development of dwellings on lots in association with or without Agriculture

The use and development of dwellings where not genuinely required for the ongoing operation of a commercial agricultural activity can have adverse implications on agricultural output through the conversion of land to residential or hobby-farm use. Applications will therefore require substantial demonstration that any new dwelling on a lot of over 4.1 hectares is genuinely required for the enhancement and ongoing growth of agricultural production in South Gippsland.
It is policy that:

- The grant of a permit for a dwelling in the Farming Zone is strongly discouraged unless any of the following apply:
  - The dwelling is proposed for rural-residential purposes on a lot less than 4.1 hectares
  - The dwelling is proposed in association with agriculture on a lot greater than 4.1 hectares in area
  - The dwelling is proposed on a lot that is predominantly occupied by remnant Native Vegetation (remnant vegetation or regrowth over 15 years old and at least 50% cover)
- It must be clearly demonstrated that the dwelling on a lot over 4.1 hectares is genuinely required to carry out a long-term agricultural activity on the land
- New dwellings on lots over 4.1 hectares will only be approved in order to support rural activities and production and are not to meet rural lifestyle objectives that may be in conflict with the rural use of the land
- An application for a dwelling on a lot over 4.1 hectares must demonstrate net benefit to agricultural productivity on the land
- Development of the land for the purposes of a dwelling should be compatible with and not adversely impact upon:
  - Any existing agricultural activities on surrounding land
  - The environmental characteristics of the surrounding area
  - The rural character and landscape values of the area, including visual impact
  - Natural systems, water quality or water quantity in the locality
- Dwellings in association with Extensive Animal Husbandry (grazing), and calf rearing, on lots between 4.1 to 40 hectares are strongly discouraged
- Dwellings in association with agricultural activities on lots over 4.1 hectares other than Extensive Animal Husbandry (grazing), or calf rearing will be assessed taking into account the following:
  - Whether a dwelling is reasonably required on the land having regard to the size, intensity and ongoing nature of the proposed agricultural activity
  - Whether the dwelling is secondary to the use of the land for agriculture (as opposed to the agricultural activity being secondary to the use of the land for a dwelling)
  - Whether the land requirements of the proposed agricultural activities compromise the commercial agricultural activities of the existing farm through a reduction in the size of the existing farm, which may include a tenement or multi-lot holding
  - Whether the agricultural activity can be reasonably managed from an off-site location
  - Whether the objectives of planning will be assisted by the use of permit conditions or section 173 Agreements to require the construction of supporting agricultural infrastructure

**Development of second and subsequent dwellings**

In assessing an application for a second or subsequent dwelling on a lot or in connection with a multi-lot farming property, in addition to the requirements above it is policy that:

- Second and subsequent dwellings on lots less than 40 hectares will be strongly discouraged
- Second and subsequent dwellings on multi-lot farming properties should be located on the same lot as the existing dwelling
- Consideration be given to the need for consolidation of existing lots in order to ensure that the dwelling(s) remain connected to the agricultural use of the land
Consideration be given to the need for a section 173 Agreement to prevent the excision of the dwelling from the land through subdivision

**Development of dwellings in association with native vegetation and biodiversity outcomes**

It is policy that:

- Dwellings in association with the management of biodiversity and native vegetation on lots less than 40 hectares will only be supported where all of the following circumstances apply:
  - The lot is predominantly occupied by remnant native vegetation or regrowth at least 15 years old, where there is no or highly limited potential for an agricultural activity to occur
  - There is no or limited native vegetation removal required to facilitate the construction of a dwelling with associated bushfire protection measures, including those required to implement the defendable space and vehicle access requirements of the planning scheme

- Where a permit is granted, a condition of the permit will require that the landowner enter into a section 173 Agreement or similar binding mechanism for the developments and implementation of a land management plan which provides for the ongoing protection and management of the native vegetation and biodiversity on site. This will also include the ongoing vegetation management associated with maintaining defendable space

**Development of lots in old Crown townships / settlements**

It is policy that:

- A permit must not be granted to use land for a dwelling under Section 2 of the Table of uses to Clause 35.07-1 if the lot is within an historic Crown township or settlement. This includes the following Farming Zone areas:
  - Welshpool/ Hedley
  - Port Franklin
  - Hoddle
  - Whitelaw
  - Newcastle
  - Bennison
  - Jeetho
  - Jumbunna
  - Outtrim

**Application Requirements**

An application for a dwelling must include:

- A site analysis outlining notable features of the site and surrounding area including topography, vegetation, existing buildings and works, roads (made and unmade), utility services, easements, soil type and other relevant features

- A whole farm plan with any application to use and develop a lot for a dwelling in association with an agricultural activity

- A report that addresses this policy

- A detailed set of plans, drawn to scale, showing:
  - Site layout, including property access
  - Floor plans and elevations
- External building materials and colours
- Location of wastewater system and effluent fields

Policy reference

South Gippsland Rural Land Use Strategy, 2011

Reference Documents

Infrastructure Design Manual (Vers 4, March 2013) (as amended)
Healthy By Design 2012 (as amended)
The South Gippsland Housing and Settlement Strategy, 2013
RURAL SUBDIVISION

This policy applies to applications to subdivide and re-subdivide land in the Farming Zone

Policy basis

The rural areas of South Gippsland have experienced a high level of land fragmentation, arising from both historical settlement patterns and less stringent planning policies under earlier planning schemes. Left unchecked, further fragmentation through land subdivision could have considerable implications for agricultural production, landscape, and the servicing of populations in outlying areas.

The agricultural sector dominates the economy of South Gippsland, with food production and processing accounting for significant employment. With high quality soils and generous rainfall relative to other parts of the State, this sector is likely to continue to dominate the local economy and further expand as farmers and processors seek secure land for the production of food and materials. It is necessary that farmers have access to sufficient areas of land to carry out food and fibre production in a cost-effective manner. The subdivision of land into smaller lots, including house lot excisions, can have ongoing implications for the supply of affordable agricultural lots by driving up land prices beyond the productive value of the land.

South Gippsland already has a considerable supply of lots at a range of sizes, such that further subdivision for genuine agricultural reasons will rarely be necessary. Many areas that have experienced high levels of fragmentation may require consolidation or re-structure through boundary realignments in order to create economically competitive land units. Likewise, expanding farming businesses may find it necessary to remove surplus dwellings from the land through house lot excisions. There is a compelling need for clear and robust planning criteria around such practices in order to ensure the fair, sustainable and economic use and development of rural land.

Objectives

- To limit the further fragmentation of rural land by subdivision.
- To ensure that lots resulting from subdivision are of a sufficient size to be of benefit to agricultural production
- To encourage the consolidation of rural lots
- To limit the cumulative impact of house lot excisions, including serial small lot subdivisions
- To ensure that house lot excisions are undertaken for legitimate reasons related to agriculture
- To provide a consistent basis for considering planning permit applications for the subdivision of rural land

Policy

Subdivision of land to accommodate an existing dwelling

The following policy identifies that the excision of a dwelling through subdivision can take place by either of two methods. Firstly, through the re-subdivision of existing lots such that the number of lots does not increase, or secondly through the creation of an additional lot on the land such that the number of lots is increased.

It is policy that:

- Any proposal for the subdivision of land to accommodate an existing dwelling must demonstrate that:
  - The existing dwelling is no longer reasonably required for the carrying out of agricultural activities in the long term
  - There are beneficial agricultural outcomes for the land by excising the dwelling
- The excision of the dwelling is compatible with and will not reduce the potential for farming or other legitimate rural land uses on the land, adjoining land and the general area

- Any proposal for the excision of an existing dwelling must be undertaken by the re-subdivision of existing land titles where that potential exists. Former road reserves, lots under 49 hectares created by consolidation or other subdivision process not requiring a planning permit, and historic lots on former inappropriate Crown settlements and townships, may not be used for this purpose

A permit that approves the excision of an existing dwelling by re-subdivision where the balance (remaining) lot is less than 40 hectares will contain a condition requiring that the landowner enter into an agreement under section 173 of the Act that prevents the development of any additional dwelling on the balance lot

- Where the application seeks to excise a dwelling by increasing the number of lots:
  - There must be no opportunity available for re-subdivision of the balance lot(s)
  - The subject dwelling proposed for excision must have existed on the land on or before 16 December 1999
  - The balance (remaining) lot must be greater than 40 hectares in area

- Where a dwelling has been excised from the land since 29 May 2009, further subdivision (by any method) to accommodate another existing dwelling from that land will be strongly discouraged

- An application proposing an area of greater than 2 hectares for the dwelling lot will be strongly discouraged

- Excisions that result in ‘axe-handle’ or island style lots will be strongly discouraged

- A house lot excision that is likely to lead to a concentration of lots that would change the general use and character of the rural area will be strongly discouraged

- An adequate distance must be maintained around dwellings to limit impacts on agricultural activities

Re-subdivision of existing lots without a dwelling

Applications to re-subdivide land for purposes other than house lot excisions will be assessed in accordance with the criteria below:

It is policy that:

- An application to re-subdivide existing lots must demonstrate that the proposal enhances existing or proposed agricultural activities

- An application to create a lot under 4.1 hectares is not permitted unless for the purposes of a non residential use. A permit that approves a lot under 4.1 hectares must contain a condition requiring that the landowner enter into an agreement under section 173 of the Act that prevents the development of any dwelling on the lot

Application Requirements

An application to subdivide land must include:

- A site analysis outlining notable features of the site and surrounding area including topography, orientation, slope, vegetation, existing buildings and works, roads (made and unmade), utility services, easements, soil type and other relevant features

- A report that addresses this policy

- A proposed plan of subdivision drawn to scale showing proposed boundaries, lot sizes and dimensions
Policy reference

*South Gippsland Rural Land Use Strategy, 2011*

Reference Documents

*Infrastructure Design Manual (vers 4, March 2013) (as amended)*

*Healthy by Design 2012 (as amended)*

*The South Gippsland Housing and Settlement Strategy, 2013*
RURAL ACTIVITY ZONE

This policy applies to all land within the Rural Activity Zone

Policy Basis

The South Gippsland Rural Land Use Strategy (2011) noted that a range of tourism based uses could be considered or encouraged in the area identified for the application of the Rural Activity Zone (RAZ).

In the RAZ, all new dwellings on lots under 40 hectares will require a permit. As the RAZ is primarily to provide for agriculture and compatible uses it does not seek to provide for rural residential outcomes on lots above 4.1 hectares. Increased dwelling development will ultimately compromise the values of the areas identified for application of the RAZ as suitable for agriculture and rural-based tourism. The land within the RAZ is already substantially subdivided and to avoid further fragmentation of land, boundary realignments and re-subdivision will be assessed against the subdivision policy in this clause. In terms of uses, the types of tourism activities to be promoted are to be primarily accommodation and low key activities in conjunction with agriculture rather than activities which could readily be accommodated in nearby towns.

Policy Objectives

- To promote and encourage a diverse range of agricultural activities
- To promote and encourage tourism use and development that is compatible with agricultural production and the environmental attributes of the area
- To discourage uses that can be reasonably accommodated in an urban zone
- To protect the rural character of the Shire by minimising the visual intrusion of new buildings on the natural landscape
- To encourage the retention of productive agricultural land
- To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture

Policy

Land Use

It is policy that:

The following land uses are encouraged in the RAZ if decision guidelines in the RAZ and this local policy are met:

- Agriculture
- Leisure and recreation
- Group accommodation associated with tourist or recreational activities (including backpacker accommodation, camping and caravan park, cabins, residential hotel / motel etc)
- Restaurant (but only in association with a tourist / recreational activity)
- Primary Produce sales
- Winery

The following uses are discouraged in the RAZ:

- Cattle feedlot
- Convenience shop
- Intensive animal husbandry
- Landscape and gardening supplies
Manufacturing sales other than products made from local rural produce

Place of assembly where land is used for more than 10 days in a calendar year

Hotel

Store

Tavern

Timber production

**RAZ Dwellings**

Dwellings on lots 4.1 hectares or less in size are encouraged if in conjunction with a separate tourism venture on the lot. The location of the dwelling on the lot will be considered against whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.

Dwellings on lots over 4.1 hectares will be considered in the RAZ based on the decision guidelines of the Zone:

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses
- Dwellings in association with Extensive Animal Husbandry (grazing), and calf rearing, on lots between 4.1 and 40 hectares will not be supported

It is policy that:

When considering a permit application for the construction of a dwelling, the landowner is required to enter into an agreement under section 173 of the Act to prevent the subdivision of the lot containing the dwelling

**RAZ Subdivision**

**Subdivision of land to accommodate an existing dwelling**

The following policy identifies that the excision of a dwelling through subdivision can take place by either of two methods. Firstly, through the re-subdivision of existing lots such that the number of lots does not increase, or secondly through the creation of an additional lot on the land such that the number of lots is increased

It is policy that:

- Any proposal for the subdivision of land to accommodate an existing dwelling must demonstrate that:
  - The existing dwelling is no longer reasonably required for the carrying out of agricultural activities in the long term
  - There are beneficial agricultural outcomes for the land by excising the dwelling
  - The excision of the dwelling is compatible with and will not reduce the potential for farming or other legitimate rural land uses on the land, adjoining land and the general area

- Any proposal for the excision of an existing dwelling must be undertaken by the re-subdivision of existing land titles where that potential exists. Former road reserves, lots under 49 hectares created by consolidation or other subdivision process not requiring a planning permit, and historic lots on former inappropriate Crown settlements and townships, may not be used for this purpose
A permit that approves the excision of an existing dwelling by re-subdivision where the balance (remaining) lot is less than 40 hectares will contain a condition requiring that the landowner enter into an agreement under section 173 of the Act that prevents the development of any additional dwelling on the balance lot.

- Where the application seeks to excise a dwelling by increasing the number of lots:
  - There must be no opportunity available for re-subdivision of the balance lot(s)
  - The subject dwelling proposed for excision must have existed on the land on or before 16 December 1999
  - The balance (remaining) lot must be greater than 40 hectares in area

- Where a dwelling has been excised from the land since 29 May 2009, further subdivision (by any method) to accommodate another existing dwelling from that land will be strongly discouraged

- An application proposing an area of greater than 2 hectares for the dwelling lot will be strongly discouraged

- Excisions that result in ‘axe-handle’ or island style lots will be strongly discouraged

- A house lot excision that is likely to lead to a concentration of lots that would change the general use and character of the rural area will be strongly discouraged

- An adequate distance must be maintained around dwellings to limit impacts on agricultural activities

**Re-subdivision of existing lots without a dwelling**

Applications to re-subdivide land for purposes other than house lot excisions will be assessed in accordance with the criteria below

It is policy that:

- An application to re-subdivide existing lots must demonstrate that the proposal enhances existing or proposed agricultural activities

- An application to create a lot under 4.1 hectares is not permitted unless for the purposes of a non residential use. A permit that approves a lot under 4.1 hectares should contain a condition requiring that the landowner enter into an agreement under section 173 of the Act that prevents the development of any additional dwelling on the lot

**Application Requirements**

An application to subdivide land must include:

- A site analysis outlining notable features of the site and surrounding area including topography, orientation, slope, vegetation, existing buildings and works, roads (made and unmade), utility services, easements, soil type and other relevant features

- A report that addresses this policy

**Policy Decision Guidelines**

All applications for use or development including subdivision and buildings and works will be assessed according to the policy objectives of this clause

All applications for use or development should be:

- Of modest scale, that is relevant to the land size, surrounding uses and the ability to blend with the landscape

- Subservient to the landscape so as not to detract from the quality of the landscape;

- Capable of net gain environmental outcomes,
- An application will be required to demonstrate how the proposal will be self-sufficient in the provision of relevant infrastructure and associated development costs

**Policy reference**

*South Gippsland Rural Land Use Strategy, 2011*

**Reference Documents**

*Infrastructure Design Manual (vers 4, March 2013) (as amended)*

*Healthy by Design 2012 (as amended) The South Gippsland Housing and Settlement Strategy, 2013 (as amended)*
RELATIONSHIP TO THE PLANNING POLICY FRAMEWORK

Clauses 21 and 22 of this planning scheme (the Local Planning Policy Framework) form part of the Planning Policy Framework. Where a provision of this planning scheme requires consideration of the Planning Policy Framework, that consideration must include Clauses 21 and 22.

A reference in this planning scheme, including any incorporated document, to the:

- State Planning Policy Framework or the Local Planning Policy Framework is to be taken to be a reference to the Planning Policy Framework.
- Planning Policy Framework is to be taken to include the Local Planning Policy Framework.
OPERATION OF THE MUNICIPAL STRATEGIC STATEMENT

The Municipal Strategic Statement (MSS) is a concise statement of the key strategic planning, land use and development objectives for the municipality and the strategies and actions for achieving the objectives. It furthers the objectives of planning in Victoria to the extent that the State Planning Policy Framework is applicable to the municipality and local issues. It provides the strategic basis for the application of the zones, overlays and particular provisions in the planning scheme and decision making by the responsible authority.

The MSS provides an opportunity for an integrated approach to planning across all areas of council and should clearly express links to the corporate plan. The MSS is dynamic and enables community involvement in its ongoing review. The MSS will be built upon as responsible authorities develop and refine their strategic directions in response to the changing needs of the community.

When preparing amendments to this planning scheme and before making decisions about permit applications, planning and responsible authorities must take the MSS into account.
OPERATION OF THE LOCAL PLANNING POLICIES

Local Planning Policies are tools used to implement the objectives and strategies of the Municipal Strategic Statement.

A Local Planning Policy is a policy statement of intent or expectation. It states what the responsible authority will do in specified circumstances or the responsible authority’s expectation of what should happen. A Local Planning Policy gives the responsible authority an opportunity to state its view of a planning issue and its intentions for an area. A Local Planning Policy provides guidance to decision making on a day to day basis. It can help the community to understand how the responsible authority will consider a proposal. The consistent application of policy over time should achieve a desired outcome.

When preparing amendments to this planning scheme and before making decisions about permit applications, planning and responsible authorities must take any relevant Local Planning Policy into account.
ZONES

This section sets out the zones which apply in this scheme.
### LOW DENSITY RESIDENTIAL ZONE

Shown on the planning scheme map as **LDRZ** with a number (if shown).

**Purpose**

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

To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

### Table of uses

**Section 1 - Permit not required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td></td>
<td>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Must meet the requirements of Clause 52.22-2.</td>
</tr>
<tr>
<td>Dependent person's unit</td>
<td>Must be the only dependent person's unit on the lot.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 32.03-2.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td>Must be the only dwelling on the lot.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 32.03-2.</td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<tr>
<td></td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>

**Section 2 - Permit required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Community care accommodation, Dependent person's unit and Dwelling)</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Agriculture (other than Animal production, Apiculture, Domestic animal husbandry and Racing dog husbandry)</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>Car park</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Car wash</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Convenience restaurant</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Convenience shop</td>
<td></td>
</tr>
<tr>
<td>Dependent person’s unit – if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 32.03-2.</td>
</tr>
<tr>
<td>Domestic animal boarding</td>
<td></td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast) – if the Section 1 condition is not met</td>
<td>Must result in no more than two dwellings on the lot.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 32.03-2.</td>
</tr>
<tr>
<td>Food and drink premises (other than Convenience restaurant)</td>
<td></td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus and Nightclub)</td>
<td></td>
</tr>
<tr>
<td>Plant nursery</td>
<td></td>
</tr>
<tr>
<td>Service station</td>
<td>The site must either:</td>
</tr>
<tr>
<td></td>
<td>• Adjoin a commercial zone or industrial zone.</td>
</tr>
<tr>
<td></td>
<td>• Adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td></td>
<td>The site must not exceed either:</td>
</tr>
<tr>
<td></td>
<td>• 3000 square metres.</td>
</tr>
<tr>
<td></td>
<td>• 3600 square metres if it adjoins on two boundaries a road in a Road Zone.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Store</td>
<td>Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.</td>
</tr>
</tbody>
</table>

Utility installation (other than Minor utility installation and Telecommunications facility)

Any other use not in Section 1 or 3

Section 3 – Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement parlour</td>
</tr>
<tr>
<td>Animal production (other than Grazing animal production)</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
</tr>
<tr>
<td>Industry (other than Car wash)</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
<tr>
<td>Nightclub</td>
</tr>
<tr>
<td>Office (other than Medical centre)</td>
</tr>
<tr>
<td>Retail premises (other than Convenience shop, Food and drink premises, Market and Plant nursery)</td>
</tr>
<tr>
<td>Saleyard</td>
</tr>
<tr>
<td>Stone extraction</td>
</tr>
<tr>
<td>Transport terminal</td>
</tr>
<tr>
<td>Warehouse (other than Store)</td>
</tr>
</tbody>
</table>

Use for one or two dwellings or a dependent person’s unit

A lot may be used for one or two dwellings provided the following requirements are met:

- Each dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from each dwelling must be treated and retained within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

- Each dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity, to the satisfaction of the responsible authority.

- Each dwelling must be connected to a reticulated electricity supply or have an alternative energy supply to the satisfaction of the responsible authority.

These requirements also apply to a dependent person’s unit.

Subdivision

Permit requirement

A permit is required to subdivide land.
Each lot must be at least the area specified for the land in a schedule to this zone. Any area specified must be at least:

- 0.4 hectare for each lot where reticulated sewerage is not connected. If no area is specified each lot must be at least 0.4 hectare.
- 0.2 hectare for each lot with connected reticulated sewerage. If no area is specified each lot must be at least 0.2 hectare.

A permit may be granted to create lots smaller than 0.4 hectare if the subdivision:

- Excises land which is required for a road or a utility installation.
- Provides for the re-subdivision of existing lots and the number of lots is not increased.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
</tbody>
</table>

**Buildings and works**

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

- A building or works associated with a use in Section 2 of Clause 32.03-1.
- An outbuilding which has dimensions greater than those specified in a schedule to this zone.

This does not apply to structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $100,000 where:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>- The building or works is not associated with a dwelling.</td>
<td></td>
</tr>
<tr>
<td>- The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:</td>
<td></td>
</tr>
<tr>
<td>- A10 Side and rear setbacks.</td>
<td></td>
</tr>
<tr>
<td>- A11 Walls on boundaries.</td>
<td></td>
</tr>
</tbody>
</table>
### Class of application

<table>
<thead>
<tr>
<th>Class of application</th>
</tr>
</thead>
<tbody>
<tr>
<td>- A12 Daylight to existing windows.</td>
</tr>
<tr>
<td>- A13 North-facing windows.</td>
</tr>
<tr>
<td>- A14 Overshadowing open space.</td>
</tr>
<tr>
<td>- A15 Overlooking.</td>
</tr>
</tbody>
</table>

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

---

### Application requirements

#### Subdivision

An application must be accompanied by a site analysis, documenting the site in terms of land form, vegetation coverage and the relationship with surrounding land, and a report explaining how the proposed subdivision has responded to the site analysis. The report must:

- In the absence of reticulated sewerage, include a land assessment which demonstrates that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.

- Show for each lot:
  - A building envelope and driveway to the envelope.
  - Existing vegetation.
  - In the absence of reticulated sewerage, an effluent disposal area.

- Show how the proposed subdivision relates to the existing or likely use and development of adjoining and nearby land.

- If a staged subdivision, show how the balance of the land may be subdivided.

---

### Decision guidelines

#### General

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


#### Subdivision

- The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.

- The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.

- In the absence of reticulated sewerage:
- The capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.

- The benefits of restricting the size of lots to the minimum required to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria).

- The benefits of restricting the size of lots to generally no more than 2 hectares to enable lots to be efficiently maintained without the need for agricultural techniques and equipment.

- The relevant standards of Clauses 56.07-1 to 56.07-4.

### Signs

Sign requirements are at Clause 52.05. This zone is in Category 3.
SCHEDULE 1 TO CLAUSE 32.03 LOW DENSITY RESIDENTIAL ZONE

Shown on the planning scheme map as LDRZ.

1.0 Subdivision requirements

<table>
<thead>
<tr>
<th>Land</th>
<th>Area (hectares)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum subdivision area (hectares)</td>
<td>None specified</td>
</tr>
</tbody>
</table>

2.0 Outbuilding permit requirements

Dimensions above which a permit is required to construct an outbuilding (square metres)

None specified.
MIXED USE ZONE

Shown on the planning scheme map as MUZ with a number (if shown).

Purpose

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

To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.

To provide for housing at higher densities.

To encourage development that responds to the existing or preferred neighbourhood character of the area.

To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

Objectives

A schedule to this zone may contain objectives to be achieved for the area.

Table of uses

Section 1 – Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art gallery</td>
<td></td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td></td>
<td>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Must meet the requirements of Clause 52.22-2.</td>
</tr>
<tr>
<td>Dependent person’s unit</td>
<td>Must be the only dependent person’s unit on the lot.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td></td>
</tr>
<tr>
<td>Food and drink premises</td>
<td>The leasable floor area must not exceed 150 square metres.</td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td>The gross floor area must not exceed 250 square metres.</td>
</tr>
<tr>
<td>Museum</td>
<td></td>
</tr>
<tr>
<td>Office (other than Medical centre)</td>
<td>The leasable floor area must not exceed 250 square metres.</td>
</tr>
<tr>
<td>Place of worship</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
</tbody>
</table>
## Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Community care accommodation,</td>
<td></td>
</tr>
<tr>
<td>Dependent person’s unit, Dwelling, Residential aged care facility and</td>
<td></td>
</tr>
<tr>
<td>Rooming house</td>
<td></td>
</tr>
<tr>
<td>Agriculture (other than Animal production, Apiculture, Domestic</td>
<td></td>
</tr>
<tr>
<td>animal husbandry and Racing dog husbandry)</td>
<td></td>
</tr>
<tr>
<td>Domestic animal boarding</td>
<td></td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>– if the Section 1 condition is not met</td>
<td></td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Materials recycling and Transfer station)</td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation)</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Art gallery, Carnival, Circus, Museum</td>
<td></td>
</tr>
<tr>
<td>and Place of worship)</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Food and drink premises and Shop)</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and</td>
<td></td>
</tr>
<tr>
<td>Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

## Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex product shop</td>
</tr>
<tr>
<td>Animal production (other than Grazing animal production)</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
</tbody>
</table>
Use

Materials recycling
Transfer station
Stone extraction

32.04-3
31/07/2018
VC148

Use for industry, service station and warehouse

Amenity of the neighbourhood

The use of land for an industry, service station or warehouse must not adversely affect the amenity of the neighbourhood, including through:

- The transport of materials or goods to or from the land.
- The appearance of any stored materials or goods.
- Traffic generated by the use.
- Emissions from the land.

32.04-4
31/07/2018
VC148

Subdivision

Permit requirement

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

<table>
<thead>
<tr>
<th>Class of subdivision</th>
<th>Objectives and standards to be met</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 or more lots</td>
<td>All except Clause 56.03-5.</td>
</tr>
<tr>
<td>16 – 59 lots</td>
<td>All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.</td>
</tr>
<tr>
<td>3 – 15 lots</td>
<td>All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.</td>
</tr>
<tr>
<td>2 lots</td>
<td>Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.</td>
</tr>
</tbody>
</table>

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
</tbody>
</table>
Class of application

Subdivide land into lots each containing an existing building or car parking space where:

- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.
- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.

Subdivide land into 2 lots if:

- The construction of a building or the construction or carrying out of works on the land:
  - Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.
  - Has started lawfully.
- The subdivision does not create a vacant lot.

### Construction and extension of one dwelling on a lot

#### Permit requirement

A permit is required to construct or extend one dwelling on a lot of less than 300 square metres. A development must meet the requirements of Clause 54.

#### No permit required

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

#### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct an outbuilding or extend a dwelling if the development:</td>
<td>Clause 59.14</td>
</tr>
<tr>
<td>- Does not exceed a building height of 5 metres.</td>
<td></td>
</tr>
<tr>
<td>- Is not visible from the street (other than a lane) or a public park.</td>
<td></td>
</tr>
</tbody>
</table>
Class of application | Information requirements and decision guidelines
--- | ---

- Meets the requirements in the following standards of Clause 54:
  - A10 Side and rear setbacks.
  - A11 Walls on boundaries.
  - A12 Daylight to existing windows.
  - A13 North-facing windows.
  - A14 Overshadowing open space.
  - A15 Overlooking.

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

---

**Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

**Permit requirement**

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

A permit is not required to construct one dependent person’s unit on a lot.

**Transitional provisions**

Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 58 does not apply to:
An application for a planning permit lodged before the approval date of Amendment VC136.

An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building.</td>
<td>Clause 59.03</td>
</tr>
</tbody>
</table>

**Requirements of Clause 54 and Clause 55**

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

**Residential aged care facility**

**Permit requirements**

A permit is required to construct a building or construct or carry out works for a residential aged care facility.

A development must meet the requirements of Clause 53.17 - Residential aged care facility.

**Buildings and works associated with a Section 2 use**

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $100,000 where:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>- The building or works is not associated with a dwelling.</td>
<td></td>
</tr>
<tr>
<td>- The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:</td>
<td></td>
</tr>
<tr>
<td>- A10 Side and rear setbacks.</td>
<td></td>
</tr>
</tbody>
</table>
## Class of application

- A11 Walls on boundaries.
- A12 Daylight to existing windows.
- A13 North-facing windows.
- A14 Overshadowing open space.
- A15 Overlooking.

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

### Buildings on lots that abut another residential zone

Any buildings or works constructed on a lot that abuts land which is in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone, or Township Zone must meet the requirements of Clauses 55.03-5, 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary.

This does not apply to a building or works for a residential aged care facility.

### Maximum building height requirement

A building must not be constructed that exceeds the maximum building height specified in a schedule to this zone.

A building may exceed the maximum building height specified in a schedule to this zone if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height of the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.
- It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.
- It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.
- It is a residential aged care facility and the maximum building height in the schedule to the zone is less than 16 metres.

An extension to an existing building may exceed the maximum building height specified in a schedule to this zone if it does not exceed the building height of the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

The maximum building height requirement in this zone or a schedule to this zone applies whether or not a planning permit is required for the construction of a building.
Building height if land is subject to inundation

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Application requirements

General

Any application requirements specified in a schedule to this zone.

Use for industry and warehouse

Unless the circumstances do not require, an application to use land for an industry or warehouse must be accompanied by the following information:

- The purpose of the use and the types of activities to be carried out.
- The type and quantity of materials and goods to be stored, processed or produced.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
- How land not required for immediate use is to be maintained.
- The likely effects, if any, on the neighbourhood, including noise levels, traffic, air-borne emissions, emissions to land and water, light spill, glare, solar access and hours of operation (including the hours of delivery and dispatch of materials and goods).

Buildings and works associated with a Section 2 use

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A site analysis and descriptive statement explaining how the proposal responds to the site and its context.
- Plans drawn to scale and dimensioned which show:
  - The layout of proposed buildings and works.
  - An elevation of the building design and height.
  - Setbacks to property boundaries.
  - All proposed access and pedestrian areas.
  - All proposed driveway, car parking and loading areas.
  - Existing vegetation and proposed landscape areas.
  - The location of easements and services.

Exemption from notice and review

Subdivision

An application for subdivision is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.
Other applications

A schedule to this zone may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Decision guidelines

General

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

- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy facilities on dwellings on adjoining lots in a Mixed Use Zone or Residential Growth Zone.

Use for industry, service station and warehouse

- The effect that existing uses on adjoining or nearby land may have on the proposed use.
- The design of buildings, including provision for solar access.
- The availability and provision of utility services.
- The effect of traffic to be generated by the use.
- The interim use of those parts of the land not required for the proposed use.
- Whether the use is compatible with adjoining and nearby land uses.
- For non-residential uses, the proposed hours of operation, noise and any other likely off-site amenity impacts.

Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

Construction and extension of one dwelling on a lot

- The objectives, standards and decision guidelines of Clause 54.

Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

- For two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.
- For an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.

Signs

Sign requirements are at Clause 52.05. This zone is in Category 3 unless a schedule to this zone specifies a different category.
SCHEDULE TO CLAUSE 32.04 MIXED USE ZONE

Shown on the planning scheme map as MUZ.

SOUTH GIPPSLAND MIXED USE AREAS

1.0

Objectives

None specified.

2.0

Clause 54 and Clause 55 requirements

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum street setback</td>
<td>A3 and B6</td>
<td>None specified</td>
</tr>
<tr>
<td>Site coverage</td>
<td>A5 and B8</td>
<td>None specified</td>
</tr>
<tr>
<td>Permeability</td>
<td>A6 and B9</td>
<td>None specified</td>
</tr>
<tr>
<td>Landscaping</td>
<td>B13</td>
<td>None specified</td>
</tr>
<tr>
<td>Side and rear setbacks</td>
<td>A10 and B17</td>
<td>None specified</td>
</tr>
<tr>
<td>Walls on boundaries</td>
<td>A11 and B18</td>
<td>None specified</td>
</tr>
<tr>
<td>Private open space</td>
<td>A17</td>
<td>None specified</td>
</tr>
<tr>
<td></td>
<td>B28</td>
<td>None specified</td>
</tr>
<tr>
<td>Front fence height</td>
<td>A20 and B32</td>
<td>None specified</td>
</tr>
</tbody>
</table>

3.0

Maximum building height requirement

None specified.

4.0

Exemption from notice and review

None specified.

5.0

Application requirements

None specified.

6.0

Decision guidelines

None specified.
**TOWNSHIP ZONE**
Shown on the planning scheme map as **TZ** with a number (if shown).

**Purpose**
To implement the Municipal Planning Strategy and the Planning Policy Framework.
To provide for residential development and a range of commercial, industrial and other uses in small towns.
To encourage development that respects the neighbourhood character of the area.
To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

**Neighbourhood character objectives**
A schedule to this zone may contain the neighbourhood character objectives to be achieved for the area.

**Table of uses**

<table>
<thead>
<tr>
<th>Section 1 - Permit not required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use</strong></td>
</tr>
<tr>
<td>Bed and breakfast</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Community care accommodation</td>
</tr>
<tr>
<td>Dependent person's unit</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Domestic animal husbandry</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
</tr>
<tr>
<td>Home based business</td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
</tr>
<tr>
<td>Medical centre</td>
</tr>
<tr>
<td>Place of worship</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
</tr>
<tr>
<td>Railway</td>
</tr>
<tr>
<td>Residential aged care facility</td>
</tr>
<tr>
<td>Rooming house</td>
</tr>
<tr>
<td>Tramway</td>
</tr>
</tbody>
</table>
### Section 2 – Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Community care accommodation, Dependent person's unit, Dwelling, Residential aged care facility and Rooming house)</td>
<td>Must meet the requirements of Clause 32.05-3.</td>
</tr>
<tr>
<td>Agriculture (other than Animal production, Apiculture, Domestic animal husbandry and Racing dog husbandry)</td>
<td>Must meet the requirements of Clause 32.05-3.</td>
</tr>
<tr>
<td>Dependent person's unit - if the Section 1 condition is not met</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Transfer station and Refuse disposal)</td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Office (other than Medical centre)</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Carnival, Circus and Place of worship)</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Adult sex product shop)</td>
<td></td>
</tr>
<tr>
<td>Transfer station</td>
<td>Must meet the threshold distance requirements in the Table to Clause 53.10.</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex product shop</td>
</tr>
<tr>
<td>Animal production (other than Grazing animal production)</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Dwelling – if the Section 1 condition is not met</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
</tbody>
</table>
Use

Refuse disposal
Saleyard
Stone extraction

32.05-3
27/03/2017
VC110

Use for a dwelling or a dependent person’s unit

A lot may be used for a dwelling provided the following requirements are met:

- Each dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from each dwelling must be treated and retained within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- Each dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity, to the satisfaction of the responsible authority.
- Each dwelling must be connected to a reticulated electricity supply or have an alternative energy supply to the satisfaction of the responsible authority.

These requirements also apply to a dependent person’s unit.

32.05-4
27/03/2017
VC110

Use for industry and warehouse

Amenity of the neighbourhood

The use of land for an industry or warehouse must not adversely affect the amenity of the neighbourhood, including through:

- The transport of materials or goods to or from the land.
- The appearance of any stored materials or goods.
- Traffic generated by the use.
- Emissions from the land.

32.05-5
31/07/2018
VC148

Subdivision

Permit requirement

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

<table>
<thead>
<tr>
<th>Class of subdivision</th>
<th>Objectives and standards to be met</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 or more lots</td>
<td>Clauses 56.02-1, 56.03-5, 56.04-2 to 56.04-5, 56.05-1, 56.05-2, 56.06-2, 56.06-4, 56.06-5, 56.06-7, 56.06-8 and 56.07-1 to 56.09-4.</td>
</tr>
<tr>
<td>3 – 15 lots</td>
<td>Clauses 56.03-5, 56.04-2 to 56.04-5, 56.05-1, 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 to 56.09-4.</td>
</tr>
</tbody>
</table>
Class of subdivision | Objectives and standards to be met
--- | ---
2 lots | Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5 and 56.06-8 to 56.09-2.

Each lot must be provided with reticulated sewerage, if available. If reticulated sewerage is not available, the application must be accompanied by:

- A land assessment which demonstrates that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.

- A plan which shows a building envelope and effluent disposal area for each lot.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

### Class of application | Information requirements and decision guidelines
--- | ---
Subdivide land to realign the common boundary between 2 lots where: | Clause 59.01
- The area of either lot is reduced by less than 15 percent.
- The general direction of the common boundary does not change.

Subdivide land into lots each containing an existing building or car parking space where: | Clause 59.02
- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.
- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.

Subdivide land into 2 lots if: | Clause 59.02
- The construction of a building or the construction or carrying out of works on the land:
  - Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.
  - Has started lawfully.
- The subdivision does not create a vacant lot.

**Construction and extension of one dwelling on a lot**

**Permit requirement**

A permit is required to construct or extend one dwelling on:

- A lot of less than 300 square metres.
- A lot of between 300 square metres and 500 square metres if specified in a schedule to this zone.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with one dwelling on:
  - A lot of less than 300 square metres, or
  - A lot of between 300 and 500 square metres if specified in a schedule to this zone, and
- The fence exceeds the maximum height specified in Clause 54.06-2.

A development must meet the requirements of Clause 54.

**No permit required**

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct an outbuilding or extend a dwelling if the development:</td>
<td>Clause 59.14</td>
</tr>
<tr>
<td>- Does not exceed a building height of 5 metres.</td>
<td></td>
</tr>
<tr>
<td>- Is not visible from the street (other than a lane) or a public park.</td>
<td></td>
</tr>
<tr>
<td>- Meets the requirements in the following standards of Clause 54:</td>
<td></td>
</tr>
<tr>
<td>- A10 Side and rear setbacks.</td>
<td></td>
</tr>
<tr>
<td>- A11 Walls on boundaries.</td>
<td></td>
</tr>
<tr>
<td>- A12 Daylight to existing windows.</td>
<td></td>
</tr>
<tr>
<td>- A13 North-facing windows.</td>
<td></td>
</tr>
<tr>
<td>- A14 Overshadowing open space.</td>
<td></td>
</tr>
<tr>
<td>- A15 Overlooking.</td>
<td></td>
</tr>
</tbody>
</table>

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

| Construct or extend a front fence within 3 metres of a street if the fence is associated with one dwelling. | Clause 59.03 |
Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

Permit requirement

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

A permit is not required to construct one dependent person’s unit on a lot.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building.</td>
<td>Clause 59.03</td>
</tr>
</tbody>
</table>

Transitional provisions

Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

Requirements of Clause 54 and Clause 55

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.
If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

### Residential aged care facility

#### Permit requirements

A permit is required to construct a building or construct or carry out works for a residential aged care facility.

A development must meet the requirements of Clause 53.17 - Residential aged care facility.

### Buildings and works associated with a Section 2 use

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.05-2.

### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $100,000 where:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>• The building or works is not associated with a dwelling.</td>
<td></td>
</tr>
<tr>
<td>• The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- A10 Side and rear setbacks.</td>
</tr>
<tr>
<td></td>
<td>- A11 Walls on boundaries.</td>
</tr>
<tr>
<td></td>
<td>- A12 Daylight to existing windows.</td>
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<td></td>
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<tr>
<td></td>
<td>- A14 Overshadowing open space.</td>
</tr>
<tr>
<td></td>
<td>- A15 Overlooking.</td>
</tr>
</tbody>
</table>

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

### Maximum building height requirement for a dwelling or residential building

A building must not be constructed for use as a dwelling or a residential building that exceeds the maximum building height specified in a schedule to this zone.

If no maximum building height is specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 and Clause 55 applies.

A building may exceed the maximum building height specified in a schedule to this zone if:
It replaces an immediately pre-existing building and the new building does not exceed the building height of the pre-existing building.

There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.

It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.

It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.

An extension to an existing building may exceed the maximum building height specified in a schedule to this zone if it does not exceed the building height of the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

The maximum building height requirement in a schedule to this zone applies whether or not a planning permit is required for the construction of a building.

Building height if land is subject to inundation

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

32.05-12

Application requirements

Use for industry and warehouse

Unless the circumstances do not require, an application to use land for an industry or warehouse must be accompanied by the following information:

- The purpose of the use and the types of activities to be carried out.
- The type and quantity of materials and goods to be stored, processed or produced.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
- How land not required for immediate use is to be maintained.
- The likely effects, if any, on the neighbourhood, including noise levels, traffic, air-borne emissions, emissions to land and water, light spill, glare, solar access and hours of operation (including the hours of delivery and despatch of materials and goods).
- Any other application requirements specified in a schedule to this zone.

32.05-13

Decision guidelines

Before deciding on an application to use land or construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General

• The objectives set out in a schedule to this zone.
• The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.
• The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.
• In the absence of reticulated sewerage, the capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
• The design, height, setback and appearance of the proposed buildings and works including provision for solar access.
• The need for a verandah along the front or side of commercial buildings to provide shelter for pedestrians.
• Provision of car and bicycle parking and loading bay facilities and landscaping.
• The effect that existing uses on adjoining or nearby land may have on the proposed use.
• The scale and intensity of the use and development.
• The safety, efficiency and amenity effects of traffic to be generated by the proposal.
• The impact of overshadowing on existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
• Any other decision guidelines specified in a schedule to this zone.

Use for industry and warehouse

Before deciding on an application to use land for an industry or warehouse, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

• The Municipal Planning Strategy and the Planning Policy Framework.
• The design of buildings, including provision for solar access.
• The availability and provision of utility services.
• The effect of traffic to be generated by the use.
• The interim use of those parts of the land not required for the proposed use.
• Any other decision guidelines specified in a schedule to this zone.

Subdivision

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

• The Municipal Planning Strategy and the Planning Policy Framework.
• The pattern of subdivision and its effect on the spacing of buildings.
• For subdivision of land for residential development, the objectives and standards of Clause 56.
• Any other decision guidelines specified in a schedule to this zone.

Construction and extension of one dwelling on a lot

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

• The Municipal Planning Strategy and the Planning Policy Framework.
The objectives, standards and decision guidelines of Clause 54.

Any other decision guidelines specified in a schedule to this zone.

**Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

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

- For two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.
- For an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.
- Any other decision guidelines specified in a schedule to this zone.

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 3.
SCHEDULE 1 TO CLAUSE 32.05 TOWNSHIP ZONE

Shown on the planning scheme map as TZ.

SOUTH GIPPSLAND TOWNSHIPS

1.0

Neighbourhood character objectives

None specified.

2.0

Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

Is a permit required to construct or extend one dwelling on a lot of between 300 and 500 square metres?

No

Is a permit required to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot of between 300 and 500 square metres?

No

3.0

Clause 54 and Clause 55 requirements

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum street setback</td>
<td>A3 and B6</td>
<td>None specified</td>
</tr>
<tr>
<td>Site coverage</td>
<td>A5 and B8</td>
<td>None specified</td>
</tr>
<tr>
<td>Permeability</td>
<td>A6 and B9</td>
<td>None specified</td>
</tr>
<tr>
<td>Landscaping</td>
<td>B13</td>
<td>None specified</td>
</tr>
<tr>
<td>Side and rear setbacks</td>
<td>A10 and B17</td>
<td>None specified</td>
</tr>
<tr>
<td>Walls on boundaries</td>
<td>A11 and B18</td>
<td>None specified</td>
</tr>
<tr>
<td>Private open space</td>
<td>A17</td>
<td>None specified</td>
</tr>
<tr>
<td></td>
<td>B28</td>
<td>None specified</td>
</tr>
<tr>
<td>Front fence height</td>
<td>A20 and B32</td>
<td>None specified</td>
</tr>
</tbody>
</table>

4.0

Maximum building height requirement for a dwelling or residential building

None specified.

5.0

Application requirements

None specified.

6.0

Decision guidelines

None specified.
GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as GRZ, R1Z, R2Z or R3Z with a number (if shown).

Purpose

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

To encourage development that respects the neighbourhood character of the area.

To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Neighbourhood character objectives

A schedule to this zone may contain neighbourhood character objectives to be achieved for the area.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td></td>
<td>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Must meet the requirements of Clause 52.22-2.</td>
</tr>
<tr>
<td>Dependent person’s unit</td>
<td>Must be the only dependent person’s unit on the lot.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td></td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<tr>
<td></td>
<td>Must not require a permit under Clause 52.06-3.</td>
</tr>
<tr>
<td></td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Place of worship</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<tr>
<td></td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
</tbody>
</table>
### Use | Condition
--- | ---
Residential aged care facility |  
Rooming house | Must meet the requirements of Clause 52.23-2.  
Tramway |  
Any use listed in Clause 62.01 | Must meet the requirements of Clause 62.01.

#### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Community care accommodation, Dependent person’s unit, Dwelling, Residential aged care facility and Rooming house)</td>
<td></td>
</tr>
<tr>
<td>Agriculture (other than Animal production, Animal training, Apiculture, Domestic animal husbandry, Horse husbandry and Racing dog husbandry)</td>
<td></td>
</tr>
</tbody>
</table>
| Car park | Must be used in conjunction with another use in Section 1 or 2.  
| Car wash | The site must adjoin, or have access to, a road in a Road Zone.  
| Convenience restaurant | The site must adjoin, or have access to, a road in a Road Zone.  
| Convenience shop |  
| Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met | Must be no more than 5 animals.  
| Food and drink premises (other than Convenience restaurant and Take away food premises) |  
| Grazing animal production |  
| Leisure and recreation (other than Informal outdoor recreation and Motor racing track) |  
| Market |  
| Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus, Nightclub and Place of worship) |  
| Plant nursery | The site must either:  
| Service station |   
- Adjoin a commercial zone or industrial zone.  
- Adjoin, or have access to, a road in a Road Zone.  
|  | The site must not exceed either:
### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>· 3000 square metres.</td>
</tr>
<tr>
<td></td>
<td>· 3600 square metres if it adjoins on two boundaries a road in a Road Zone.</td>
</tr>
<tr>
<td>Store</td>
<td>Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.</td>
</tr>
<tr>
<td>Take away food premises</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

### Section 3 – Prohibited

- Amusement parlour
- Animal production (other than Grazing animal production)
- Animal training
- Brothel
- Cinema based entertainment facility
- Domestic animal boarding
- Horse husbandry
- Industry (other than Car wash)
- Motor racing track
- Nightclub
- Office (other than Medical centre)
- Retail premises (other than Convenience shop, Food and drink premises, Market, and Plant nursery)
- Saleyard
- Stone extraction
- Transport terminal
- Warehouse (other than Store)

### Subdivision

#### Permit requirement

A permit is required to subdivide land.

An application to subdivide land that would create a vacant lot less than 400 square metres capable of development for a dwelling or residential building, must ensure that each vacant lot created less than 400 square metres contains at least 25 percent as garden area. This does not apply to a lot created by an application to subdivide land where that lot is created in accordance with:
- An approved precinct structure plan or an equivalent strategic plan;
- An incorporated plan or approved development plan; or
- A permit for development.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

<table>
<thead>
<tr>
<th>Class of subdivision</th>
<th>Objectives and standards to be met</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 or more lots</td>
<td>All except Clause 56.03-5.</td>
</tr>
<tr>
<td>16 – 59 lots</td>
<td>All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.</td>
</tr>
<tr>
<td>3 – 15 lots</td>
<td>All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.</td>
</tr>
<tr>
<td>2 lots</td>
<td>Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.</td>
</tr>
</tbody>
</table>

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
<tr>
<td>An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into 2 lots if:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>The construction of a building or the construction or carrying out of works on the land:</td>
<td></td>
</tr>
<tr>
<td>Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</td>
<td></td>
</tr>
<tr>
<td>Has started lawfully.</td>
<td></td>
</tr>
<tr>
<td>The subdivision does not create a vacant lot.</td>
<td></td>
</tr>
</tbody>
</table>
Construction or extension of a dwelling or residential building

Minimum garden area requirement

An application to construct or extend a dwelling or residential building on a lot must provide a minimum garden area as set out in the following table:

<table>
<thead>
<tr>
<th>Lot size</th>
<th>Minimum percentage of a lot set aside as garden area</th>
</tr>
</thead>
<tbody>
<tr>
<td>400 - 500 sqm</td>
<td>25%</td>
</tr>
<tr>
<td>Above 500 - 650 sqm</td>
<td>30%</td>
</tr>
<tr>
<td>Above 650 sqm</td>
<td>35%</td>
</tr>
</tbody>
</table>

This does not apply to:

- An application to construct or extend a dwelling or residential building if specified in a schedule to this zone as exempt from the minimum garden area requirement;
- An application to construct or extend a dwelling or residential building on a lot if:
  - The lot is designated as a medium density housing site in an approved precinct structure plan or an approved equivalent strategic plan;
  - The lot is designated as a medium density housing site in an incorporated plan or approved development plan; or
- An application to alter or extend an existing building that did not comply with the minimum garden area requirement of Clause 32.08-4 on the approval date of Amendment VC110.

Construction and extension of one dwelling on a lot

Permit requirement

A permit is required to construct or extend one dwelling on:

- A lot of less than 300 square metres.
- A lot of between 300 square metres and 500 square metres if specified in a schedule to this zone.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with one dwelling on:
  - A lot of less than 300 square metres, or
  - A lot of between 300 and 500 square metres if specified in a schedule to this zone, and
- The fence exceeds the maximum height specified in Clause 54.06-2.

A development must meet the requirements of Clause 54.

No permit required

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.
**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct an outbuilding or extend a dwelling if the development:</td>
<td>Clause 59.14</td>
</tr>
<tr>
<td>Meets the minimum garden area requirement of Clause 32.08-4.</td>
<td></td>
</tr>
<tr>
<td>- Does not exceed a building height of 5 metres.</td>
<td></td>
</tr>
<tr>
<td>- Is not visible from the street (other than a lane) or a public park.</td>
<td></td>
</tr>
<tr>
<td>- Meets the requirements in the following standards of Clause 54:</td>
<td></td>
</tr>
<tr>
<td>- A10 Side and rear setbacks.</td>
<td></td>
</tr>
<tr>
<td>- A11 Walls on boundaries.</td>
<td></td>
</tr>
<tr>
<td>- A12 Daylight to existing windows.</td>
<td></td>
</tr>
<tr>
<td>- A13 North-facing windows.</td>
<td></td>
</tr>
<tr>
<td>- A14 Overshadowing open space.</td>
<td></td>
</tr>
<tr>
<td>- A15 Overlooking.</td>
<td></td>
</tr>
</tbody>
</table>

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

| Construct or extend a front fence within 3 metres of a street if the fence is associated with one dwelling. | Clause 59.03 |

---

**Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

**Permit requirement**

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.
An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

A permit is not required to construct one dependent person’s unit on a lot.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building.</td>
<td>Clause 59.03</td>
</tr>
</tbody>
</table>

**Transitional provisions**

Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

**Requirements of Clause 54 and Clause 55**

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

**Residential aged care facility**

**Permit requirements**

A permit is required to construct a building or construct or carry out works for a residential aged care facility.

A development must meet the requirements of Clause 53.17 - Residential aged care facility.

**Buildings and works associated with a Section 2 use**

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2.
VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $100,000 where:</td>
<td></td>
</tr>
<tr>
<td>- The building or works is not associated with a dwelling.</td>
<td></td>
</tr>
<tr>
<td>- The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:</td>
<td></td>
</tr>
<tr>
<td>- A10 Side and rear setbacks.</td>
<td></td>
</tr>
<tr>
<td>- A11 Walls on boundaries.</td>
<td></td>
</tr>
<tr>
<td>- A12 Daylight to existing windows.</td>
<td></td>
</tr>
<tr>
<td>- A13 North-facing windows.</td>
<td></td>
</tr>
<tr>
<td>- A14 Overshadowing open space.</td>
<td></td>
</tr>
<tr>
<td>- A15 Overlooking.</td>
<td></td>
</tr>
</tbody>
</table>

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

32.08-10

Maximum building height requirement for a dwelling or residential building

A building must not be constructed for use as a dwelling or a residential building that:

- exceeds the maximum building height specified in a schedule to this zone; or
- contains more than the maximum number of storeys specified in a schedule to this zone.

If no maximum building height or maximum number of storeys is specified in a schedule to this zone:

- the building height must not exceed 11 metres; and
- the building must contain no more than 3 storeys at any point.

A building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height or contain a greater number of storeys than the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.
- It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.

- It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.

An extension to an existing building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if it does not exceed the building height of the existing building or contain a greater number of storeys than the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

A basement is not a storey for the purposes of calculating the number of storeys contained in a building.

The maximum building height and maximum number of storeys requirements in this zone or a schedule to this zone apply whether or not a planning permit is required for the construction of a building.

**Building height if land is subject to inundation**

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

**Application requirements**

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

- For a residential development of four storeys or less, the neighbourhood and site description and design response as required in Clause 54 and Clause 55.

- For an apartment development of five or more storeys, an urban context report and design response as required in Clause 58.01.

- For an application for subdivision, a site and context description and design response as required in Clause 56.

- Plans drawn to scale and dimensioned which show:
  - Site shape, size, dimensions and orientation.
  - The siting and use of existing and proposed buildings.
  - Adjacent buildings and uses.
  - The building form and scale.
  - Setbacks to property boundaries.

- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of good and materials, hours of operation and light spill, solar access and glare.

- Any other application requirements specified in a schedule to this zone.

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.
Exemption from notice and review

Subdivision

An application to subdivide land into lots each containing an existing dwelling or car parking space is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Decision guidelines

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

General

- The purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

Dwellings and residential buildings

- For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.
- For the construction and extension of an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.

Non-residential use and development

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

Signs

Sign requirements are at Clause 52.05. This zone is in Category 3.
Transitional provisions

The minimum garden area requirements of Clause 32.08-4 and the maximum building height and number of storeys requirements of Clause 32.08-9 introduced by Amendment VC110 do not apply to:

- A planning permit application for the construction or extension of a dwelling or residential building lodged before the approval date of Amendment VC110.

- Where a planning permit is not required for the construction or extension of a dwelling or residential building:
  - A building permit issued for the construction or extension of a dwelling or residential building before the approval date of Amendment VC110.
  - A building surveyor has been appointed to issue a building permit for the construction or extension of a dwelling or residential building before the approval date of Amendment VC110. A building permit must be issued within 12 months of the approval date of Amendment VC110.
  - A building surveyor is satisfied, and certifies in writing, that substantial progress was made on the design of the construction or extension of a dwelling or residential building before the approval date of Amendment VC110. A building permit must be issued within 12 months of the approval date of Amendment VC110.

The minimum garden area requirement of Clause 32.08-3 introduced by Amendment VC110 does not apply to a planning permit application to subdivide land for a dwelling or a residential building lodged before the approval date of Amendment VC110.
SCHEDULE 1 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as GRZ1.

SOUTH GIPPSLAND GENERAL RESIDENTIAL AREA

1.0 Neighbourhood character objectives (3)
None specified.

2.0 Construction or extension of a dwelling or residential building - minimum garden area requirement

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the construction or extension of a dwelling or residential building exempt from the minimum garden area requirement?</td>
<td>No</td>
</tr>
</tbody>
</table>

3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is a permit required to construct or extend one dwelling on a lot of between 300 and 500 square metres?</td>
<td>No</td>
</tr>
<tr>
<td>Is a permit required to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot of between 300 and 500 square metres?</td>
<td>No</td>
</tr>
</tbody>
</table>

4.0 Requirements of Clause 54 and Clause 55

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum street setback</td>
<td>A3 and B6</td>
<td>None specified.</td>
</tr>
<tr>
<td>Site coverage</td>
<td>A5 and B8</td>
<td>None specified.</td>
</tr>
<tr>
<td>Permeability</td>
<td>A6 and B9</td>
<td>None specified.</td>
</tr>
<tr>
<td>Landscaping</td>
<td>B13</td>
<td>None specified.</td>
</tr>
<tr>
<td>Side and rear setbacks</td>
<td>A10 and B17</td>
<td>None specified.</td>
</tr>
<tr>
<td>Walls on boundaries</td>
<td>A11 and B18</td>
<td>None specified.</td>
</tr>
<tr>
<td>Private open space</td>
<td>A17</td>
<td>None specified.</td>
</tr>
<tr>
<td></td>
<td>B28</td>
<td>None specified.</td>
</tr>
<tr>
<td>Front fence height</td>
<td>A20 and B32</td>
<td>None specified.</td>
</tr>
</tbody>
</table>

5.0 Maximum building height requirement for a dwelling or residential building
None specified.

6.0 Application requirements
None specified.
7.0 Decision guidelines

None specified.
INDUSTRIAL ZONES
**INDUSTRIAL 1 ZONE**

Shown on the planning scheme map as IN1Z.

**Purpose**

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

To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.

### Table of uses

#### Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convenience shop</td>
<td></td>
</tr>
<tr>
<td>Crop raising</td>
<td></td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Materials recycling and Transfer station)</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.</td>
</tr>
</tbody>
</table>

The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:

- The threshold distance, for a purpose listed in the table to Clause 53.10.
- 30 metres, for a purpose not listed in the table to Clause 53.10.

Must not adversely affect the amenity of the neighbourhood, including through:

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

**Informal outdoor recreation**

**Mail centre**

**Railway**

**Service station**

The land must be at least 30 metres from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

Must not adversely affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any stored goods or materials.
<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.</td>
<td></td>
</tr>
</tbody>
</table>
| **Shipping container storage** | Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.  
The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:  
| ■ The threshold distance, for a purpose listed in the table to Clause 53.10.  
| ■ 100 metres, for a purpose not listed in the table to Clause 53.10.  
The site must adjoin, or have access to, a road in a Road Zone.  
Shipping containers must be setback at least 9 metres from a road in a Road Zone.  
The height of shipping container stacks must not exceed 6 containers or 16 metres, whichever is the lesser.  
Must not adversely affect the amenity of the neighbourhood, including through the:  
| ■ Transport of materials, goods or commodities to or from the land.  
| ■ Appearance of any stored goods or materials.  
| ■ Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil. |
| **Take away food premises** | **Tramway** |
| **Warehouse (other than Mail centre and Shipping container storage)** | Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.  
The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:  
| ■ The threshold distance, for a purpose listed in the table to Clause 53.10.  
| ■ 30 metres, for a purpose not listed in the table to Clause 53.10.  
Must not adversely affect the amenity of the neighbourhood, including through the:  
| ■ Transport of materials, goods or commodities to or from the land.  
| ■ Appearance of any stored goods or materials.  
| ■ Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil. |
| **Any use listed in Clause 62.01** | Must meet the requirements of Clause 62.01. |
### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex product shop</td>
<td>Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.</td>
</tr>
<tr>
<td>Agriculture (other than Apiculture, Crop raising, Grazing animal production, Intensive animal production, Pig farm and Poultry farm)</td>
<td></td>
</tr>
<tr>
<td>Caretaker’s house</td>
<td></td>
</tr>
<tr>
<td>Education centre</td>
<td>Must not be a primary or secondary school.</td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation)</td>
<td></td>
</tr>
<tr>
<td>Materials recycling</td>
<td>The land must be at least 30 metres from land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.</td>
</tr>
<tr>
<td>Office</td>
<td>The leasable floor area must not exceed the amount specified in the schedule to this zone.</td>
</tr>
<tr>
<td>Place of assembly (other than Carnival, Cinema based entertainment facility and Circus)</td>
<td></td>
</tr>
<tr>
<td>Restricted retail premises</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Shop and Take away food premises)</td>
<td></td>
</tr>
<tr>
<td>Transfer Station</td>
<td>The land must be at least 30 metres from land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility).</td>
<td>Any gas holder, or sewerage or refuse treatment or disposal works, must be at least 30 metres from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.</td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Caretaker’s house)</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
</tr>
</tbody>
</table>
Use

Hospital
Intensive animal production
Pig farm
Poultry farm
Shop (other than Adult sex product shop, Convenience shop and Restricted retail premises)

33.01-2

Use of land

Application requirements
An application to use land for an industry or warehouse must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
- The likely effects, if any, on the neighbourhood, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water.
  - Traffic, including the hours of delivery and despatch.
  - Light spill or glare.

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

- The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.
- The effect that nearby industries may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.
Subdivision

Permit requirement

A permit is required to subdivide land.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
<tr>
<td>- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into 2 lots if:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The construction of a building or the construction or carrying out of works on the land:</td>
<td></td>
</tr>
<tr>
<td>- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</td>
<td></td>
</tr>
<tr>
<td>- Has started lawfully.</td>
<td></td>
</tr>
<tr>
<td>- The subdivision does not create a vacant lot.</td>
<td></td>
</tr>
</tbody>
</table>

Exemption from notice and review

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

Decision guidelines

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

- Any natural or cultural values on or near the land.
- Streetscape character.
- Landscape treatment.
Buildings and works

Permit requirement

A permit is required to construct a building or construct or carry out works.

This does not apply to:

- A building or works which rearrange, alter or renew plant if the area or height of the plant is not increased.
- A building or works which are used for crop raising or informal outdoor recreation.
- A rainwater tank with a capacity of more than 10,000 litres if the following requirements are met:
  - The rainwater tank is not located within the building’s setback from a street (other than a lane).
  - The rainwater tank is no higher than the existing building on the site.
  - The rainwater tank is not located in an area that is provided for car parking, loading, unloading or accessway.
- A building or works which are used for grazing animal production, except for permanent or fixed feeding infrastructure for seasonal or supplementary feeding constructed within 100 metres of:
  - A waterway, wetland or designated flood plain.
  - A dwelling not in the same ownership.
  - A residential or urban growth zone.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $1,000,000 where the land is not:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>- Within 30 metres of land (not a road) which is in a residential zone.</td>
<td></td>
</tr>
<tr>
<td>- Used for a purpose listed in the table to Clause 53.10.</td>
<td></td>
</tr>
<tr>
<td>- Used for a Brothel or Adult sex product shop.</td>
<td></td>
</tr>
</tbody>
</table>

Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - Relevant ground levels.
- The layout of existing and proposed buildings and works.
- Driveways and vehicle parking and loading areas.
- Proposed landscape areas.
- External storage and waste treatment areas.

- Elevation drawings to scale which show the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways and vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area.

**Exemption from notice and review**

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to an application for a building or works within 30 metres of land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

**Decision guidelines**

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

- Any natural or cultural values on or near the land.
- Streetscape character.
- Built form.
- Landscape treatment.
- Interface with non-industrial areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.

**Maintenance**

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 2.
### SCHEDULE TO CLAUSE 33.01 INDUSTRIAL 1 ZONE

**Maximum leasable floor area requirements (6)**

<table>
<thead>
<tr>
<th>Land</th>
<th>Maximum leasable floor area for Office (square metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td>None specified.</td>
</tr>
</tbody>
</table>


INDUSTRIAL 3 ZONE

Shown on the planning scheme map as IN3Z.

Purpose

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

To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.

To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.

To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.

To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convenience shop</td>
<td></td>
</tr>
<tr>
<td>Crop raising</td>
<td></td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Mail centre</td>
<td></td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Service industry</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:</td>
</tr>
<tr>
<td></td>
<td>• The threshold distance, for a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>• 30 metres, for a purpose not listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Service station</td>
<td>The land must be at least 30 metres from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.</td>
</tr>
<tr>
<td>Shop (other than Adult sex product shop, Convenience shop, Restricted retail premises and Supermarket)</td>
<td>Must adjoin, or be on the same lot as, a supermarket when the use commences.</td>
</tr>
<tr>
<td></td>
<td>The combined leasable floor area for all shops adjoining or on the same lot as the supermarket must not exceed 500 square metres.</td>
</tr>
<tr>
<td></td>
<td>The site must adjoin, or be within 30 metres of, a road in a Road Zone.</td>
</tr>
<tr>
<td>Supermarket</td>
<td>The leasable floor area must not exceed 1800 square metres.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Take away food premises</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Tramway</td>
<td>The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:</td>
</tr>
<tr>
<td></td>
<td>- The threshold distance, for a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>- 30 metres, for a purpose not listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>Must not adversely affect the amenity of the neighbourhood, including through the:</td>
</tr>
<tr>
<td></td>
<td>- Transport of materials, goods or commodities to or from the land.</td>
</tr>
<tr>
<td></td>
<td>- Appearance of any stored goods or materials.</td>
</tr>
<tr>
<td></td>
<td>- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil</td>
</tr>
<tr>
<td>Warehouse (other than Fuel depot, Mail centre or Shipping container storage)</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>

### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex product shop</td>
<td>Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.</td>
</tr>
<tr>
<td>Agriculture (other than Apiculture, Crop raising, Grazing animal production, Intensive animal production, Pig farm and Poultry farm)</td>
<td></td>
</tr>
<tr>
<td>Caretaker’s house</td>
<td>Must not be a primary or secondary school.</td>
</tr>
<tr>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Service industry)</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility, and Motor racing track)</td>
<td></td>
</tr>
</tbody>
</table>
### Use Condition

**Office**  
The leasable floor area must not exceed the amount specified in the schedule to this zone.

**Place of assembly (other than Carnival, Cinema based entertainment facility and Circus)**

**Restricted retail premises**

**Retail premises (other than Shop and Take away food premises)**

**Utility installation (other than Minor utility installation and Telecommunications facility)**

**Any other use not in Section 1 or 3**

### Section 3 - Prohibited

**Use**

**Accommodation (other than Caretaker's house)**

**Cinema based entertainment facility**

**Hospital**

**Intensive animal production**

**Major sports and recreation facility**

**Motor racing track**

**Pig farm**

**Poultry farm**

**Shop (other than Adult sex product shop, Convenience shop, Restricted retail premises and Supermarket) – if the Section 1 conditions are not met**

**Supermarket – if the section 1 conditions are not met**

### Use of land

**Amenity of the neighbourhood**

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

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

**Application requirements**

An application to use land for an industry or warehouse must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
• Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.

• Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.

• The likely effects, if any, on the neighbourhood, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water.
  - Traffic, including the hours of delivery and despatch.
  - Light spill or glare.

**Decision guidelines**

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

• The Municipal Planning Strategy and the Planning Policy Framework.

• The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.

• The effect that nearby industries may have on the proposed use.

• The drainage of the land.

• The availability of and connection to services.

• The effect of traffic to be generated on roads.

• The interim use of those parts of the land not required for the proposed use.

• The effect on nearby industries.

**Subdivision**

**Permit requirement**

A permit is required to subdivide land.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>• The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>• The general direction of the common boundary does not change.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subdivide land into lots each containing an existing building or car parking space where:</th>
<th>Clause 59.02</th>
</tr>
</thead>
</table>
Class of application

- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.

- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.

Subdivide land into 2 lots if: Clause 59.02

- The construction of a building or the construction or carrying out of works on the land:
  - Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.
  - Has started lawfully.

- The subdivision does not create a vacant lot.

Exemption from notice and review

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres from land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

Decision guidelines

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


- Any natural or cultural values on or near the land.

- Streetscape character.

- Landscape treatment.

- Interface with non-industrial areas.

Buildings and works

Permit requirement

A permit is required to construct a building or construct or carry out works.

This does not apply to:

- A building or works which rearrange, alter or renew plant if the area or height of the plant is not increased.

- A building or works which are used for crop raising or informal outdoor recreation.

- A rainwater tank with a capacity of more than 10,000 litres if the following requirements are met:
  - The rainwater tank is not located within the building’s setback from a street (other than a lane).
- The rainwater tank is no higher than the existing building on the site.
- The rainwater tank is not located in an area that is provided for car parking, loading, unloading or accessway.

- A building or works which are used for grazing animal production, except for permanent or fixed feeding infrastructure for seasonal or supplementary feeding constructed within 100 metres of:
  - A waterway, wetland or designated flood plain.
  - A dwelling not in the same ownership.
  - A residential or urban growth zone.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $1,000,000 where the land is not:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>- Within 30 metres of land (not a road) which is in a residential zone.</td>
<td></td>
</tr>
<tr>
<td>- Used for a purpose listed in the table to Clause 53.10.</td>
<td></td>
</tr>
<tr>
<td>- Used for a Brothel or Adult sex product shop.</td>
<td></td>
</tr>
</tbody>
</table>

**Application requirements**

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - Driveways and vehicle parking and loading areas.
  - Proposed landscape areas.
  - External storage and waste treatment areas.
  - Mechanisms to mitigate noise, odour and other adverse amenity impacts of, and on, nearby industries.

- Elevation drawings to scale which show the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways and vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area.
Decision guidelines
Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Any natural or cultural values on or near the land.
- Streetscape character.
- Built form.
- Landscape treatment.
- Interface with non-industrial areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.
- The effect on nearby industries.
- The effect of nearby industries.

Maintenance
All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

33.03-5 31/07/2018 VC148

Signs
Sign requirements are at Clause 52.05. This zone is in Category 2.
### SCHEDULE TO CLAUSE 33.03 INDUSTRIAL 3 ZONE

**Maximum leasable floor area requirements (5)**

<table>
<thead>
<tr>
<th>Land</th>
<th>Maximum leasable floor area for Office (square metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified.</td>
<td>None specified.</td>
</tr>
</tbody>
</table>
COMMERCIAL ZONES
COMMERCIAL 1 ZONE

Shown on the planning scheme map as B1Z, B2Z, B5Z or C1Z.

Purpose

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

To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.

To provide for residential uses at densities complementary to the role and scale of the commercial centre.

Operation

A schedule may apply under this zone to a planning scheme outside of metropolitan Melbourne. That schedule may:

- specify the maximum leasable floor area for office
- specify the maximum leasable floor area for shop (other than restricted retail premises).

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Community care accommodation, Corrective institution and Rooming house)</td>
<td>Any frontage at ground floor level must not exceed 2 metres (other than a bed and breakfast and caretaker’s house).</td>
</tr>
<tr>
<td>Art and craft centre</td>
<td></td>
</tr>
<tr>
<td>Child care centre</td>
<td>Any frontage at ground floor level must not exceed 2 metres and access must not be shared with a dwelling (other than a caretaker’s house).</td>
</tr>
<tr>
<td>Cinema</td>
<td></td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td></td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Any frontage at ground floor level must not exceed 2 metres.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 52.22-2.</td>
</tr>
<tr>
<td>Education centre (other than Child care centre)</td>
<td></td>
</tr>
<tr>
<td>Exhibition centre</td>
<td></td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>The leasable floor area for all offices must not exceed any amount specified in the schedule to this zone.</td>
</tr>
<tr>
<td>Place of worship</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Retail premises (other than Shop)</strong></td>
<td></td>
</tr>
<tr>
<td>Rooming house</td>
<td>Any frontage at ground floor level must not exceed 2 metres.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 52.23-2.</td>
</tr>
<tr>
<td><strong>Shop (other than Adult sex product shop)</strong></td>
<td>The leasable floor area for all shops must not exceed any amount specified in the schedule to this zone.</td>
</tr>
<tr>
<td><strong>Tramway</strong></td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex product shop</td>
<td>Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or, land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.</td>
</tr>
<tr>
<td>Agriculture (other than Animal production and Apiculture)</td>
<td></td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Industry</td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Leisure and recreation facility (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Carnival, Cinema, Cinema based entertainment facility, Circus, Exhibition centre and Place of worship)</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td><strong>Any other use not in Section 1 or 3</strong></td>
<td></td>
</tr>
</tbody>
</table>

Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal production (other than Grazing animal production)</td>
<td></td>
</tr>
<tr>
<td>Corrective institution</td>
<td></td>
</tr>
</tbody>
</table>
Use

Major sports and recreation facility
Motor racing track

Use of land
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.

Subdivision
A permit is required to subdivide land.

VicSmart applications
Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

### Class of application

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
<tr>
<td>An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into 2 lots if:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>The construction of a building or the construction or carrying out of works on the land:</td>
<td></td>
</tr>
<tr>
<td>Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</td>
<td></td>
</tr>
<tr>
<td>Has started lawfully.</td>
<td></td>
</tr>
<tr>
<td>The subdivision does not create a vacant lot.</td>
<td></td>
</tr>
</tbody>
</table>

Buildings and works
A permit is required to construct a building or construct or carry out works.
This does not apply to:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.

An apartment development must meet the requirements of Clause 58.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $500,000 where the land is not:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>- Within 30 metres of land (not a road) which is in a residential zone.</td>
<td></td>
</tr>
<tr>
<td>- Used for a purpose listed in the table to Clause 53.10.</td>
<td></td>
</tr>
<tr>
<td>- Used for a Brothel or Adult sex product shop.</td>
<td></td>
</tr>
</tbody>
</table>

**Transitional provisions**

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

**Maintenance**

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

**Neighbourhood and site description and design response**

An application for any of the following must be accompanied by a neighbourhood and site description and a design response as described in Clause 54.01 or 55.01, as appropriate:

- Construction or extension of one dwelling on a lot of less than 300 square metres.
- Construction of a dwelling if there is at least one dwelling existing on the lot.
- Construction of two or more dwellings on a lot.
- Extension of a dwelling if there are two or more dwellings on the lot.
- Construction or extension of a dwelling on common property.
- Construction or extension of a residential building.

Clause 34.01-5 does not apply to an apartment development.
Satisfactory neighbourhood and site description before notice and decision

If the responsible authority decides that the neighbourhood and site description is not satisfactory, it may require more information from the applicant under Section 54 of the Act.

The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 54.01 or 55.01 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.

Application requirements

Use

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

- The purpose of the use and the types of activities which will be carried out.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access and glare.
- The means of maintaining land not required for immediate use.
- If an industry or warehouse:
  - The type and quantity of goods to be stored, processed or produced.
  - Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
  - Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
  - The likely effects on adjoining land, including air-borne emissions and emissions to land and water.

Buildings and works

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and purpose of buildings and works on adjoining land.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - All driveway, car parking and loading areas.
  - Proposed landscape areas.
  - All external storage and waste treatment areas.
  - Areas not required for immediate use.
- Elevation drawings to scale showing the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.

An application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, must be accompanied by an urban context report and design response as required in Clause 58.01.

### Exemption from notice and review

An application to subdivide land or construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

### Decision guidelines

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

**General**

- The interface with adjoining zones, especially the relationship with residential areas.

**Use**

- The effect that existing uses may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.

**Subdivision**

- Provision for vehicles providing for supplies, waste removal and emergency services and public transport.
- The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.

**Building and works**

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

- The impact of overshadowing on existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

- The availability of and connection to services.

- The design of buildings to provide for solar access.

- The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to an apartment development.

- For an apartment development, the objectives, standards and decision guidelines of Clause 58.

**Transitional provisions**

The objectives, standards and decision guidelines of Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.

- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 1.
### Maximum leasable floor area requirements

<table>
<thead>
<tr>
<th>Land</th>
<th>Maximum leasable floor area for Office (square metres)</th>
<th>Maximum leasable floor area for Shop (other than Restricted retail premises) (square metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified.</td>
<td>None specified.</td>
<td>None specified.</td>
</tr>
</tbody>
</table>
RURAL LIVING ZONE

Shown on the planning scheme map as RLZ with a number (if shown).

**Purpose**

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

To provide for residential use in a rural environment.

To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.

To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.

To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

---

**Table of uses**

**Section 1 - Permit not required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Must meet the requirements of Clause 52.22-2.</td>
</tr>
<tr>
<td>Dependent person’s unit</td>
<td>Must be the only dependent person’s unit on the lot. Must meet the requirements of Clause 35.03-2.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td>The lot must be at least the area specified in a schedule to this zone. If no area is specified, the lot must be at least 2 hectares. Must be the only dwelling on the lot. Must meet the requirements of Clause 35.03-2.</td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Poultry farm</td>
<td>Must be no more than 100 poultry (not including emus or ostriches). Must be no more than 10 emus and ostriches.</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>
### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Accommodation (other than Community care accommodation, Dependent person’s unit and Dwelling)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Agriculture (other than Apiculture, Broiler farm, Domestic animal husbandry, Intensive animal production, Racing dog husbandry and Timber production)</strong></td>
<td></td>
</tr>
<tr>
<td>Bar</td>
<td>The site must not have direct access to a rural freeway.</td>
</tr>
<tr>
<td><strong>Broiler farm - if the Section 1 condition to Poultry farm is not met</strong></td>
<td>Must be no more than 10,000 chickens.</td>
</tr>
<tr>
<td>Car park</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>Convenience shop</td>
<td>The leasable floor area must not exceed 80 square metres.</td>
</tr>
<tr>
<td></td>
<td>The site must not have direct access to a rural freeway.</td>
</tr>
<tr>
<td><strong>Dependent person’s unit - if the Section 1 condition is not met</strong></td>
<td>Must meet the requirements of Clause 35.03-2.</td>
</tr>
<tr>
<td>Domestic animal boarding</td>
<td></td>
</tr>
<tr>
<td><strong>Dwelling (other than Bed and breakfast) - if the Section 1 condition is not met</strong></td>
<td>Must meet the requirements of Clause 35.03-2.</td>
</tr>
<tr>
<td>Freeway service centre</td>
<td>Must meet the requirements of Clause 53.05.</td>
</tr>
<tr>
<td>Hotel</td>
<td>The site must not have direct access to a rural freeway.</td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus and Nightclub)</td>
<td></td>
</tr>
<tr>
<td>Plant nursery</td>
<td></td>
</tr>
<tr>
<td>Postal agency</td>
<td></td>
</tr>
<tr>
<td>Primary produce sales</td>
<td></td>
</tr>
<tr>
<td><strong>Racing dog husbandry – if the Section 1 condition is not met</strong></td>
<td>Must meet the requirements of Clause 53.12.</td>
</tr>
<tr>
<td>Restaurant</td>
<td>The site must not have direct access to a rural freeway.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Rural industry (other than Abattoir and Sawmill)</td>
<td>The site must either:</td>
</tr>
<tr>
<td></td>
<td>• Adjoin a commercial zone or industrial zone.</td>
</tr>
<tr>
<td></td>
<td>• Adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td></td>
<td>The site must not exceed either:</td>
</tr>
<tr>
<td></td>
<td>• 3000 square metres.</td>
</tr>
<tr>
<td></td>
<td>• 3600 square metres if it adjoins on two boundaries a road in a Road Zone.</td>
</tr>
<tr>
<td></td>
<td>The site must not have direct access to a rural freeway.</td>
</tr>
<tr>
<td>Service station</td>
<td>Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.</td>
</tr>
<tr>
<td>Store</td>
<td>Must meet the requirements of Clause 53.11.</td>
</tr>
<tr>
<td>Timber production</td>
<td>Must meet the requirements of Clause 53.11.</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td>Must meet the requirements of Clause 53.11.</td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td>Must meet the requirements of Clause 53.11.</td>
</tr>
</tbody>
</table>

**Section 3 - Prohibited**

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abattoir</td>
</tr>
<tr>
<td>Amusement parlour</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
</tr>
<tr>
<td>Industry (other than Rural Industry)</td>
</tr>
<tr>
<td>Intensive animal production</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
<tr>
<td>Nightclub</td>
</tr>
<tr>
<td>Office (other than Medical centre)</td>
</tr>
<tr>
<td>Retail premises (other than Bar, Convenience shop, Hotel, Market, Plant nursery, Postal agency, Primary produce sales and Restaurant)</td>
</tr>
<tr>
<td>Saleyard</td>
</tr>
<tr>
<td>Sawmill</td>
</tr>
<tr>
<td>Transport terminal</td>
</tr>
<tr>
<td>Warehouse (other than Store)</td>
</tr>
</tbody>
</table>
Use of land for a dwelling

A lot used for a dwelling must meet the following requirements:

- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

These requirements also apply to a dependent person’s unit.

Subdivision

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 2 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.
- The number of lots is no more than the number the land could be subdivided into in accordance with a schedule to this zone.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>Each new lot is at least the area specified for the land in the zone or the schedule to the zone.</td>
<td></td>
</tr>
<tr>
<td>The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>The general direction of the common boundary does not change.</td>
<td></td>
</tr>
</tbody>
</table>

Buildings and works

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

- A building or works associated with a use in Section 2 of Clause 35.03-1. This does not apply to:
- An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.

- An out-building associated with an existing dwelling provided the floor area of the out-building is not more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.

- An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is not more than the area specified in the schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres. The building must not be used to keep, board, breed or train animals.

- A rainwater tank.

- Earthworks specified in a schedule to this zone, if on land specified in a schedule.

- A building which is within any of the following setbacks:
  - The setback from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1 specified in the schedule to this zone or, if no setback is specified, 30 metres.
  - The setback from any other road or boundary specified in the schedule to this zone.
  - The distance from a dwelling not in the same ownership specified in the schedule to this zone.
  - 100 metres from a waterway, wetlands or designated flood plain.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $250,000 where the land is not:</td>
<td>Clause 59.13</td>
</tr>
<tr>
<td>- Used for Domestic animal husbandry, Pig farm, Poultry farm, Poultry hatchery, Racing dog husbandry or Rural industry.</td>
<td></td>
</tr>
<tr>
<td>- Within 30 metres of land (not a road) which is in a residential zone.</td>
<td>Any works must not be earthworks specified in the schedule to the zone.</td>
</tr>
</tbody>
</table>

**Decision guidelines**

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

**General issues**

- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development.
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

**Agricultural issues**

- The capacity of the site to sustain the agricultural use.
- Any integrated land management plan prepared for the site.
- The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agricultural and other land uses.

**Environmental issues**

- The impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours.
- The impact of the use or development on the flora, fauna and landscape features of the locality.
- The need to protect and enhance the biodiversity of the area, including the need to retain vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

**Design and siting issues**

- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use or development will require traffic management measures.

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 3.
SCHEDULE 1 TO CLAUSE 35.03 RURAL LIVING ZONE

Shown on the planning scheme map as RLZ.

**Subdivision and other requirements**

<table>
<thead>
<tr>
<th>Land</th>
<th>Area/Dimensions/Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum subdivision area (hectares).</td>
<td>All land except where specified on Map 1 or Map 2. 1 hectare</td>
</tr>
<tr>
<td></td>
<td>All land specified on Map 1 of this schedule. 4 hectares</td>
</tr>
<tr>
<td></td>
<td>All land specified on Map 2 of this schedule 2 hectares</td>
</tr>
<tr>
<td>Minimum area for which no permit is required to use land for a dwelling (hectares).</td>
<td>All land except where specified on Map 1 or Map 2. 1 hectare</td>
</tr>
<tr>
<td></td>
<td>All land specified on Map 1. 4 hectares</td>
</tr>
<tr>
<td></td>
<td>All land specified on Map 2. 2 hectares</td>
</tr>
<tr>
<td>Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres).</td>
<td>None specified None specified</td>
</tr>
<tr>
<td>Maximum floor area for which no permit is required to construct an out-building associated with an existing dwelling (square metres).</td>
<td>None specified None specified</td>
</tr>
<tr>
<td>Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres)</td>
<td>None specified None specified</td>
</tr>
<tr>
<td>Minimum setback from a road (metres).</td>
<td>None specified None specified</td>
</tr>
<tr>
<td>Minimum setback from a boundary (metres).</td>
<td>None specified None specified</td>
</tr>
<tr>
<td>Minimum setback from a dwelling not in the same ownership (metres).</td>
<td>None specified None specified</td>
</tr>
</tbody>
</table>

**Permit requirement for earthworks**

<table>
<thead>
<tr>
<th>Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Earthworks which change the rate of flow or the discharge point of water across a property boundary.</td>
</tr>
<tr>
<td>Earthworks which increase the discharge of saline groundwater.</td>
</tr>
</tbody>
</table>

Map 1 and Map 2 to the Schedule to Clause 35.03.
RURAL CONSERVATION ZONE

Shown on the planning scheme map as RCZ with a number (if shown).

Purpose

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

To conserve the values specified in a schedule to this zone.

To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.

To protect and enhance natural resources and the biodiversity of the area.

To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.

To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.

To conserve and enhance the cultural significance and character of open rural and scenic non urban landscapes.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td></td>
<td>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Poultry farm</td>
<td>Must be no more than 100 poultry (not including emus or ostriches).</td>
</tr>
<tr>
<td></td>
<td>Must be no more than 10 emus and ostriches.</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>
### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture (other than Apiculture, Broiler farm, Domestic animal husbandry, Intensive animal production, Racing dog husbandry, Rice growing and Timber production)</td>
<td></td>
</tr>
<tr>
<td>Broiler farm - if the Section 1 condition to Poultry farm is not met</td>
<td>Must be no more than 10,000 chickens.</td>
</tr>
<tr>
<td>Car park</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>Dependent person’s unit</td>
<td>Must be the only dependent person’s unit on the lot.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 35.06-2.</td>
</tr>
<tr>
<td>Domestic animal boarding</td>
<td></td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td>Must be the only dwelling on the lot. This does not apply to the replacement of an existing dwelling if the existing dwelling is removed or altered (so it can no longer be used as a dwelling) within one month of the occupation of the replacement dwelling. Must meet the requirements of Clause 35.06-2.</td>
</tr>
<tr>
<td>Emergency services facility</td>
<td></td>
</tr>
<tr>
<td>Freezing and cool storage</td>
<td></td>
</tr>
<tr>
<td>Group accommodation</td>
<td></td>
</tr>
<tr>
<td>Host farm</td>
<td></td>
</tr>
<tr>
<td>Landscape gardening supplies</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Primary produce sales</td>
<td></td>
</tr>
<tr>
<td>Primary school</td>
<td></td>
</tr>
<tr>
<td>Racing dog husbandry - if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 53.12.</td>
</tr>
<tr>
<td>Recreational boat facility</td>
<td></td>
</tr>
<tr>
<td>Renewable energy facility (other than Wind energy facility)</td>
<td>Must meet the requirements of Clause 53.13.</td>
</tr>
<tr>
<td>Residential hotel</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td></td>
</tr>
<tr>
<td>Rural industry (other than Abattoir and Sawmill)</td>
<td></td>
</tr>
<tr>
<td>Rural store</td>
<td></td>
</tr>
<tr>
<td>Secondary school</td>
<td></td>
</tr>
<tr>
<td>Timber production</td>
<td>Must meet the requirements of Clause 53.11.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and</td>
<td>Must meet the requirements of Clause 52.32.</td>
</tr>
<tr>
<td>Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Wind energy facility</td>
<td></td>
</tr>
<tr>
<td>Winery</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

**Section 3 - Prohibited**

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abattoir</td>
</tr>
<tr>
<td>Accommodation (other than Bed and breakfast, Dependent person’s</td>
</tr>
<tr>
<td>unit, Dwelling, Group accommodation, Host farm and Residential</td>
</tr>
<tr>
<td>hotel)</td>
</tr>
<tr>
<td>Amusement parlour</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Education centre (other than Primary school and Secondary school)</td>
</tr>
<tr>
<td>Industry (other than Rural industry)</td>
</tr>
<tr>
<td>Intensive animal production</td>
</tr>
<tr>
<td>Office</td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation)</td>
</tr>
<tr>
<td>Place of assembly (other than Carnival and Circus)</td>
</tr>
<tr>
<td>Retail premises (other than Landscape gardening supplies, Market,</td>
</tr>
<tr>
<td>Primary produce sales and Restaurant)</td>
</tr>
<tr>
<td>Rice growing</td>
</tr>
<tr>
<td>Sawmill</td>
</tr>
<tr>
<td>Transport terminal</td>
</tr>
<tr>
<td>Warehouse (other than Freezing and cool storage and Rural store)</td>
</tr>
</tbody>
</table>

**Use of land for a dwelling**

A lot used for a dwelling must meet the following requirements:

- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.

- The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.

- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.

- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

These requirements also apply to a dependent person’s unit.
Subdivision

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is the re-subdivision of existing lots, the number of lots is not increased, and the number of dwellings that the land could be used for does not increase.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where: Each new lot is at least the area specified for the land in the zone or the schedule to the zone. The area of either lot is reduced by less than 15 percent. The general direction of the common boundary does not change.</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>Subdivide land into 2 lots where each new lot is at least the area specified for the land in the zone or the schedule to the zone.</td>
<td>Clause 59.12</td>
</tr>
</tbody>
</table>

Long term lease or licence for accommodation

A permit is required to lease or license a portion of a lot for a period of more than 10 years if the portion is to be leased or licensed for the purpose of Accommodation.

Each portion of a lot leased or licensed for the purpose of Accommodation must be at least the area specified as the minimum subdivision area for the land in a schedule to this zone. If no area is specified, each portion of a lot leased or licensed for the purpose of Accommodation must be at least 40 hectares.

This provision only applies to land in Metropolitan Melbourne.

Buildings and works

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

- A building or works associated with a use in Section 2 of Clause 35.06-1. This does not apply to:
  - An alteration or extension to an existing dwelling provided the floor area of the alteration or extension does not exceed the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.
An out-building associated with an existing dwelling provided the floor area of the out-building does not exceed the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.

An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension does not exceed the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres. The building must not be used to keep, board, breed or train animals.

A rainwater tank.

- Earthworks specified in a schedule to this zone, if on land specified in a schedule.
- A building which is within any of the following setbacks:
  - 100 metres from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1.
  - 40 metres from a Road Zone Category 2 or land in a Public Acquisition Overlay to be acquired for a road, Category 2.
  - 20 metres from any other road.
  - 5 metres from any other boundary.
  - 100 metres from a dwelling not in the same ownership.
  - 100 metres from a waterway, wetlands or designated flood plain.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

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<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $250,000 where the land is not:</td>
<td>Clause 59.13</td>
</tr>
<tr>
<td>- Used for Domestic animal husbandry, Pig farm, Poultry farm, Poultry hatchery, Racing dog husbandry or Rural industry.</td>
<td></td>
</tr>
<tr>
<td>- Within 30 metres of land (not a road) which is in a residential zone.</td>
<td></td>
</tr>
</tbody>
</table>

Any works must not be earthworks specified in the schedule to the zone.

**Decision guidelines**

Before deciding on an application to use or subdivide land, lease or license a portion of a lot for a period of more than 10 years if the portion is to be leased or licensed for the purpose of Accommodation, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

**General issues**

- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development.
- How the use or development conserves the values identified for the land in a schedule.
Whether use or development protects and enhances the environmental, agricultural and landscape qualities of the site and its surrounds.

Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.

Rural issues

- The environmental capacity of the site to sustain the rural enterprise.
- The need to prepare an integrated land management plan.
- The impact on the existing and proposed infrastructure.
- Whether the use or development will have an adverse impact on surrounding land uses.

Environmental issues

- An assessment of the likely environmental impact on the biodiversity and in particular the flora and fauna of the area.
- The protection and enhancement of the natural environment of the area, including the retention of vegetation and faunal habitats and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge areas.
- How the use and development relates to sustainable land management and the need to prepare an integrated land management plan which addresses the protection and enhancement of native vegetation and waterways, stabilisation of soil and pest plant and animal control.
- The location of on site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

Dwelling issues

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.

Design and siting issues

- The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.
- The location and design of existing and proposed infrastructure services which minimises the visual impact on the landscape.
- The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of roads and existing and proposed infrastructure services to minimise the visual impact on the landscape.

Signs

Sign requirements are at Clause 52.05. This zone is in Category 4.
SCHEDULE 1 TO CLAUSE 35.06 RURAL CONSERVATION ZONE

Shown on the planning scheme map as RCZ.

CONSERVATION VALUES

Maintain the natural landscape features of the environment.
Continue the existing farming uses and discourage further urban expansion.

Subdivision and other requirements (6)

<table>
<thead>
<tr>
<th>nd</th>
<th>Area/Dimensions/Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum subdivision area ( hectares ).</td>
<td>All land</td>
</tr>
<tr>
<td>Maximum floor area for which no permit is required to alter or extend an existing dwelling ( square metres ).</td>
<td>None specified</td>
</tr>
<tr>
<td>Maximum floor area for which no permit is required to construct an out-building associated with a dwelling ( square metres ).</td>
<td>None specified</td>
</tr>
<tr>
<td>Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture ( square metres ).</td>
<td>None specified</td>
</tr>
</tbody>
</table>

Permit requirement for earthworks

<table>
<thead>
<tr>
<th>Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Earthworks which change the rate of flow or the discharge point of water across a property boundary.</td>
</tr>
<tr>
<td>Earthworks which increase the discharge of saline groundwater.</td>
</tr>
</tbody>
</table>
FARMING ZONE

Shown on the planning scheme map as FZ with a number (if shown).

Purpose

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

To provide for the use of land for agriculture.

To encourage the retention of productive agricultural land.

To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

To encourage the retention of employment and population to support rural communities.

To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

Table of uses

Section 1 – Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture (other than Animal production, Apiculture, Domestic animal husbandry, Racing dog husbandry, Rice growing and Timber production)</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Cattle feedlot</td>
<td>Must meet the requirements of Clause 53.08. The total number of cattle to be housed in the cattle feedlot must be 1000 or less. The site must be located outside a special water supply catchment under the Catchment and Land Protection Act 1994. The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.</td>
</tr>
<tr>
<td>Dependent person’s unit</td>
<td>Must be the only dependent person’s unit on the lot. Must meet the requirements of Clause 35.07-2.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td>Must be the only dwelling on the lot. The lot must be at least the area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Grazing animal production</td>
<td>Must meet the requirements of Clause 35.07-2.</td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Poultry farm</td>
<td>Must be no more than 100 poultry (not including emus or ostriches).</td>
</tr>
<tr>
<td></td>
<td>Must be no more than 10 emus and ostriches.</td>
</tr>
<tr>
<td>Primary produce sales</td>
<td>Must not be within 100 metres of a dwelling in separate ownership.</td>
</tr>
<tr>
<td></td>
<td>The area used for the display and sale of primary produce must not exceed 50 square metres.</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Rural industry (other than Abattoir and Sawmill)</td>
<td>Must not have a gross floor area more than 200 square metres.</td>
</tr>
<tr>
<td></td>
<td>Must not be within 100 metres of a dwelling in separate ownership.</td>
</tr>
<tr>
<td></td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>The land must be at least the following distances from land (not a road) which is in a residential zone or Rural Living Zone:</td>
</tr>
<tr>
<td></td>
<td>• The threshold distance, for a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>• 30 metres, for a purpose not listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Rural store</td>
<td>Must be used in conjunction with Agriculture.</td>
</tr>
<tr>
<td></td>
<td>Must be in a building, not a dwelling and have a gross floor area of less than 100 square metres.</td>
</tr>
<tr>
<td></td>
<td>Must be the only Rural store on the lot.</td>
</tr>
<tr>
<td>Timber production</td>
<td>Must meet the requirements of Clause 53.11.</td>
</tr>
<tr>
<td></td>
<td>The plantation area must not exceed any area specified in a schedule to this zone. Any area specified must be at least 40 hectares.</td>
</tr>
<tr>
<td></td>
<td>The total plantation area (existing and proposed) on contiguous land which was in the same ownership on or after 28 October 1993 must not exceed any scheduled area.</td>
</tr>
<tr>
<td></td>
<td>The plantation must not be within 100 metres of:</td>
</tr>
<tr>
<td></td>
<td>• Any dwelling in separate ownership.</td>
</tr>
<tr>
<td></td>
<td>• Any land zoned for residential, commercial or industrial use.</td>
</tr>
<tr>
<td></td>
<td>• Any site specified on a permit which is in force which permits a dwelling to be constructed.</td>
</tr>
<tr>
<td></td>
<td>The plantation must not be within 20 metres of a powerline whether on private or public land, except with the consent of the relevant electricity supply or distribution authority.</td>
</tr>
</tbody>
</table>
### Use Conditions

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Section 2 – Permit required</strong></td>
<td></td>
</tr>
<tr>
<td>Abattoir</td>
<td></td>
</tr>
<tr>
<td>Animal production (other than Broiler farm, Cattle feedlot and Grazing animal production)</td>
<td></td>
</tr>
<tr>
<td>Broiler farm - if the Section 1 condition to Poultry farm is not met</td>
<td>Must meet the requirements of Clause 53.09.</td>
</tr>
<tr>
<td>Camping and caravan park</td>
<td></td>
</tr>
<tr>
<td>Car park</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>Cattle feedlot – if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 53.08.</td>
</tr>
<tr>
<td></td>
<td>The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.</td>
</tr>
<tr>
<td>Cemetery</td>
<td></td>
</tr>
<tr>
<td>Crematorium</td>
<td></td>
</tr>
<tr>
<td>Domestic animal boarding</td>
<td></td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast) – if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 35.07-2.</td>
</tr>
<tr>
<td>Emergency services facility</td>
<td></td>
</tr>
<tr>
<td>Freeway service centre</td>
<td>Must meet the requirements of Clause 53.05.</td>
</tr>
<tr>
<td>Group accommodation</td>
<td></td>
</tr>
<tr>
<td>Host farm</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Rural industry)</td>
<td></td>
</tr>
<tr>
<td>Landscape gardening supplies</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation)</td>
<td></td>
</tr>
<tr>
<td>Manufacturing sales</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus and Nightclub)</td>
<td>Primary school</td>
</tr>
<tr>
<td>Racing dog husbandry – if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 53.12.</td>
</tr>
<tr>
<td>Renewable energy facility (other than Wind energy facility)</td>
<td>Must meet the requirements of Clause 53.13.</td>
</tr>
<tr>
<td>Residential hotel</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td></td>
</tr>
<tr>
<td>Rice growing</td>
<td></td>
</tr>
<tr>
<td>Sawmill</td>
<td></td>
</tr>
<tr>
<td>Secondary school</td>
<td></td>
</tr>
<tr>
<td>Timber production – if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 53.11.</td>
</tr>
<tr>
<td>Trade supplies</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Warehouse (other than Rural store)</td>
<td></td>
</tr>
<tr>
<td>Wind energy facility</td>
<td>Must meet the requirements of Clause 52.32.</td>
</tr>
<tr>
<td>Winery</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

**Section 3 – Prohibited**

**Use**

Accommodation (other than Bed and breakfast, Camping and caravan park, Dependent person’s unit, Dwelling, Group accommodation, Host farm and Residential hotel)

Amusement parlour

Brothel

Cinema based entertainment facility

Education centre (other than Primary school and Secondary school)

Nightclub

Office

Retail premises (other than Market, Landscape gardening supplies, Manufacturing sales, Primary produce sales, Restaurant and Trade supplies)

**Use of land for a dwelling**

A lot used for a dwelling must meet the following requirements:
- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

These requirements also apply to a dependent person’s unit.

**Subdivision**

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where: Each new lot is at least the area specified for the land in the zone or the schedule to the zone. The area of either lot is reduced by less than 15 percent. The general direction of the common boundary does not change.</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>Subdivide land into 2 lots where each new lot is at least the area specified for the land in the zone or the schedule to the zone.</td>
<td>Clause 59.12</td>
</tr>
</tbody>
</table>

**Buildings and works**

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

- A building or works associated with a use in Section 2 of Clause 35.07-1. This does not apply to:
  - An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.
- An out-building associated with an existing dwelling provided the floor area of the out-building is not more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.

- An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 200 square metres. Any area specified must be more than 200 square metres. The building must not be used to keep, board, breed or train animals.

- A rainwater tank.

- Earthworks specified in a schedule to this zone, if on land specified in a schedule.

- A building which is within any of the following setbacks:
  - The setback from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1 specified in a schedule to this zone or, if no setback is specified, 50 metres.
  - The setback from any other road or boundary specified in a schedule to this zone.
  - The setback from a dwelling not in the same ownership specified in a schedule to this zone.
  - 100 metres from a waterway, wetlands or designated flood plain.

- Permanent or fixed feeding infrastructure for seasonal or supplementary feeding for grazing animal production constructed within 100 metres of:
  - A waterway, wetland or designated flood plain.
  - A dwelling not in the same ownership.
  - A residential or urban growth zone.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works associated with a Section 1 use in the Table of uses of the zone with an estimated cost of up to $500,000.</td>
<td>Clause 59.13</td>
</tr>
<tr>
<td>Any works must not be earthworks specified in the schedule to the zone.</td>
<td></td>
</tr>
<tr>
<td>Construct a building or construct or carry out works associated with a Section 2 use in the Table of uses of the zone with an estimated cost of up to $500,000 where the land is not:</td>
<td>Clause 59.13</td>
</tr>
<tr>
<td>Used for Domestic animal husbandry, Intensive animal production, Pig farm, Poultry farm, Poultry hatchery, Racing dog husbandry or Rural industry.</td>
<td></td>
</tr>
<tr>
<td>Within 30 metres of land (not a road) which is in a residential zone.</td>
<td>Any works must not be earthworks specified in the schedule to the zone.</td>
</tr>
</tbody>
</table>

**Application requirements for dwellings**

An application to use a lot for a dwelling must be accompanied by a written statement which explains how the proposed dwelling responds to the decision guidelines for dwellings in the zone.
Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

Agricultural issues and the impacts from non-agricultural uses
- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

Dwelling issues
- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

Environmental issues
- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.
Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.

- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.

- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.

- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.

- Whether the use and development will require traffic management measures.

Signs

Sign requirements are at Clause 52.05. This zone is in Category 4.
SCHEDULE 1 TO CLAUSE 35.07 FARMING ZONE

Shown on the planning scheme map as **FZ**.

Subdivision and other requirements (4)

<table>
<thead>
<tr>
<th>Land</th>
<th>Area/Dimensions/Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum subdivision area (hectares).</td>
<td>The area of lots must be in accordance with Map 1 attached to this schedule.</td>
</tr>
<tr>
<td>1. Lot 3 TP868296 Waratah Avenue, Waratah Bay as shown on Map 1 attached to this schedule.</td>
<td></td>
</tr>
<tr>
<td>2. All other land</td>
<td>80 hectares</td>
</tr>
<tr>
<td>Minimum area for which no permit is required to use land for a dwelling (hectares).</td>
<td>All land</td>
</tr>
<tr>
<td></td>
<td>40 hectares</td>
</tr>
<tr>
<td>Maximum area for which no permit is required to use land for timber production (hectares).</td>
<td>None specified</td>
</tr>
<tr>
<td></td>
<td>None specified</td>
</tr>
<tr>
<td>Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres).</td>
<td>None specified</td>
</tr>
<tr>
<td></td>
<td>None specified</td>
</tr>
<tr>
<td>Maximum floor area for which no permit is required to construct an out-building associated with a dwelling (square metres)</td>
<td>None specified</td>
</tr>
<tr>
<td></td>
<td>None specified</td>
</tr>
<tr>
<td>Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres)</td>
<td>None specified</td>
</tr>
<tr>
<td></td>
<td>None specified</td>
</tr>
<tr>
<td>Minimum setback from a road (metres).</td>
<td>A Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1</td>
</tr>
<tr>
<td></td>
<td>100 metres</td>
</tr>
<tr>
<td>A Road Zone Category 2 or land in a Public Acquisition Overlay to be acquired for a road, Category 2</td>
<td>40 metres</td>
</tr>
<tr>
<td>Any other road</td>
<td>20 metres</td>
</tr>
<tr>
<td>Minimum setback from a boundary (metres).</td>
<td>Any other boundary</td>
</tr>
<tr>
<td></td>
<td>5 metres</td>
</tr>
<tr>
<td>Minimum setback from a dwelling not in the same ownership (metres).</td>
<td>Any dwelling not in the same ownership</td>
</tr>
<tr>
<td></td>
<td>100 metres</td>
</tr>
</tbody>
</table>

Permit requirement for earthworks

<table>
<thead>
<tr>
<th>Land</th>
<th>Permit requirement for earthworks</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td>Earthworks which change the rate of flow or the discharge point of water across a property boundary.</td>
</tr>
<tr>
<td>None specified</td>
<td>Earthworks which increase the discharge of saline groundwater.</td>
</tr>
</tbody>
</table>
Map 1 to the Schedule to Clause 35.07
RURAL ACTIVITY ZONE

Shown on the planning scheme map as RAZ with a number (if shown).

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To provide for the use of land for agriculture.
To provide for other uses and development, in appropriate locations, which are compatible with agriculture and the environmental and landscape characteristics of the area.
To ensure that use and development does not adversely affect surrounding land uses.
To provide for the use and development of land for the specific purposes identified in a schedule to this zone.
To protect and enhance natural resources and the biodiversity of the area.
To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
</table>
| Agriculture (other than Animal production, Apiculture, Domestic animal husbandry, Racing dog husbandry, Rice growing and Timber production) | No more than 10 persons may be accommodated away from their normal place of residence.  
At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence. |
| Bed and breakfast                                                   | No more than 10 persons may be accommodated away from their normal place of residence.  
At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence. |
| Cattle feedlot                                                      | Must meet the requirements of Clause 53.08.  
The total number of cattle to be housed in the cattle feedlot must be 1000 or less.  
The site must be located outside a special water supply catchment under the Catchment and Land Protection Act 1994.  
The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots - August 1995. |
| Dependent person’s unit                                            | Must be the only dependent person’s unit on the lot.  
Must meet the requirements of Clause 35.08-2. |
<p>| Domestic animal husbandry (other than Domestic animal boarding)     | Must be no more than 5 animals. |
| Grazing animal production                                           |                                           |
| Home based business                                                 |                                           |</p>
<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Informal outdoor recreation</td>
<td>Must be no more than 100 poultry (not including emus or ostriches).  Must be no more than 10 emus and ostriches.</td>
</tr>
<tr>
<td>Poultry farm</td>
<td>Must not be within 100 metres of a dwelling in separate ownership.  The area used for the display and sale of primary produce must not exceed 50 square metres.</td>
</tr>
<tr>
<td>Primary produce sales</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Must not be within 100 metres of a dwelling in separate ownership.  The area used for the display and sale of primary produce must not exceed 50 square metres.</td>
</tr>
</tbody>
</table>
| Railway                                  | Must not have a gross floor area more than 200 square metres.  Must not be within 100 metres of a dwelling in separate ownership.  Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.  The land must be at least the following distances from land (not a road) which is in a residential zone and Rural Living Zone:  
  - The threshold distance, for a purpose listed in the table to Clause 53.10.  
  - 30 metres, for a purpose not listed in the table to Clause 53.10.                                                        |
| Rural industry (other than Abattoir and Sawmill) | Must be used in conjunction with Agriculture.  Must be in a building, not a dwelling and have a gross floor area of less than 100 square metres.  Must be the only Rural store on the lot. |
| Rural store                              | Must meet the requirements of Clause 53.11.  The plantation area must not exceed any area specified in a schedule to this zone. Any area specified must be at least 40 hectares.  The total plantation area (existing and proposed) on contiguous land which was in the same ownership on or after 28 October 1993 must not exceed any scheduled area.  The plantation must not be within 100 metres of:  
  - Any dwelling in separate ownership.  
  - Any land zoned for residential, commercial or industrial use.  
  - Any site specified on a permit which is in force which permits a dwelling to be constructed.  The plantation must not be within 20 metres of a powerline whether on private or public land, except with the consent of the relevant electricity supply or distribution authority. |
| Tramway                                  | Must meet the requirements of Clause 62.01.                                                                                                                                                         |
| Any use listed in Clause 62.01           | Must meet the requirements of Clause 62.01.                                                                                                                                                         |
## Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abattoir</td>
<td></td>
</tr>
<tr>
<td>Animal production (other than Broiler farm, Cattle feedlot and Grazing animal production)</td>
<td></td>
</tr>
<tr>
<td>Bar</td>
<td></td>
</tr>
<tr>
<td>Broiler farm - if the Section 1 condition to Poultry farm is not met</td>
<td>Must meet the requirements of Clause 53.09.</td>
</tr>
<tr>
<td>Camping and caravan park</td>
<td></td>
</tr>
<tr>
<td>Cattle feedlot - if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 53.08. The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots - August 1995.</td>
</tr>
<tr>
<td>Convenience shop</td>
<td>The site must not have direct access to a rural freeway.</td>
</tr>
<tr>
<td>Dependent person’s unit - if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 35.08-2.</td>
</tr>
<tr>
<td>Domestic animal boarding</td>
<td></td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td>Must meet the requirements of Clause 35.08-2.</td>
</tr>
<tr>
<td>Freeway service centre</td>
<td>Must meet the requirements of Clause 53.05.</td>
</tr>
<tr>
<td>Group accommodation</td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td></td>
</tr>
<tr>
<td>Host farm</td>
<td></td>
</tr>
<tr>
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</tr>
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<td></td>
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<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Manufacturing sales</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus and Nightclub)</td>
<td></td>
</tr>
<tr>
<td>Racing dog husbandry - if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 53.12.</td>
</tr>
<tr>
<td>Restaurant</td>
<td></td>
</tr>
<tr>
<td>Residential hotel</td>
<td></td>
</tr>
<tr>
<td>Rice growing</td>
<td></td>
</tr>
</tbody>
</table>
### Use of land for a dwelling

A lot used for a dwelling must meet the following requirements:

- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

These requirements also apply to a dependent person’s unit.
Subdivision

A permit is required to subdivide land. Each lot must be at least the area specified for the land in a schedule to this zone.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision and one lot must be at least the area specified for the land in a schedule to this zone.
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.
- The number of lots is no more than the number the land could be subdivided into in accordance with a schedule to this zone. At least one lot must be at least the area specified for the land in a schedule to this zone.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where: Each new lot is at least the area specified for the land in the zone or the schedule to the zone. The area of either lot is reduced by less than 15 percent. The general direction of the common boundary does not change.</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>Subdivide land into 2 lots where each new lot is at least the area specified for the land in the zone or the schedule to the zone.</td>
<td>Clause 59.12</td>
</tr>
</tbody>
</table>

Buildings and works

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

- A building or works associated with a use in Section 2 of Clause 35.08-1. This does not apply to:
  - An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.
  - An out-building associated with an existing dwelling provided the floor area of the out-building is not more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.
  - An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 200 square metres. Any area specified must be more than 200 square metres. The building must not be used to keep, board, breed or train animals.
  - A rainwater tank.
  - Earthworks specified in a schedule to this zone, if on land specified in a schedule.
• A building which is within any of the following setbacks:
  - The setback from a Road Zone Category 1 or land in a Public Acquisition Overlay to be
    acquired for a road, Category 1 specified in a schedule to this zone or, if no setback is
    specified, 50 metres.
  - The setback from any other road or boundary specified in a schedule to this zone.
  - The setback from a dwelling not in the same ownership specified in a schedule to this zone.
  - 100 metres from a waterway, wetlands or designated flood plain.

• Permanent or fixed feeding infrastructure for seasonal or supplementary feeding for grazing
  animal production constructed within 100 metres of:
  - A waterway wetland or designated flood plain.
  - A dwelling not in the same ownership.
  - A residential or urban growth zone.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column
I is a class of VicSmart application and must be assessed against the provision specified in Column
2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works associated with a Section 1 use in the Table of uses of the zone with an estimated cost of up to $500,000.</td>
<td>Clause 59.13</td>
</tr>
<tr>
<td>Any works must not be earthworks specified in the schedule to the zone.</td>
<td></td>
</tr>
<tr>
<td>Construct a building or construct or carry out works associated with a Section 2 use in the Table of uses of the zone with an estimated cost of up to $500,000 where the land is not:</td>
<td>Clause 59.13</td>
</tr>
<tr>
<td>• Used for Domestic animal husbandry, Intensive animal production, Pig farm, Poultry farm, Poultry hatchery, Racing dog husbandry or Rural industry.</td>
<td></td>
</tr>
<tr>
<td>• Within 30 metres of land (not a road) which is in a residential zone.</td>
<td></td>
</tr>
<tr>
<td>Any works must not be earthworks specified in the schedule to the zone.</td>
<td></td>
</tr>
</tbody>
</table>

**Decision guidelines**

Before deciding on an application to use or subdivide land, construct a building or construct or
carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must
consider, as appropriate:

**General issues**

• The Municipal Planning Strategy and the Planning Policy Framework.

• Any Regional Catchment Strategy and associated plan applying to the land.

• The capability of the land to accommodate the proposed use or development, including the
disposal of effluent.

• How the use or development relates to sustainable land management.
- Whether the site is suitable for the use and development and whether the proposal is compatible with adjoining and nearby land uses.

**Agricultural issues**
- Whether the use or development will support and enhance agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

**Dwelling issues**
- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.

**Environmental issues**
- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora, fauna and landscape features of the locality.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

**Design and siting issues**
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use or development will require traffic management measures.

**Signs**
Sign requirements are at Clause 52.05. This zone is in Category 3.
SCHEDULE 1 TO CLAUSE 35.08 RURAL ACTIVITY ZONE

Shown on the planning scheme map as RAZ.

**Purpose**

To provide for a range of land use and development that does not adversely affect surrounding uses.

To recognise the need to strengthen and diversify the economic base of the Shire.

To provide a flexible approach to the consideration of land use and development proposals to off-set the adverse effects of economic restructuring and climate change on the agricultural sector.

To encourage opportunities that contribute to population stability and growth in the Shire.

To recognise the natural beauty and "pure" image of the Shire.

### Subdivision and other requirements (5)

<table>
<thead>
<tr>
<th>Land</th>
<th>Area/Dimensions/Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum subdivision area ( hectares).</td>
<td>All Land</td>
</tr>
<tr>
<td>Minimum area for which no permit is required to use land for timber production ( hectares).</td>
<td>Land within the Significant Landscape overlay</td>
</tr>
<tr>
<td></td>
<td>All Other Land</td>
</tr>
<tr>
<td>Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres).</td>
<td>None specified</td>
</tr>
<tr>
<td>Maximum floor area for which no permit is required to construct an out-building associated with an existing dwelling (square metres)</td>
<td>None specified</td>
</tr>
<tr>
<td>Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres).</td>
<td>None specified</td>
</tr>
<tr>
<td>Minimum setback from a road (metres).</td>
<td>A Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1</td>
</tr>
<tr>
<td></td>
<td>A Road Zone Category 2 or land in a Public Acquisition Overlay to be acquired for a road, Category 2</td>
</tr>
<tr>
<td>Minimum setback from a boundary (metres).</td>
<td>Any other boundary</td>
</tr>
<tr>
<td>Minimum setback from a dwelling not in the same ownership (metres).</td>
<td>All Land</td>
</tr>
</tbody>
</table>

### Permit requirement for earthworks

<table>
<thead>
<tr>
<th>Land</th>
<th>Permit requirement for earthworks</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td>Earthworks which change the rate of flow or the discharge point of water across a property boundary.</td>
</tr>
<tr>
<td>None specified</td>
<td>Earthworks which increase the discharge of saline groundwater.</td>
</tr>
</tbody>
</table>
PUBLIC USE ZONE

Shown on the planning scheme map as PUZ with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To recognise public land use for public utility and community services and facilities.
To provide for associated uses that are consistent with the intent of the public land reservation or purpose.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Railway station</td>
<td>The total leasable floor area for the selling of food, drink and other</td>
</tr>
<tr>
<td></td>
<td>convenience goods and services must not exceed 50 square metres.</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
<tr>
<td>Any other use</td>
<td>The use must be for the purpose described in the table to Clause 36.01-6 which corresponds to the notation on the planning scheme map.</td>
</tr>
<tr>
<td></td>
<td>The use must be carried out by or on behalf of the public land manager.</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
</table>

Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
</tr>
</tbody>
</table>

Permit requirement

A permit is required to:

- Construct a building or construct or carry out works for any use in Section 2 of Clause 36.01-1. This does not apply to navigational beacons and aids.
- Subdivide land.

Application requirements

An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:

- To the application for permit being made.
To the application for permit being made and to the proposed use or development.

### Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The comments of any Minister or public land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

### Permit not required

A permit is not required to use land, or to construct a building or construct or carry out works on land, listed in a schedule to this zone, provided any condition in the schedule is complied with.

### Table of public land use

<table>
<thead>
<tr>
<th>Shown on the planning scheme map</th>
<th>Purpose of public land use</th>
</tr>
</thead>
<tbody>
<tr>
<td>PUZ1</td>
<td>Service &amp; Utility</td>
</tr>
<tr>
<td>PUZ2</td>
<td>Education</td>
</tr>
<tr>
<td>PUZ3</td>
<td>Health &amp; Community</td>
</tr>
<tr>
<td>PUZ4</td>
<td>Transport</td>
</tr>
<tr>
<td>PUZ5</td>
<td>Cemetery/Crematorium</td>
</tr>
<tr>
<td>PUZ6</td>
<td>Local Government</td>
</tr>
<tr>
<td>PUZ7</td>
<td>Other public use</td>
</tr>
</tbody>
</table>

### Signs

Sign requirements are at Clause 52.05. This zone, except for the PUZ4 (Transport), is in Category 4 unless a different requirement is specified in the schedule to this zone.

For land within the PUZ4 (Transport), the sign category which applies is the category which applies to the adjoining zone nearest to the land. If land is equidistant from two or more adjoining zones, the least restrictive category applies.

Where the Road Zone is the nearest adjoining zone, a permit is required to display a sign.
### SCHEDULE TO CLAUSE 36.01 PUBLIC USE ZONE

#### Permit exemptions and conditions (5)

<table>
<thead>
<tr>
<th>Public land</th>
<th>Use or development</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified.</td>
<td>None specified.</td>
<td>None specified</td>
</tr>
</tbody>
</table>

#### Advertising sign requirements

<table>
<thead>
<tr>
<th>Land</th>
<th>Advertising Sign Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified.</td>
<td>None specified.</td>
</tr>
</tbody>
</table>
PUBLIC PARK AND RECREATION ZONE

Shown on the planning scheme map as PPRZ.

Purpose

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

To recognise areas for public recreation and open space.

To protect and conserve areas of significance where appropriate.

To provide for commercial uses where appropriate.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Informal outdoor recreation</td>
<td>Must be conducted by or on behalf of the public land manager.</td>
</tr>
<tr>
<td></td>
<td>Must not be on coastal Crown land under the <em>Coastal Management Act 1995</em>.</td>
</tr>
<tr>
<td></td>
<td>Must not be costeaning or bulk sampling.</td>
</tr>
<tr>
<td>Open sports ground</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractor’s depot - if the Section 1 condition is not met</td>
<td>Must be associated with the public land use.</td>
</tr>
<tr>
<td>Heliport - if the Section 1 condition is not met</td>
<td>Must be associated with the public land use.</td>
</tr>
<tr>
<td>Office - if the Section 1 condition is not met</td>
<td>Must be associated with the public land use.</td>
</tr>
<tr>
<td>Retail premises - if the Section 1 condition is not met</td>
<td>Must be associated with the public land use.</td>
</tr>
<tr>
<td>Store - if the Section 1 condition is not met</td>
<td>Must be associated with the public land use.</td>
</tr>
</tbody>
</table>
Section 3 - Prohibited

Use

Brothel
Cinema based entertainment facility
Corrective institution
Display home centre
Funeral parlour
Industry
Saleyard
Transport terminal (other than Heliport)
Veterinary centre
Warehouse (other than Store)

Permit requirement

A permit is required to:

- Construct a building or construct or carry out works. This does not apply to:
  - Pathways, trails, seating, picnic tables, drinking taps, shelters, barbecues, rubbish bins, security lighting, irrigation, drainage or underground infrastructure.
  - Playground equipment or sporting equipment, provided these facilities do not occupy more than 10 square metres of parkland.
  - Navigational beacons and aids.
  - Planting or landscaping.
  - Fencing that is 1 metre or less in height above ground level.
  - A building or works shown in an Incorporated plan which applies to the land.
  - A building or works carried out by or on behalf of a public land manager or Parks Victoria under the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forest Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988, the Port of Melbourne Authority Act 1958 or the Crown Land (Reserves) Act 1978.

- Subdivide land.

Application requirements

An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:

- To the application for permit being made.
- To the application for permit being made and to the proposed use or development.
Exemption from notice and review
An application to subdivide land which is consistent with an Incorporated plan is exempt from the notice requirements of section 52(1) (a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Decision guidelines
Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

Incorporated plan
An Incorporated plan is a plan which shows the way the land is to be used and developed. An Incorporated plan may include the following information:

- Recognition of existing use and how the area is to be developed.
- The building envelope of any proposed buildings.
- Details of any proposed buildings or works.
- The location of pedestrian or vehicle access points or car parking areas.
- The location of any areas for specific uses or a schedule of specific uses which are allowed without permit.
- Topographic details including any proposed cut and fill.
- The location of existing and proposed features.
- The location of existing native and other vegetation and any proposed landscaping works or areas of vegetation to be added or removed.
- The identification of sites of flora or fauna significance (including, in particular, any potentially threatened species or significant habitat) or other places of cultural heritage or scientific value.

The Incorporated plan must be consistent with the intent of the public land reservation under any Act and make reference to relevant policies and guidelines.

An Incorporated plan may be prepared in parts or stages.

Use and development of land identified in a schedule
Land identified in a schedule to this zone may be used and developed in accordance with the schedule or the specific controls contained in an incorporated document corresponding to the land, provided any condition in the schedule or incorporated document is complied with.

Signs
Sign requirements are at Clause 52.05. This zone is in Category 4 unless a different requirement is specified in the schedule to this zone.
SCHEDULE TO CLAUSE 36.02 PUBLIC PARK AND RECREATION ZONE

1.0 Permit exemptions and conditions

<table>
<thead>
<tr>
<th>Public land</th>
<th>Use or development</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified.</td>
<td>None specified.</td>
<td>None specified.</td>
</tr>
</tbody>
</table>

2.0 Sign requirements

<table>
<thead>
<tr>
<th>Land</th>
<th>Sign Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified.</td>
<td>None specified.</td>
</tr>
</tbody>
</table>

3.0 Use and development of land specified in an Incorporated Plan

None specified.
PUBLIC CONSERVATION AND RESOURCE ZONE

Shown on the planning scheme map as PCRZ.

**Purpose**

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

To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values.

To provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes.

To provide for appropriate resource based uses.

---

### Table of uses

**Section 1 - Permit not required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boat launching facility</td>
<td>Must be either of the following:</td>
</tr>
<tr>
<td>Camping and caravan park</td>
<td>- A use conducted by or on behalf of a public land manager or Parks Victoria under the relevant provisions of the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forests Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988, the Port of Melbourne Authority Act 1958 or the Crown Land (Reserves) Act 1978.</td>
</tr>
<tr>
<td>Caretaker’s house</td>
<td></td>
</tr>
<tr>
<td>Car park</td>
<td>Specified in an Incorporated plan in a schedule to this zone.</td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Interpretation centre</td>
<td></td>
</tr>
<tr>
<td>Jetty</td>
<td></td>
</tr>
<tr>
<td>Kiosk</td>
<td></td>
</tr>
<tr>
<td>Marine dredging</td>
<td></td>
</tr>
<tr>
<td>Mooring pole</td>
<td></td>
</tr>
<tr>
<td>Open sports ground</td>
<td></td>
</tr>
<tr>
<td>Pier</td>
<td></td>
</tr>
<tr>
<td>Pontoon</td>
<td></td>
</tr>
<tr>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than</td>
<td></td>
</tr>
<tr>
<td>Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td></td>
</tr>
</tbody>
</table>

Any other use not in Section 2 or 3: Must be a use conducted by or on behalf of a public land manager or Parks Victoria under the relevant provisions of the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forests Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988, the Port of Melbourne Authority Act 1958 or the Crown Land (Reserves) Act 1978.
Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency services facility</td>
<td></td>
</tr>
<tr>
<td>Renewable energy facility (other than Wind energy facility)</td>
<td>Must not be located on land reserved under the National Parks Act 1975. Must meet the requirements of Clause 53.13.</td>
</tr>
<tr>
<td>Wind energy facility</td>
<td>Must not be located on land described in a schedule to the National Parks Act 1975. This does not apply where the Wind energy facility is principally used to supply electricity to a facility used in conjunction with conservation, recreation, administration or accommodation use of the land. Must meet the requirements of Clause 52.32.</td>
</tr>
</tbody>
</table>

Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>The use in Section 1 described as ‘Any other use not in Section 2 or 3’ – if the Section 1 condition is not met</td>
<td></td>
</tr>
</tbody>
</table>

Permit requirement

A permit is required to:

- Construct a building or construct or carry out works. This does not apply to:
  - A building or works shown in an Incorporated plan which applies to the land.
  - A building or works specified in Clause 62.02-1 or 62.02-2 carried out by or on behalf of a public authority or municipal council, if the public authority or municipal council is carrying out functions, powers or duties conferred by or under the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forests Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988, the Port of Melbourne Authority Act 1958 or the Crown Land (Reserves) Act 1978.
  - A building or works carried out by or on behalf of a public land manager or Parks Victoria under the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forests Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988, the Port of Melbourne Authority Act 1958, the Crown Land (Reserves) Act 1978, or the Road Management Act 2004.

- Subdivide land.

Application requirements

An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:

- To the application for permit being made.
- To the application for permit being made and to the proposed use or development.
Where there is no public land manager, an application for a permit must be accompanied by the written consent of the Secretary to the Department of Environment, Land, Water and Planning.

**Exemption from notice and review**

An application to subdivide land which is consistent with an Incorporated plan is exempt from the notice requirements of section 52(1) (a), (b), and (d), the decision requirements of sections 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

**Referral of applications**

An application to use or develop land for the purpose of an emergency services facility must be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03.

**Decision guidelines**

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

**Incorporated plan**

An Incorporated plan is a plan which shows the way the land is to be used and developed. An Incorporated plan may include the following information:

- Recognition of existing use and how the area is to be developed.
- The building envelope of any proposed buildings.
- Details of proposed buildings or works.
- The location of pedestrian or vehicle access points or car parking areas.
- The location of any areas for specific uses and a schedule of specific uses which are allowed without permit.
- Topographic details including any proposed cut and fill.
- The location of existing and proposed features.
- The location of existing native or other vegetation and any proposed landscaping works or areas of vegetation to be added or removed.
- The identification of sites of flora or fauna significance (including, in particular, any potentially threatened species or significant habitat) or other places of cultural, heritage or scientific value.

The Incorporated plan must be consistent with the intent of the public land reservation under any Act and make reference to relevant policies and guidelines.

An Incorporated plan may be prepared in parts or stages.
Use and development of land identified in a schedule

Land identified in a schedule to this zone may be used and developed in accordance with the schedule or the specific controls contained in an incorporated document corresponding to the land, provided any condition in the schedule or incorporated document is complied with.

Signs

Sign requirements are at Clause 52.05. This zone is in Category 4 unless a different requirement is specified in the schedule to this zone.
SCHEDULE TO CLAUSE 36.03 PUBLIC CONSERVATION AND RESOURCE ZONE

1.0 Permit exemptions and conditions (6)

<table>
<thead>
<tr>
<th>Public land</th>
<th>Use or development</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified.</td>
<td>None specified.</td>
<td>None specified.</td>
</tr>
</tbody>
</table>

2.0 Sign requirements (3)

<table>
<thead>
<tr>
<th>Land</th>
<th>Sign Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified.</td>
<td>None specified.</td>
</tr>
</tbody>
</table>

3.0 Use and development of land specified in an Incorporated Plan (3)

None specified.
ROAD ZONE

Shown on the planning scheme map as **RDZ1** for a Category 1 road and **RDZ2** for a Category 2 road.

**Purpose**

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

To identify significant existing roads.

To identify land which has been acquired for a significant proposed road.

---

**Table of uses**

**Section 1 - Permit not required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>

**Section 2 - Permit required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td>Any other use not in Section 1 or 3</td>
</tr>
</tbody>
</table>

**Section 3 - Prohibited**

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
<td></td>
</tr>
</tbody>
</table>

---

**Permit requirement**

A permit is required to:

- Construct a building or construct or carry out works for a use in Section 2 of Clause 36.04-1.
- Subdivide land.

---

**Decision guidelines**

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

- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.
Signs

Sign requirements are at Clause 52.05. A permit is required to display a sign over the road formation or over land within 600 millimetres of the road formation. For other land in this zone, the category of advertising control which applies is the category which applies to the adjoining zone nearest to the land. If land is equidistant from two or more adjoining zones, the least restrictive category applies.

Where the Public Use Zone 4 is the nearest adjoining zone, a permit is required to display a sign.
SPECIAL PURPOSE ZONES
SOUTH GIPPSLAND PLANNING SCHEME

37.01
31/07/2018
VC148

SPECIAL USE ZONE
Shown on the planning scheme map as SUZ with a number.

Purpose
To implement the Municipal Planning Strategy and the Planning Policy Framework.
To recognise or provide for the use and development of land for specific purposes as identified in a schedule to this zone.

37.01-1
19/01/2006
VC37

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 1 of the schedule to this zone</td>
<td>Must comply with any condition in Section 1 of the schedule to this zone</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 2 of the schedule to this zone</td>
<td>Must comply with any condition in Section 2 of the schedule to this zone.</td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3 of the schedule to this zone</td>
<td></td>
</tr>
</tbody>
</table>

Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 3 of the schedule to this zone</td>
</tr>
</tbody>
</table>

37.01-2
31/07/2018
VC148

Use of land
Any requirement in the schedule to this zone must be met.

Application requirements
An application to use land must be accompanied by any information specified in the schedule to this zone.

Exemption from notice and review
The schedule to this zone may specify that an application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

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

- Any guidelines in the schedule to this zone.
## Subdivision

### Permit requirement

A permit is required to subdivide land.

Any requirement in the schedule to this zone must be met.

### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
<tr>
<td>- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into 2 lots if:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The construction of a building or the construction or carrying out of works on the land:</td>
<td></td>
</tr>
<tr>
<td>- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</td>
<td></td>
</tr>
<tr>
<td>- Has started lawfully.</td>
<td></td>
</tr>
<tr>
<td>- The subdivision does not create a vacant lot.</td>
<td></td>
</tr>
</tbody>
</table>

### Application requirements

An application to subdivide land must be accompanied by any information specified in the schedule to this zone.

### Exemption from notice and review

The schedule to this zone may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

### Decision guidelines

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

- Any guidelines in the schedule to this zone.
Buildings and works

Permit requirement

A permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise.

Any requirement in the schedule to this zone must be met.

An apartment development must meet the requirements of Clause 58.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $500,000 and the land is not:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>• Within 30 metres of land (not a road) which is in a residential zone.</td>
<td></td>
</tr>
<tr>
<td>• Used for a purpose listed in the table to Clause 53.10.</td>
<td></td>
</tr>
</tbody>
</table>

Transitional provisions

Clause 58 does not apply to:

• An application for a planning permit lodged before the approval date of Amendment VC136.

• An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

Application requirements

An application to construct a building or construct or carry out works must be accompanied by any information specified in the schedule to this zone.

An application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, must be accompanied by an urban context report and design response as required in Clause 58.01.

Exemption from notice and review

The schedule to this zone may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Decision guidelines

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

• The Municipal Planning Strategy and the Planning Policy Framework.

• For an apartment development, the objectives, standards and decision guidelines of Clause 58.

• Any guidelines in the schedule to this zone.
Signs
Sign requirements are at Clause 52.05. This zone is in Category 3 unless a schedule to this zone specifies a different category.
SCHEDULE 1 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as SUZ1.

EARTH AND ENERGY RESOURCES INDUSTRY

Purpose
To recognise or provide for the use and development of land for earth and energy resources industry.
To encourage interim use of the land compatible with the use and development of nearby land.
To encourage land management practice and rehabilitation that minimises adverse impact on the use and development of nearby land.

1.0 Table of uses (8)

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extensive animal husbandry</td>
<td></td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture (other than Animal keeping, Animal training, Apiculture, Extensive animal husbandry, Horse stables, and Intensive animal husbandry)</td>
<td></td>
</tr>
<tr>
<td>Animal keeping (other than Animal boarding)</td>
<td>Must be no more than four animals.</td>
</tr>
<tr>
<td>Caretaker’s house</td>
<td></td>
</tr>
<tr>
<td>Dependent person’s unit</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Materials recycling, Refuse disposal, and Transfer station)</td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Landscape gardening supplies</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation)</td>
<td></td>
</tr>
<tr>
<td>Manufacturing sales</td>
<td></td>
</tr>
<tr>
<td>Materials recycling</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour and Nightclub)</td>
<td></td>
</tr>
<tr>
<td>Refuse disposal</td>
<td></td>
</tr>
<tr>
<td>Transfer station</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation)</td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>
Section 3 - Prohibited

Must not be a purpose listed in the table to Clause Use

Accommodation (other than Caretaker’s house and Dependent person's unit)
Amusement parlour
Animal boarding
Animal training
Brothel
Cinema based entertainment facility
Horse stables
Intensive animal husbandry
Nightclub
Office
Retail premises (other than Landscape gardening supplies and Manufacturing sales)
Saleyard
Service station
Transport terminal
Veterinary centre

Use of land (8)
None specified.

Subdivision (20)
None specified.

Buildings and works (8)
Permit requirement
The requirement for a permit does not apply to the construction of a building or the construction or carrying out of works which are a modification necessary to comply with a direction or licence under the Dangerous Goods Act 1985 or a Waste Discharge Licence, Works Approval or Pollution Abatement Notice under the Environment Protection Act 1970.

Signs (8)
None specified.
SCHEDULE 2 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as SUZ2.

WARATAH PARK TOURIST FACILITY

Purpose
To provide for the use of the land for the purpose of a tourist facility, incorporating a function centre, restaurant, accommodation and ancillary uses.

To ensure that the use and development of the tourist facility is sympathetic to the landscape and the environment of the locality.

To provide for the subdivision of the land to facilitate the development and coordinated management of accommodation associated with the tourist facility.

Table of uses (9)

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apiculture</td>
<td>Must meet the requirements of the Apiary Code of Practice, May 1997.</td>
</tr>
<tr>
<td>Crop raising (other than Timber Production)</td>
<td></td>
</tr>
<tr>
<td>Dependent person’s unit</td>
<td>Must be the only dependent person’s unit on the land.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 2.0 of this schedule.</td>
</tr>
</tbody>
</table>

Extensive animal husbandry

Home occupation

Mineral exploration | Must meet the conditions of Clause 52.08-2

Mining            | Must meet the conditions of Clause 52.08-2

Minor utility installation

Natural systems

Search for stone | Must not be costeanning or bulk sampling

Road

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than a Dwelling, Caretaker’s house or Dependant Person’s Unit)</td>
<td>Must only be used for short term accommodation in conjunction with the Waratah Park Tourist Facility.</td>
</tr>
<tr>
<td>Caretaker’s house</td>
<td>Must be the only caretaker’s house on the land.</td>
</tr>
<tr>
<td></td>
<td>Must only be used in conjunction with the Waratah Park Tourist Facility.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>---------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>Must meet the minimum requirements of Clause 2.0 of this schedule.</td>
</tr>
<tr>
<td>Dwelling</td>
<td>Must be the only dwelling on the land.</td>
</tr>
<tr>
<td></td>
<td>Must only be used as a permanent residence by the owners and/or managers of the Waratah Park Tourist Facility.</td>
</tr>
<tr>
<td></td>
<td>Must meet the minimum requirements of Clause 2.0 of this schedule.</td>
</tr>
<tr>
<td>Function centre</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td></td>
</tr>
<tr>
<td>Search for stone – If the Section 1 condition is not met</td>
<td></td>
</tr>
<tr>
<td>Section 3 - Prohibited</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 2</td>
<td></td>
</tr>
</tbody>
</table>

### Use of land (9)

**Permit requirement to use the land for a tourist accommodation cabin or caretaker’s house**

An agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into with the owner that:

- Prohibits the use of the tourist accommodation cabins for permanent accommodation.
- Requires that a tourist accommodation cabin must not be resided in by the owner or any other person for more than 31 consecutive days or more than 93 days per calendar year.
- The caretaker’s house must only be used by a person/persons responsible for the management and security of the Wilsons Promontory Gateway Tourist Facility.

**Application requirements**

Unless the circumstances do not require, an application to use land for a tourist accommodation cabin must be accompanied by the following information, as appropriate:

- A land capability assessment and on-site wastewater management design report which includes an accurate assessment of the volume of waste likely to emanate from the use and the resultant environmental impact.
- The maximum number of persons proposed to be accommodated within each unit/cabin at any one time.
- The number of car parking spaces proposed to be provided per unit/cabin.
- A traffic and engineering report on access.
- Details of how access to each unit/cabin is to be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- A brief report explaining how the accommodation units/cabins will be managed and maintained.

Unless the circumstances do not require, an application to use land for a function centre or restaurant must be accompanied by the following information, as appropriate:
A land capability assessment and on-site wastewater management design report which includes an accurate assessment of the volume of waste likely to emanate from the use and the resultant environmental impact.

- The proposed hours of operation.
- The maximum number of persons proposed to be accommodated on the site at any one time.
- The number of car parking spaces proposed to be provided.
- How land not required for immediate use is to be maintained.

**Exemption from notice and appeal**

An application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1)(2) and (3) and the appeal rights of Section 82(1) of the Act.

**Decision guidelines**

Before deciding on an application to use land, the responsible authority must consider as appropriate:

- Proposed hours of operation for the proposed function centre/restaurant.
- The availability of and connection to services.
- Method of on-site waste water treatment and disposal.
- The provision of car parking.
- The maintenance and management of the land.

**Subdivision (32)**

**Permit requirement**

One lot may be created that contains the existing Waratah Park Tourist Facility manager’s dwelling, function centre, restaurant, accommodation units and associated outdoor areas.

Other lots may be created that contain an existing tourist accommodation cabin or caretaker’s house. Areas ancillary to each cabin (such as driveway access, car parking, waste water disposal areas and ancillary facilities) may be incorporated within common property on the plan of subdivision.

For each lot created that contains a tourist accommodation unit/cabin or a caretaker’s house, an agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into with the owner of each lot that:

- Prohibits the use and development of the land for any purpose other than a tourist accommodation cabin or caretaker’s house in conjunction with the Waratah Park Tourist Facility.
- Prohibits the use and development of each lot for the purposes of permanent accommodation. In the case of the caretaker’s house, the house must only be used by a person/persons responsible for the management and security of the tourist accommodation cabins.
- Requires that a tourist accommodation cabin must not be resided in by the owner or any other person for more than 42 consecutive days or more than 150 days per calendar year.
- Provides for the management and on-going maintenance of the land and facilities within the areas of common property.

The agreement must be registered on each title.

Vacant lots may be created, provided that a planning permit has first been issued for the use and development of the land for tourist accommodation cabins and caretaker’s house in accordance with the provisions of sub-section 2.0 and 4.0 of this Schedule.
For each vacant lot created, an agreement under Section 173 of the Planning and Environment Act 1987 must be entered into with the owner of each lot that:

- Prohibits the use or development of the land for any purpose other than a tourist accommodation cabin or caretaker’s house in conjunction with the Waratah Park Tourist Facility.
- Requires the development of the land to be completed in accordance with an approved planning permit that has been issued under the provisions of this zone.
- Requires that a tourist accommodation cabin must not be resided in by the owner or any other person for more than 42 consecutive days or more than 150 days per calendar year.
- Provides for the management and on-going maintenance of the land and facilities within the areas of common property.

The agreement must be registered on each title.

**Application requirements**

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

- A plan drawn to scale which shows for each lot:
  - The location and dimensions of existing development or proposed building envelopes, car parking areas and driveway access.
  - The location and dimensions of wastewater treatment and disposal areas.
  - Any areas of common property.

- A land capability assessment which demonstrates that each lot is capable of treating and retaining all waste water in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- If a staged subdivision, show how the balance of the land may be subdivided.

**Exemption from notice and appeal**

An application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1)(2) and (3) and the appeal rights of Section 82(1) of the Act.

**Decision Guidelines**

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

- The capability of each lot and/or area of common property to treat and retain all waste water on-site in accordance with the State Environment Protection Policy (Waters of Victoria).
- The availability and provision of utility services, including electricity, drainage, water and communications.
- Measures to ensure that the proposed accommodation units/cabins are only used for short term accommodation in conjunction with the Waratah Park Tourist Facility and appropriate mechanisms are in place for the management and maintenance of each cabin and common property area.

**Buildings and works (9)**

**Permit requirement**

A permit is required to construct a building or construct or carry out works.
Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A site layout plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works, including setbacks from boundaries of the site.
  - Location and dimensions of all access, internal driveways, car parking and loading areas.
  - Proposed landscaping areas.
  - All wastewater treatment and disposal areas.
  - The location of a water supply for both domestic and fire fighting purposes.
  - Any vegetation proposed to be removed, destroyed or lopped.

- Floor plans and elevations drawn to scale to show the height, exterior finishes and colour of all buildings and works.

- Surface treatment and construction details of all drainage works, driveways, vehicle parking and loading areas.

- A landscape plan that includes:
  - A planting schedule incorporating only locally indigenous species which includes the description and number of species proposed to be planted, proposed extent of vegetation community “net gain” and shelterbelt requirements.
  - A ten metre wide, double fenced, tree plantation adjacent to the eastern boundary of the site.
  - Surfaces to be constructed, a site works specification and method of preparing, draining, watering and maintaining the vegetation.

Decision guidelines

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

- The movement of vehicles providing for supplies, waste removal and emergency services.

- The location and dimensions of site access and car parking spaces.

- Outdoor lighting.

- Stormwater discharge.

- The external finishes of the buildings to ensure they blend with the surrounding environment.

- Measures to cope with fire.

- Landscape treatment.

- Any natural or cultural values on or near the land.

5.0

Signs (9)

None specified.
SCHEDULE 3 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ3**.

PORT AREAS

**Purpose**
To provide for the development of the Barry Beach Port as a key area of the State for the interchange, storage and distribution of goods.

### Table of uses (7)

#### Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apiculture</td>
<td>Must meet the requirements of the <em>Apiary Code of Practice, May 1997</em>.</td>
</tr>
<tr>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>Search for stone</td>
<td></td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Mineral exploration</td>
<td></td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Mining</td>
<td>Must meet the conditions of Clause 52.08-2</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>Search for stone</td>
<td>Must not be costeaning or bulk sampling</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Wharf</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01</td>
</tr>
</tbody>
</table>

#### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transport Terminal (other than wharf)</td>
<td>Must be directly associated with and reliant upon the port.</td>
</tr>
<tr>
<td>Industry</td>
<td></td>
</tr>
<tr>
<td>Utility installation</td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

#### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Any other use not in Section 1 or 2</td>
<td></td>
</tr>
</tbody>
</table>

### Use of land (7)

**Application requirements**

An application to use land must be accompanied by the following information, as appropriate:
• A report which demonstrates a need or significant benefit for the use to establish close to the port or associated uses.

• The purpose of the use and the types of processes to be utilised.

• The type and quantity of goods to be stored, processed or produced.

• How land not required for immediate use is to be maintained.

• Whether a Works Approval or Waste Discharge Licence is required from the Environmental Protection Authority.

• Whether a licence under the Dangerous Goods Act 1985 is required.

• The likely effects, if any, on the neighbourhood, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land and water.
  - Traffic, including hours of delivery and dispatch.
  - Light spill or glare.

**Decision guidelines**

Before deciding on an application to use land, the responsible authority must consider, as appropriate:

• The effect that the use may have on nearby existing or proposed uses for or associated with the port.

• The effect that nearby existing or proposed uses for or associated with the port may have on the proposed use.

• Whether there is a demonstrated need or significant benefit associated with any proposed industry, transport terminal, utility installation (other than minor utility installation) or warehouse, in it being located near port facilities or associated uses.

• The drainage of the land.

• The availability and connection of services.

• Provision of fire protection and other emergency services.

• The effect of traffic likely to be generated on roads including the need for traffic management plans and works to the satisfaction of the responsible authority to minimise any adverse impacts.

### 3.0

**Subdivision (19)**

None specified.

### 4.0

**Buildings and works (7)**

**Permit requirement**

A permit is not required for buildings and works which:

• Provide for navigational beacons or aids;

• Rearrange, alter, renew or maintain plant if the area or height of the plant is not increased;

• Comply with a directions or licence under the *Dangerous Goods Act 1985* or a Waste Discharge Licence, Works Approval or Pollution Abatement Notice under the *Environment Protection Act 1970*.

• Provide for railways, road or tramway;
• Alter electrical or gas services or telephone lines;
• Alter plumbing services which do not affect the drainage of the land;
• All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information, where appropriate:

• A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - The proposed use of all existing and proposed buildings.
  - The provision of on-site vehicle parking.
  - Loading and unloading areas.
  - Internal vehicle movements
  - Site entrance and exit points.
  - Proposed landscape areas.
  - External storage and waste treatment areas.
  - Features above or below water.

• Elevation drawings and plans (to scale) and information showing the profile and maximum heights of proposed buildings and equipment installations.

• Detailed plans and elevations for works associated with the development of any new wharf area.

• Details of materials, finish, colour of the external surfaces and coverings of buildings and works.

• Construction details of all drainage works, driveways and vehicle parking and loading.

• A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area.

• Details relating to the staging of development and an appropriate time scale in which each stage of development should be completed.

Decision guidelines

Before deciding on an application to construct a building or construct or carry out works, the responsible authority must consider, as appropriate:

• Any natural and cultural values on or near the land.

• The effect of the proposed development on future development of the land and adjoining area for port and port related uses.

• The effect that the development may have on environmental values in the waters of Corner Inlet, particularly on marine flora and fauna.

• Traffic generation and traffic management proposals.
- The adequacy of provision for parking and site access.
- The location and extent of loading, storage and service areas.
- The adequacy of excising roads and infrastructure to support the proposed development.
- The built form and visual impact of the proposed development, including signage.
- The objectives and likely effectiveness of the proposed landscaping treatment.
- The adequacy of stormwater discharge.

5.0

Signs (7)

Sign requirements are at Clause 52.05. All land located within this Schedule to this zone is in Category 2.
SCHEDULE 4 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as SUZ4.

WILSONS PROMONTORY GATEWAY TOURIST FACILITY

Purpose
To provide for the use of the land for the purpose of a tourist facility, incorporating a function centre, restaurant, accommodation, retail facility and ancillary uses.

To ensure that the use and development of the tourist facility is sympathetic to the landscape and the environment of the locality.

To provide for the subdivision of the land to facilitate the development and coordinated management of accommodation associated with the tourist facility.

1.0

Table of uses (10)

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop raising (other than Timber production)</td>
<td></td>
</tr>
<tr>
<td>Dependent person’s unit</td>
<td>Must be the only dependent person’s unit on the land.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 2.0 of this schedule.</td>
</tr>
<tr>
<td>Extensive animal husbandry</td>
<td></td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than a Dwelling, Caretaker’s house or Dependant person’s unit)</td>
<td>Must only be used for short term accommodation in conjunction with the Wilsons Promontory Gateway Tourist Facility.</td>
</tr>
<tr>
<td>Caretaker’s house</td>
<td>Must be the only caretaker’s house on the land.</td>
</tr>
<tr>
<td></td>
<td>Must only be used in conjunction with the Wilsons Promontory Gateway Tourist Facility.</td>
</tr>
<tr>
<td></td>
<td>Must meet the minimum requirements of Clause 2.0 of this schedule.</td>
</tr>
<tr>
<td>Exhibition centre</td>
<td>Must only be used in conjunction with the Wilsons Promontory Gateway Tourist Facility</td>
</tr>
<tr>
<td>Food and drink premises</td>
<td>Must only be used in conjunction with the Wilsons Promontory Gateway Tourist Facility</td>
</tr>
<tr>
<td>Function centre</td>
<td>Must only be used in conjunction with the Wilsons Promontory Gateway Tourist Facility</td>
</tr>
</tbody>
</table>
Use of land (10)

Permit requirement to use the land for a tourist accommodation cabin or caretaker’s house

An agreement under Section 173 of the Planning and Environment Act 1987 must be entered into with the owner that:

- Prohibits the use of the tourist accommodation cabins for permanent accommodation.
- Requires that a tourist accommodation cabin must not be resided in by the owner or any other person for more than 31 consecutive days or more than 93 days per calendar year.
- The caretaker’s house must only be used by a person/persons responsible for the management and security of the Wilsons Promontory Gateway Tourist Facility.

Application requirements

Unless the circumstances do not require, an application to use land for a tourist accommodation cabin must be accompanied by the following information, as appropriate:

- A land capability assessment and on-site wastewater management design report which includes an accurate assessment of the volume of waste likely to emanate from the use and the resultant environmental impact.
- The maximum number of persons proposed to be accommodated within each unit/cabin at any one time.
- The number of car parking spaces proposed to be provided per unit/cabin.
- A traffic and engineering report on access.
- Details of how access to each unit/cabin is to be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- A brief report explaining how the accommodation units/cabins will be managed and maintained.

Unless the circumstances do not require, an application to use land for a function centre or restaurant must be accompanied by the following information, as appropriate:

- A land capability assessment and on-site wastewater management design report which includes an accurate assessment of the volume of waste likely to emanate from the use and the resultant environmental impact.
The proposed hours of operation.

The maximum number of persons proposed to be accommodated on the site at any one time.

The number of car parking spaces proposed to be provided.

How land not required for immediate use is to be maintained.

**Exemption from notice and appeal**

An application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1)(2) and (3) and the appeal rights of Section 82(1) of the Act.

**Decision guidelines**

Before deciding on an application to use land, the responsible authority must consider as appropriate:

- Proposed hours of operation for the proposed function centre/restaurant.

- The availability of and connection to services.

- Method of on-site waste water treatment and disposal.

- The provision of car parking.

- The maintenance and management of the land.

**Subdivision (33)**

**Permit requirement**

Lots may be created that contain a tourist accommodation unit/cabin. Areas ancillary to each cabin (such as driveway access, car parking, waste water disposal areas and ancillary facilities) may be incorporated within the common property on the plan of subdivision.

For each lot created that contains a tourist accommodation unit/cabin or a caretaker’s house, an agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into with the owner of each lot that:

- Prohibits the use and development of the land for any purpose other than a tourist accommodation cabin or caretaker’s house in conjunction with the Wilsons Promontory Gateway Tourist Facility.

- Prohibits the use and development of each lot for the purpose of permanent accommodation.

- The caretaker’s house must only be used by a person/persons responsible for the management and security of the tourist accommodation cabins.

- Requires that a tourist accommodation cabin must not be resided in by the owner or any other person for more than 31 consecutive days or more than 93 days per calendar year.

- Provides for the management and on-going maintenance of the land and facilities within the areas of common property.

The agreement must be registered on each title.

Vacant lots may be created, provided that a planning permit has first been issued for the use and development of the land for tourist accommodation cabins and caretaker’s house in accordance with the provisions of sub-section 2.0 and 4.0 of this Schedule.

For each vacant lot created, an agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into with the owner of each lot that:

- Prohibits the use or development of the land for any purpose other than a tourist accommodation cabin or caretaker’s house in conjunction with the Wilsons Promontory Gateway Tourist Facility.

- Requires the development of the land to be completed in accordance with an approved planning permit that has been issued under the provisions of this zone.
Requires that a tourist accommodation cabin must not be resided in by the owner or any other person for more than 31 consecutive days or more than 93 days per calendar year.

Provides for the management and on-going maintenance of the land and facilities within the areas of common property.

The agreement must be registered on each title.

**Application requirements**

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

- A plan drawn to scale which shows for each lot:
  - The location and dimensions of existing development or proposed building envelopes, car parking areas and driveway access.
  - The location and dimensions of wastewater treatment and disposal areas.
  - Any areas of common property.

- A land capability assessment which demonstrates that each lot is capable of treating and retaining all waste water in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.

- If a staged subdivision, show how the balance of the land may be subdivided.

**Exemption from notice and appeal**

An application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1)(2) and (3) and the appeal rights of Section 82(1) of the Act.

**Decision Guidelines**

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

- The capability of each lot and/or area of common property to treat and retain all waste water on-site in accordance with the State Environment Protection Policy (Waters of Victoria).

- The availability and provision of utility services, including electricity, drainage, water and communications.

- Measures to ensure that the proposed accommodation units/cabins are only used for short term accommodation in conjunction with the Wilsons Promontory Gateway Tourist Facility and appropriate mechanisms are in place for the management and maintenance of each cabin and common property area.

- Vehicle access via an all-weather road with dimensions adequate to accommodate emergency vehicles.

**Buildings and works (10)**

**Permit requirement**

A permit is required to construct a building or construct or carry out works.

No accommodation or residential buildings are to be constructed on land with a natural surface below 5m Australian Height Datum.

**Application requirements**

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A site layout plan drawn to scale which shows:
- The boundaries and dimensions of the site.
- Adjoining roads.
- Relevant ground levels.
- The layout of existing and proposed buildings and works, including setbacks from boundaries of the site.
- Location and dimensions of all access, internal driveways, car parking and loading areas.
- Proposed landscaping areas.
- All wastewater treatment and disposal areas.
- The location of a water supply for both domestic and fire fighting purposes.
- Any vegetation proposed to be removed, destroyed or lopped.

- Floor plans and elevations drawn to scale to show the height, exterior finishes and colour of all buildings and works.
- Surface treatment and construction details of all drainage works, driveways, vehicle parking and loading areas.
- A report from a suitably qualified person addressing the possible presence of Coastal Acid Sulphate Soil on the site.
- A landscape plan that includes:
  - A planting schedule incorporating only locally indigenous species which includes the description and number of species proposed to be planted, proposed extent of vegetation community “net gain” and shelterbelt requirements.
  - A ten metre wide, double fenced, tree plantation adjacent to the eastern boundary of the site.
  - Removal and control of any weed species, as listed in the “Common Weeds of Gippsland – South Gippsland Shire” brochure or similar publication.
  - Surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the vegetation.

**Decision guidelines**

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

**General issues**
- The movement of vehicles providing for visitors, supplies, waste removal and emergency services.
- The location and dimensions of site access and car parking spaces.
- Outdoor lighting.
- Stormwater discharge.
- The external finishes of the buildings to ensure they blend with the surrounding environment.
- Measures to cope with fire.
- Landscape treatment.
- Any natural or cultural values on or near the land.
- The creation of any new access to Corner Inlet is prohibited.
Environmental issues

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora, fauna and landscape features of the locality.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge areas.
- The location of on-site effluent disposal areas and any on-site retention of stormwater to minimise the impact of nutrient loads on waterways and native vegetation.

Design and siting issues

- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including, roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use or development will require traffic management measures.

5.0

Signs (10)

None specified.
SCHEDULE 5 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as SUZ5.

SPI ELECTRICITY PTY LTD LEONGATHA DEPOT

PURPOSE

To promote the use and development of the land consistent with the SPI Electricity Pty Ltd Leongatha Depot 2013 Incorporated Document.

To provide for the continued use and development of the Leongatha Depot in a manner which minimises the impact on the amenity of the surrounding area.

Table of uses

1.0

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industry</td>
<td>Must be in accordance with the SPI Electricity Pty Ltd Leongatha Depot 2013 Incorporated Document</td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>Must be in accordance with the SPI Electricity Pty Ltd Leongatha Depot 2013 Incorporated Document</td>
</tr>
<tr>
<td>Store</td>
<td>Must be in accordance with the SPI Electricity Pty Ltd Leongatha Depot 2013 Incorporated Document</td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td>Must be in conjunction with a Section 1 use</td>
</tr>
</tbody>
</table>

Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>All other uses</td>
</tr>
</tbody>
</table>

2.0

Use of land

Use of land should comply with the Australian Radiation Protection & Nuclear Safety Agency (ARPANSA) standards (or any subsequent update by these agencies).

Application requirements

An application to use land must be accompanied by a report describing the following, as appropriate:

- The purpose of the use and the types of activities which will be carried out.
- The likely effects, if any, on adjoining land, including noise levels, air-borne emissions, emissions to land and water, traffic, light spill and glare.

3.0

Subdivision

None specified.
Buildings and works

A permit is not required to construct a building or carry out works if undertaken in accordance with the *SPI Electricity Pty Ltd Leongatha Depot 2013* Incorporated Document.

Exemption from notice and review

An application under any provision of this scheme which is generally in accordance with the *SPI Electricity Pty Ltd Leongatha Depot 2013* Incorporated Document is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Decision Guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works or the approval of a plan prepared in accordance with the requirements of Clause 3.0 of this schedule, in addition to the Decision Guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The *SPI Electricity Pty Ltd Leongatha Depot 2013* Incorporated Document.
- The views of South Gippsland Water.
- The interface with adjoining areas, especially the relationship with residential and recreation areas.
- The interface with the streetscape, including the location of access points at the property boundaries and the landscaping of land adjoining a road.
- The design and elevation treatment of buildings and their appurtenances.
- The illumination of buildings and their immediate spaces.
- The drainage of the land.
- The effect of traffic to be generated on roads.
- Provision for vehicles providing for supplies, waste removal and emergency services.

Signs

Sign requirements are at Clause 52.05. All land located within this Schedule to this zone is in Category 2.
SCHEDULE 6 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as SUZ6.

KOONWARRA AGRICULTURAL SERVICES PRECINCT

Purpose

- To provide for agricultural services that complement and have a nexus with the region’s saleyards facility including supply, transport, maintenance and repairs to enhance agricultural production.
- To provide for activities within the zone that will not challenge the services and functions of nearby urban centres.
- To facilitate development which is visually sympathetic to the rural landscape especially when viewed from the highway.

1.0

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td></td>
</tr>
<tr>
<td>(other than Animal keeping, Intensive animal husbandry, Rice growing and Timber production)</td>
<td></td>
</tr>
<tr>
<td>Extensive animal husbandry</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cattle Feedlot</td>
<td>Must meet the requirements of Clause 53.08.</td>
</tr>
<tr>
<td></td>
<td>The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995</td>
</tr>
<tr>
<td>Convenience restaurant</td>
<td>Must be in conjunction with a Service station</td>
</tr>
<tr>
<td>Equestrian supplies</td>
<td></td>
</tr>
<tr>
<td>Horse stables</td>
<td></td>
</tr>
<tr>
<td>Primary produce sales</td>
<td></td>
</tr>
<tr>
<td>Road freight terminal</td>
<td></td>
</tr>
<tr>
<td>Rural Industry (other than sawmill, abattoir)</td>
<td>The use is to service or repair plant or equipment used in agriculture only</td>
</tr>
<tr>
<td>Service station</td>
<td></td>
</tr>
<tr>
<td>Store</td>
<td>Storage must be in conjunction with an agricultural production use</td>
</tr>
<tr>
<td>Take away food premises</td>
<td>Must be in conjunction with a Service station</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Trade supplies</td>
<td>Must only be in conjunction with an agricultural production use</td>
</tr>
<tr>
<td>Utility installation</td>
<td></td>
</tr>
<tr>
<td>Veterinary centre</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation</td>
</tr>
<tr>
<td>Art and craft centre</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Child care centre</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
</tr>
<tr>
<td>Education centre</td>
</tr>
<tr>
<td>Industry (other than Rural industry)</td>
</tr>
<tr>
<td>Leisure and recreation</td>
</tr>
<tr>
<td>Office</td>
</tr>
<tr>
<td>Place of assembly</td>
</tr>
<tr>
<td>Retail premises (other than Equestrian supplies, Primary produce sales, Take away food premises, Trade supplies)</td>
</tr>
<tr>
<td>Warehouse (other than Store)</td>
</tr>
</tbody>
</table>

Use of land

Exemption from notice and review

An application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Application requirements

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

- The purpose and/or processes to be used on the land and how they directly support agricultural production.
- How land that is not required for immediate use is to be maintained.
- Whether a works approval or waste discharge licence is required from the Environment Protection Authority.
• Whether a notification under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2000 is exceeded.

• A comprehensive traffic impact assessment prepared to the satisfaction of the responsible authority in consultation with the relevant road authority, that identifies the pattern and location of the major arterial road network of the area including existing roads, and the location and details of any required:
  - Road widening.
  - Access points.
  - Bus lanes and stops.

• The details of any hours of operation.

• The likely effects, if any, on the neighbouring land uses, including:
  - Noise levels.
  - Air-borne emissions including odours.
  - Emissions to land or water.
  - Light spill or glare.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider, as appropriate:

• The effect that a proposed use may have on nearby agricultural areas or uses which are sensitive to off-site effects having regard to any comments or directions of the referral authorities.

• The effect that nearby activities may have on the proposed use.

• Any effect to the service potential of nearby urbanised centres, including Koonwarra and Leongatha.

• The type and quantity of goods to be stored, processed or produced.

• The availability of and connection to services.

• The effect of traffic to be generated on roads and the opinion of the relevant road authority.

• The interim use of those parts of the land not required for the proposed use.

**Subdivision**

**Permit requirement**

A permit is required to subdivide land.

**Exemption from notice and review**

An application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

**Application Requirements**

The subdivision application must be prepared to the satisfaction of the responsible authority. An application to subdivide land must be accompanied by the following information, as appropriate:

• The efficient and orderly subdivision of land having regard to essential services (notably wastewater servicing), open space and roads.
A stormwater management plan addressing runoff collection and treatment within the lot boundary and incorporates the extent of retarding/detention infrastructure. Plans are required to include:

- Water sensitive urban design techniques which provides for the protection of natural systems.
- Integration of stormwater treatment into the landscape.
- Improved water quality.
- Reduction and mitigation of run-off and peak flows, including consideration of downstream impacts.

A traffic management plan detailing vehicle, bicycle and pedestrian access points at the property boundaries, overall traffic flow, car parking, external traffic impacts, relevant treatments and any other pertinent information.

A street network that:

- promotes connection with current and proposed networks.
- supports building frontages which promote passive surveillance of the street network.

A site plan drawn to scale showing:

- The boundaries and dimensions of the site.
- The layout of existing and future buildings and works.
- Proposed landscape areas, including screening and a description of the vegetation
- Provisions of pedestrian and bicycle access to the Rail Trail.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider, as appropriate:

- The potential uses of the proposed lots and their boundaries being of sufficient size and dimension to accommodate future users.
- Any natural or cultural features on or near the land.
- The logical and safe movement of traffic.
- Provision of pedestrian and bicycle access connecting to the existing network.
- The ability of each lot created to manage wastewater.

**Buildings and works**

**Permit requirement**

A permit is required to construct a building or construct or carry out works. This does not apply to:

- The installation of an automatic teller machine.
- A building or works which rearrange, alter or renew plant if the area or height of the plant is unaltered.
- A rainwater tank with a capacity of more than 4,500 litres if the following requirements are met:
  - The rainwater tank is not located within the building’s setback from a street (other than a lane).
- The rainwater tank is no higher than the existing building on the site.
- The rainwater tank is not located in an area that is provided for car parking, loading, unloading or accessway.

**Application requirements**

An application to construct a building or construct or carry out works must be accompanied by the following information, as considered appropriate by the responsible authority:

- A plan drawn to scale which shows:
  - Building height no more than two storeys (ten metres), above natural ground level.
  - The interface between adjacent land uses, proposed and existing, with the intent to reduce potential conflict and improve connections with future infrastructure.
  - The details of any outdoor storage or lighting.
  - Details of any proposed fencing in response to adjoining land uses.
  - Driveways, parking areas, loading and unloading areas, external storage, and screened waste storage areas.
  - Vehicle movement, manoeuvring, and access ways within the site.
  - Provision of pedestrian and bicycle access to the Rail Trail.
  - A construction management plan specifying how construction activity will be managed.
  - Construction details of all drainage works, driveways, and vehicle parking and loading areas.
  - The location, type and design details of signage.

- A detailed landscaping plan, identifying all proposed landscaping with particular regard to the interface with surrounding open spaces, roads and other neighbouring uses. The landscape plan must include canopy tree plantings (at maturity) to soften the visual impact of new development when viewed from within and outside the development area, especially adjoining and distant views to the site from the highway.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider, as appropriate:

- Availability of and connection to reticulated services.
- The impact of signage (particularly illuminated signage) on the rural highway environment.
- The capability of the land to accommodate the proposed development where access to reticulated services is not available.
- The movement of pedestrians, cyclists and vehicles.
- Exterior design, active frontages, illumination of buildings and their immediate surrounds.
- Landscaping of parking areas to provide amenity.
- Landscaping to provide buffers between developments.
- The interim management of land not immediately required for development.
- Access for emergency services to water supplies on site.
- The responsibility for the maintenance of buildings, landscaping and paved areas.
- Provision of pedestrian and bicycle access to the Rail Trail.
- The development of the land in relation to building design, site layout, storage areas, signage and landscaping must appropriately respond to the high visual amenity of the locality and the land’s prominent location on a highway and tourist route.

**Maintenance**

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

**Signs**

Sign requirements are at Clause 52.05. All land located within this Schedule to this zone is in Category 3.
SCHEDULE 7 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as SUZ7.

CAMPING AND CARAVAN PARK

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To recognise and provide for the ongoing use of the site for the Camping and Caravan Park and related tourism facilities.

To ensure that the development of the Camping and Caravan Park and its facilities takes place in an orderly and proper manner and does not cause an unreasonable loss of amenity to the surrounding area.

To provide for sustainable tourism activities and a range of accommodation opportunities which complement the Camping and Caravan Park use.

1.0

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apiculture</td>
<td>Must meet the requirements of the Apiary Code of Practice, May 1997.</td>
</tr>
<tr>
<td>Camping and caravan park</td>
<td></td>
</tr>
<tr>
<td>Extensive Animal Husbandry</td>
<td></td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Caretaker’s house</td>
<td>Must be the only Caretaker’s house on the land.</td>
</tr>
<tr>
<td>Informal Outdoor Recreation</td>
<td>Must be in conjunction with the Camping and Caravan Park.</td>
</tr>
<tr>
<td>Search for stone</td>
<td>Must not be costeaming or bulk sampling.</td>
</tr>
<tr>
<td>Telecommunications Facility</td>
<td>Buildings and works must meet the requirements of Clause 52.19.</td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01</td>
</tr>
<tr>
<td>See Section 1 of 37.01-1 for relevant provisions</td>
<td></td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture (other than Apiculture and extensive animal husbandry)</td>
<td></td>
</tr>
<tr>
<td>Backpacker’s Lodge</td>
<td>Must be used in conjunction with the Camping and Caravan Park</td>
</tr>
<tr>
<td>Carpark</td>
<td>Must be used in conjunction with the Camping and Caravan Park</td>
</tr>
<tr>
<td>Child care centre</td>
<td>Must be used in conjunction with the Camping and Caravan Park</td>
</tr>
<tr>
<td>Convenience shop</td>
<td></td>
</tr>
<tr>
<td>Hostel</td>
<td></td>
</tr>
<tr>
<td>Minor sports and recreation facility</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>-------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Office</td>
<td>Must be used in conjunction with the Camping and Caravan Park</td>
</tr>
<tr>
<td>Restaurant</td>
<td></td>
</tr>
<tr>
<td>Restricted recreation facility</td>
<td></td>
</tr>
<tr>
<td>Take away food premises</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation)</td>
<td></td>
</tr>
<tr>
<td>Renewable energy facility</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td>See Section 2 of 37.01-1 for relevant provisions</td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Caretaker’s house, Camping and Caravan Park, Backpacker lodge and Hostel)</td>
</tr>
<tr>
<td>Adult bookshop</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Crematorium/Cemetery</td>
</tr>
<tr>
<td>Education Centre</td>
</tr>
<tr>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td>Fuel Depot</td>
</tr>
<tr>
<td>Industry</td>
</tr>
<tr>
<td>Leisure and recreation (other than Minor sports and recreation facility and Informal Outdoor Recreation)</td>
</tr>
<tr>
<td>Place of Assembly</td>
</tr>
<tr>
<td>Retail premises (other than Restaurant and Convenience shop)</td>
</tr>
<tr>
<td>Research centre</td>
</tr>
<tr>
<td>Service station</td>
</tr>
<tr>
<td>Veterinary centre</td>
</tr>
<tr>
<td>Warehouse</td>
</tr>
</tbody>
</table>

### Use of land

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- The purpose of the use and the type of activities to be carried out.
- How the proposed use supports, or is ancillary to the use of the land for a Camping and Caravan Park.
- The likely effects, if any, on adjoining land, including but not limited to:
  - noise levels;
  - traffic;
- the hours of delivery and dispatch of goods and materials (including garbage collections);
- hours of operation; and,
- potential light spill.

- How the proposed use will respond to the bushfire risk.

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

**General issues**

- The need to protect the ongoing use of the Camping and Caravan Park and to support appropriate ancillary uses complementary to the Camping and Caravan Park.
- The capability of the land to accommodate the proposed use in relation to existing infrastructure and services.
- The effect of traffic to be generated on roads.
- Any impact upon the existing use of the land and the surrounding area especially adjoining residential areas and public use areas.

**Environmental issues**

- The capability of each lot and/or area of common property to treat and retain all waste water on-site in accordance with the State Environment Protection Policy (Waters of Victoria).
- The impact of the proposed use on the natural physical features and resources of the area, in particular on vegetation, soil and water quality.
- The impact of the proposed use on flora, fauna and landscape.
- The impact of the proposed use on the adjoining foreshore areas.
- The need for the planting of additional locally indigenous vegetation to complement the existing vegetation on the site and adjoining foreshore areas.
- Whether the proposed use adequately responds to bushfire risk.

**Subdivision**

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A report which explains how the proposed subdivision promotes the purpose of the zone and is supported by the decision guidelines of the Planning Scheme and the zone. The report must address how the subdivision will facilitate the ongoing use of the land for a Camping and Caravan Park.
- A Bushfire Management Plan that shows any bushfire mitigation measures to be relied upon in the subdivision of the land.
- A plan drawn to scale which shows for each lot:
  - The location and dimensions of existing development, car parking areas and driveway access.
  - Proposed building envelopes.
  - The natural topography and features of the site.
  - The location and dimensions of wastewater treatment and disposal areas.
  - Any areas of common property.
A land capability assessment which demonstrates that each lot is capable of treating and retaining all waste water in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

**General issues**

- The need to protect the ongoing use of the Camping and Caravan Park and to support appropriate ancillary uses complementary to the Camping and Caravan Park.
- The capability of the land to accommodate the proposed development in relation to existing infrastructure and services.
- The effect of traffic to be generated on roads.
- Any impact upon the existing use of the land and the surrounding area especially adjoining residential areas and public use areas.

**Environmental issues**

- The capability of each lot and/or area of common property to treat and retain all waste water on-site in accordance with the State Environment Protection Policy (Waters of Victoria).
- The impact of the proposed subdivision on the natural physical features and resources of the area, in particular on vegetation, soil and water quality.
- The impact of the proposed subdivision on the flora, fauna and landscape.
- The impact of the proposed subdivision on the adjoining foreshore areas.
- The need for the planting of additional locally indigenous vegetation to complement the existing vegetation on the site and adjoining foreshore areas.
- Whether the proposed subdivision adequately responds to the bushfire risk.

**Buildings and works**

No permit is required to construct a building or construct or carry out works for the following:

- An alteration or extension to an existing building provided the floor area of the alteration or extension is not more than 10 square metres.
- A rainwater tank.

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A report which explains how the proposed development promotes the purpose of the zone and how the proposed development is supported by the decision guidelines of the Planning Scheme and the zone.
- A report which addresses how the buildings and works will respond to bushfire risk.
- A Site Context Plan drawn to scale which shows:
  - The boundary and dimensions of the site.
  - The natural topography and features of the site.
- Adjoining roads, tracks and pathways.
- The location, height and purpose of surrounding buildings and works.

- Detailed Architectural Plans drawn to scale which show:
  - Floor and roof plans.
  - Elevation drawings showing the colour, materials of all buildings and works.
  - Proposed landscape areas.

- A land capability assessment which demonstrates that the treatment and retention of all waste water is in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

An application to construct a building or construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act except where new buildings and works are proposed to be located 30 metres or less from the boundary of the Special Use Zone.

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

**General issues**

- The need to protect the ongoing use of the Camping and Caravan Park and to support appropriate ancillary uses complementary to the Camping and Caravan Park.

- The capability of the land to accommodate the proposed development in relation to existing infrastructure and services.

- The effect of traffic to be generated on roads.

- Any impact upon the amenity of the existing use of the land and any impacts on the amenity of the surrounding area especially the interface with adjoining residential areas and other public use areas.

**Environmental issues**

- The capability of each lot and/or area of common property to treat and retain all waste water on-site in accordance with the State Environment Protection Policy (Waters of Victoria).

- The impact of the proposed development on the natural physical features and resources of the area, in particular on vegetation, soil and water quality.

- The impact of the proposed development on the flora, fauna and landscape.

- The impact of the proposed development on the adjoining foreshore areas.

- The need for the planting of additional locally indigenous vegetation to complement the existing vegetation on the site and adjoining foreshore areas.

- Whether the proposed development adequately responds to the bushfire risk.

**Design and siting issues**

- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads and vistas.

- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.

- The need for building materials to be non-reflective or of colours that complement the surrounding landscape.
• Whether the proposed development maintains the landscape significance of the area.

• The extent of landscaping proposed around buildings and throughout the site, including the use of indigenous species to minimise the visual impact of buildings.

• The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.

• Whether the proposed development will require traffic management measures.

• Access points for vehicles, cyclists, pedestrians, and service vehicles (including deliveries, waste removal, emergency services and public transport) and circulation around the site.

• The provision of car parking and bicycle parking.

• The need to ensure that any landscaping does not increase the risk from bushfire.

5.0

Signs

Advertise sign requirements are at Clause 52.05. All land located within the Camping and Caravan Park Special Use Zone is in Category 3.
OVERLAYS

This section sets out the overlays which apply in this scheme.
ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO with a number.

**Purpose**

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

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

To ensure that development is compatible with identified environmental values.

**Environmental significance and objectives**

A schedule to this overlay must contain:

- A statement of environmental significance.
- The environmental objectives to be achieved.

**Permit requirement**

A permit is required to:

- Construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- Construct a fence if specified in a schedule to this overlay.
- Construct bicycle pathways and trails.
- Subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- Remove, destroy or lop any vegetation, including dead vegetation. This does not apply:
  - If a schedule to this overlay specifically states that a permit is not required.
  - If the table to Clause 42.01-3 specifically states that a permit is not required.
  - To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
</tbody>
</table>
### Class of application

<table>
<thead>
<tr>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>• An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</td>
</tr>
</tbody>
</table>

### Subdivide land into 2 lots if:

- The construction of a building or the construction or carrying out of works on the land:
  - Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.
  - Has started lawfully.
- The subdivision does not create a vacant lot.

### Construct a fence.

Clause 59.05

### Remove, destroy or lop one tree.

Clause 59.06

### Construct a building or construct or carry out works for:

- A carport, garage, pergola, verandah, deck, shed or similar structure.
- A rainwater tank.

The buildings and works must be associated with a dwelling.

---

### Table of exemptions

#### The requirement to obtain a permit does not apply to:

<table>
<thead>
<tr>
<th>Emergency works</th>
<th>Vegetation that is to be removed, destroyed or lopped:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access or to enable emergency works; or</td>
</tr>
<tr>
<td></td>
<td>• 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.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fire protection</th>
<th>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of any of the following fire protection activities:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• fire fighting;</td>
</tr>
<tr>
<td></td>
<td>• planned burning;</td>
</tr>
<tr>
<td></td>
<td>• making or maintenance of a fuelbreak or fire fighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;</td>
</tr>
<tr>
<td></td>
<td>• making of 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 <em>Conservation, Forests and Lands Act 1987</em>);</td>
</tr>
<tr>
<td></td>
<td>• is ground fuel within 30 metres of a building and is vegetation other than native vegetation;</td>
</tr>
<tr>
<td></td>
<td>• in accordance with a fire prevention notice issued under either:</td>
</tr>
<tr>
<td></td>
<td>- Section 65 of the <em>Forests Act 1958</em>; or</td>
</tr>
<tr>
<td></td>
<td>- Section 41 of the <em>Country Fire Authority Act 1958</em>.</td>
</tr>
</tbody>
</table>
The requirement to obtain a permit does not apply to:

- keeping 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 *Electricity Safety Act 1998*;
- 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 *Conservation, Forests and Lands Act 1987*). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the *Road Management Act 2004*.

*Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.*

- Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the *Geothermal Energy Resources Act 2005*.

- Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the *Greenhouse Gas Geological Sequestration Act 2008*.

- 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 *Catchment and Land Protection Act 1994*.

- Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the *Catchment and Land Protection Act 1994*.

- Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention licence issued under the *Mineral Resources (Sustainable Development) Act 1990*:
  - that is low impact exploration within the meaning of Schedule 4A of the *Mineral Resources (Sustainable Development) Act 1990*; or
  - in accordance with a work plan approved under Part 3 of the *Mineral Resources (Sustainable Development) Act 1990*.

*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.*

- 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 *Conservation, Forests and Lands Act 1987*).

- Vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established vegetation, and is:
  - bracken (*Pteridium esculentum*); 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.
The requirement to obtain a permit does not apply to:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Road safety</td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing public 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 Conservation, Forests and Lands Act 1987).</td>
</tr>
</tbody>
</table>
| Stone exploration | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration. The maximum extent of 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:  
  1. 1 hectare of vegetation which does not include a tree.  
  2. 15 trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.  
  3. 5 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 costeaneing and bulk sampling activities. |
| Stone extraction | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone extraction in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority granted under that Act. |
| Surveying | 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 Surveying Act 2004) using hand-held tools to establish a sightline for the measurement of land. |
| Traditional owners | Vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:  
  1. a natural resources agreement under Part 6 of the Traditional Owners Settlement Act 2010; or  
  2. an authorisation order made under sections 82 or 84 of the Traditional Owner Settlement Act 2010 as those sections were in force immediately before the commencement of section 24 of the Traditional owners Settlement Amendment Act in 2016 (1 May 2017). |

Application requirements

An application must be accompanied by any information specified in a schedule to this overlay.

Decision guidelines

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

- The statement of environmental significance and the environmental objective contained in a schedule to this overlay.
- The need to remove, destroy or lop vegetation to create a defendable space to reduce the risk of bushfire to life and property.
- Any other matters specified in a schedule to this overlay.
**SCHEDULE 1 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY**

Shown on the planning scheme map as **ESO1**.

**AREAS OF NATURAL SIGNIFICANCE**

1.0 **Statement of environmental significance (12)**

South Gippsland contains a number of areas of natural significance including numerous Flora and Fauna Reserves. There are also important sites within the various National, State and Coastal Parks and other reserves throughout the Shire as well as along roadside reserves and on privately owned land. The clearing of native vegetation and the introduction of weeds and vermin remain important issues.

2.0 **Environmental objective to be achieved (12)**

- To preserve and enhance existing indigenous flora and fauna.
- To conserve areas of wildlife habitats and allow for the generation and regeneration of habitats.
- To conserve areas of high environmental and landscape quality, ensuring development minimises adverse environmental impact.
- To ensure that development reinforces existing flora through the revegetation of valleys and drainage lines.
- To protect the views of identified significant vistas.

3.0 **Permit requirement (27)**

A permit is not required to construct the following buildings or to construct or carry out the following works:

**Agricultural activities**

- Agricultural activities including ploughing, fencing and the construction of a dam with a capacity of less than 3000 cubic metres.
- Buildings or works specifically identified in a whole farm plan prepared to the satisfaction of the responsible authority.

**Infrastructure**

- The layout of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.

**Buildings and works**

- Buildings and works undertaken by or on behalf of the Department of Natural Resources & Environment on coastal Crown Land under relevant legislation.
- Buildings and works undertaken by or on behalf of Parks Victoria in relation to its obligations under relevant legislation.

A permit is not required to remove, destroy or lop vegetation in a domestic garden.

An application must be accompanied by information showing:

- The location of all waterways and drainage line, including permanent and temporary streams and wetlands.
- The extent and type of all vegetation to be removed or cleared.

4.0 **Application requirements (27)**

None specified.
Decision guidelines (23)

- The purpose of the overlay.
- The conservation and enhancement of the area.
- The preservation of and the impact on the natural environment and the need for preventing erosion.
- The need to retain a buffer strip of native vegetation adjacent to roads, coastal areas, watercourses and property boundaries.
- The need to protect the scenic quality and visual integrity of the landscape.
- The management of vegetation necessary to minimise fire hazard.
- The importance of retaining any vegetation unique to the area concerned.
- The importance of retaining any habitats which support local native fauna.
- Any alternative method of constructing or carrying out of the development or works.
- Any relevant reports and recommendations of the Land Conservation Council.
- The views of the Department of Natural Resources and Environment in respect to:
  - Subdivision applications of greater than four lots or any subdivision application which may have adverse environmental effects.
  - Applications which immediately abut Crown Land.
  - Applications which in the opinion of the responsible authority, may have an adverse impact, including visual impacts, on Crown Land.
  - Applications which in the opinion of the responsible authority may adversely affect coastal processes and dune systems (including tertiary systems).
  - Applications which in the opinion of the responsible authority may adversely affect on flooding.
  - Applications which in the opinion of the responsible authority may cause or otherwise cause erosion, land degradation or affect land stability on either the subject land or on adjoining land.
  - Applications which in the opinion of the responsible authority may adversely affect wildlife habitat and sites of biological or zoological significance.
SCHEDULE 2 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO2.

SPECIAL WATER SUPPLY CATCHMENT AREAS

1.0

Statement of environmental significance (10)

Approximately 30 percent of land in South Gippsland Shire is located in a water catchment that are used to provide water for human consumption, domestic use, agriculture and industrial activities. These catchments are declared as ‘Special Water Supply Catchment Areas’ as defined in the Catchment and Land Protection Act 1994.

Special Water Supply Catchments cover large areas with water take-off points occurring in the lower parts of catchments. Land use or development within Special Water Supply Catchments and in close proximity of the water take-off points should be managed carefully to minimise the impact on water quality.

Cumulative use or development in catchments over extended time periods has the potential to gradually diminish water quality and increase risk to human health. The management of use or development in catchments must focus on the long term protection of the natural asset and strongly encourage the implementation of measures to avoid detrimental impacts on water quality and quantity.

2.0

Environmental objective to be achieved (10)

To protect and maintain water quality and quantity in Special Water Supply Catchment areas used for human consumption, domestic, industrial and rural water supply.

To ensure that development activity and land management practices are consistent with environmental values and the long term conservation of potable water supply resources.

To minimise the impact of residential development and intensive farming activity in Special Water Supply Catchment areas, particularly near water supply take-off points and storage reservoirs.

To encourage retention of native vegetation and the establishment of new vegetation cover, particularly within 30 metres of a waterway.

To consider the cumulative impact of use and development on Special Water Supply Catchments over an extended time period having regard to both climate variability and anticipated reduced inflows in catchments.

To minimise the impact of development in townships without reticulated sewerage, particularly having regard to small lot sizes, existing water contamination levels and the long term expectation that small towns will remain unsewered.

To ensure new development proposals meet best practice guidelines for agricultural, domestic, commercial and industrial wastewater treatment which result in reduced nutrient, pathogenic and sediment flows.

To protect public health from the risk of waterborne diseases.

3.0

Permit requirement (23)

A permit is not required for the following:

- Buildings, works, subdivision of land, or to remove, destroy or lop any vegetation where reticulated sewer is connected to the lot.

- Buildings and works associated with the use of the land for a single dwelling on a lot of 40 hectares or greater.
Buildings and works where they are located more than 100 metres from a waterway or more than 300 meters from a water supply reservoir or potable water supply take-off structure, other than:

- Buildings and works that will generate waste water or effluent requiring permissions under Section 53L of the Environment Protection Act 1970 (to construct, install or alter a septic tank system).
- Buildings and works associated with the use of land for intensive animal husbandry or industry.

Buildings and works associated with 'informal outdoor recreation' or a 'telecommunication facility' provided it does not require permanent onsite waste water or effluent treatment.

Buildings and works (including vegetation removal, destruction or lopping) undertaken by, or on behalf of a municipality or public authority which are necessary to control flooding, fight fires, abate fire risk or preserve public safety.

The removal, destruction or lopping of vegetation which is non-native to Victoria except where the vegetation is within 30 metres of a waterway, wetland, flood plain or water reservoir.

Earthworks associated with timber production that meets all the relevant requirements of the Code of Practice for Timber Production 2007 (as amended).

A subdivision by a public authority, or a utility provider, provided the subdivision does not create a new lot within 100 metres of a waterway, wetland, flood plain and/or within 300 metres of a water supply reservoir or potable water supply take-off structure.

An outdoor sign/structure.

Buildings and works specifically identified in a whole farm plan approved by the responsible authority and water supply authority.

Windmills and solar units.

Permit requirement explanatory notes:

Flood plain. For the purpose of this schedule a flood plain is land included in a planning scheme overlay flood control and land affected by the 100 year Average Recurrence Interval flood level (1 in 100 year flood level) recognised and mapped by the relevant floodplain management authority.

Water supply reservoir. The requirement for a planning permit within 300 metres of a water supply reservoir (measured from the full supply level) does not apply to proposals on land outside of the water supply reservoir capture slope (downhill of the reservoir) or any circumstance where the water supply reservoir is an above ground structure.

Application requirements (23)

An application for buildings or works should include the following to the satisfaction of the responsible authority:

- A Land Capability Assessment (in accordance with the background document EPA Publication 746.1 Land Capability Assessment for Onsite Domestic Wastewater Management (as amended) demonstrating the land is capable of absorbing sewage and sullage effluent generated on the lot in accordance with the background document EPA Code of Practice - Onsite Wastewater Management (Publication 891.3) (as amended).

- A report, prepared by a suitable qualified person, demonstrating that:
  - The design of any wastewater treatment system will ensure that nutrients, pathogens or other pollutants from wastewater will not enter any waterway, wetland, flood plain or water supply reservoir or otherwise detrimentally affect the designated beneficial uses of groundwater or surface water.
- How activities will be carried out and maintained to prevent erosion and the siltation of any waterway or wetland in accordance with *EPA Victoria publication - Construction Techniques for Sediment Pollution Control 1991* or any superseding document(s).

- Any removal, destruction or lopping of native vegetation will not compromise the quality of water within proclaimed catchment areas.

- The siting of buildings and wastewater treatment systems will not compromise the quality of water within declared catchment areas.

- Details of slope (including contours at an appropriate scale), soil type, extent of excavation and vegetation including details of new plantings to occur.

### Decision guidelines (19)

Before deciding on an application, the responsible authority must consider:

- The likely impacts of the proposed development on water quality and quantity in the water supply catchment.

- The potential cumulative impact of development on the quality and quantity of water in the water supply catchment over extended periods of time.

- Whether new development proposals will lead to an increase in the amount of nutrients, pathogens or other pollutants reaching streams, surface water bodies and groundwater.

- Whether subdivision and intensive farming activities in water supply catchments, especially in the lower areas of water supply catchments near takeoff points are appropriate.

- Any relevant catchment management plan, policy, strategy or Ministerial Direction, including the Ministerial Guideline for Planning Permit Applications in Open Potable Water Supply Catchment Areas or any superseding document.

### Referral of applications

An application must be referred to the relevant water board or water supply authority under Section 55 of the *Planning and Environment Act 1987*, unless in the opinion of the responsible authority the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the water board or water supply authority.

### Background documents

*Domestic Wastewater Management Plan (DWMP) 2016-2020*
SCHEDULE 3 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO3.

COASTAL SETTLEMENTS

1.0

Statement of environmental significance

South Gippsland contains some of Victoria’s most significant coastal areas. Wilsons Promontory, Corner Inlet, Waratah Bay, Shallow Inlet, Walkerville, Cape Liptrap, Venus Bay and Andersons Inlet are all important coastal areas. They are important for their environmental, economic, recreational, cultural, heritage values and rugged appeal. While obviously of immense interest, it is important that the coast is protected from inappropriate development and mismanagement of both coastal and inland areas.

2.0

Environmental objective to be achieved

To protect and enhance the natural beauty of the coastal area.

To protect and enhance the environmental quality of the coastal area.

To minimise the risk of erosion, pollution and destruction of the environment through poorly managed development.

To ensure that development adjacent to coastal areas is compatible with the environment and does not result in adverse impacts on coastal processes.

3.0

Permit requirement (19)

A permit is not required to construct the following buildings or to construct or carry out the following works:

Agricultural activities

- Agricultural activities including ploughing, fencing and the construction of a dam with a capacity of less than 3000 cubic metres.
- Buildings or works specifically identified in a whole farm plan prepared to the satisfaction of the responsible authority.

Infrastructure

- The lay out of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.

Power lines

- Telephone or power lines provided they do not involve the construction of towers.

Buildings and works:

- A building, which is ancillary to a dwelling, has a floor area of less than 100 square metres and is not used for accommodation, provided all external cladding materials are finished and maintained in muted, non reflective tones.
- Extension to an existing dwelling provided the additional floor area is less than 100 square metres, provided all external cladding materials are finished and maintained in muted, non reflective tones.
- Buildings and works undertaken by or on behalf of the Department of Sustainability & Environment on coastal Crown land under relevant legislation
Buildings and works undertaken by or on behalf of Parks Victoria in relation to its obligations under relevant legislation.

A permit is not required to remove, destroy or lop non-indigenous vegetation in a domestic garden.

An application must be accompanied by supporting information and or plans showing:

- The existing conditions including watercourses vegetation, contour intervals at suitable scale.
- The location and layout of buildings and works.

All applications for development on Coastal Crown land, as defined under the Coastal Management Act, 1995, must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause.

Application requirements (19)

None specified.

Decision guidelines (15)

Before deciding on an application, the responsible authority must consider:

- The purpose of the overlay.
- The maintenance and improvement of the stability of the coastal dunes and coastlines.
- The preservation of any existing natural vegetation.
- The conservation of any areas of environmental importance or significance.
- The intensity of human activity which the landscapes and the environment the area can sustain.
- The existing use and possible development of the land and nearby land.
- The effect of development on the use and development of other land which has a common means of drainage.
- Whether the development of the land will be detrimental to the natural environment.
- The availability of water, sewerage, drainage, electricity and other services.
- Whether or not the site is large enough to enable the adequate disposal and treatment of effluent through a septic tank system.
- The siting, colour and design of buildings and works.
- The protection of the area for its recreational value.
- The risk of fire.
- Any relevant coastal study adopted by the Shire of South Gippsland.
- The views of the Department of Environment, Land, Water, and Planning in respect to:
  - Subdivision applications of greater than four lots or any subdivision application which may have adverse environmental effects.
  - Applications which immediately abut Crown Land.
  - Applications which in the opinion of the responsible authority, may have adverse impact, on Crown Land.
  - Applications which in the opinion of the responsible authority may adversely affect coastal processes, dune systems (including tertiary systems), have possible effect on aquatic habitat and flora and fauna habitat.
- Applications which in the opinion of the responsible authority may cause or otherwise cause erosion, land degradation or affect land stability on either the subject land or on adjoining land.

- Applications which in the opinion of the responsible authority may adversely affect wildlife habitat and sites of biological or zoological significance.
SCHEDULE 4 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO4.

SEWAGE TREATMENT PLANT AND ENVIRONS

1.0 Statement of environmental significance (11)
The land surrounding sewage treatment plants is of high importance in its role of providing a two-way buffer zone between nearby developments and such plants. It is significant in ensuring the long term protection of such key infrastructure facilities and enabling unobstructed expansion and facilitation of compatible land uses and developments in their vicinity.

2.0 Environmental objective to be achieved (11)
To protect sewage treatment plants from the encroachments of incompatible development.
To provide for a buffer area around the plant as required by the Environment Protection Authority.

3.0 Permit requirement (24)
A permit is not required to construct a building or to construct or carry out works, except those designed for:
- Accommodation, childcare, education, office, place of assembly and retail purpose.
A permit is not required to remove, destroy or lop vegetation, subject to the provisions of Clause 52.17
An application must be accompanied by supporting information and or plans to demonstrate:
- The site of the proposed buildings and works will not adversely affect or be affected by the sewage treatment facilities.

4.0 Application requirements (24)
None specified.

5.0 Decision guidelines (20)
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:
- The purpose of the overlay.
- The views of the Environment Protection Authority of Victoria.
- The views of the relevant water authority responsible for operating the sewage treatment facility.
- The effect of any development on the operation of the treatment facilities.
- The prevention of inappropriate development in the vicinity of the treatment facility such that the long term future of the treatment works is not threatened.
AREAS SUSCEPTIBLE TO EROSION

1.0

Statement of environmental significance (8)
Erosion is recognised as a land management concern with diverse causes that may affect any property. Therefore it is important to encourage best practices for farming, building and associated land disturbances and to increase awareness of the issues that may exacerbate the process such as earthworks, control of water run-off and removal of vegetation.

The Department of Natural Resources and Environment has mapped certain areas in the Shire as susceptible to erosion. There are other areas within the Shire which have been specifically identified as prone to land slips. Whereas this overlay is applied to the areas susceptible to erosion as identified by the Department of Natural Resources and Environment, the Erosion Management Overlay is applied to the areas specifically identified as prone to land slips.

2.0

Environmental objective to be achieved (8)
To protect areas prone to erosion by minimising land disturbance and vegetation loss.

To prevent increased surface runoff or concentration of surface water runoff leading to erosion or siltation of watercourses.

3.0

Permit requirement (20)
A permit is not required to construct the following buildings or to construct or carry out the following works.

Agricultural activities:
- Agricultural activities including ploughing, fencing and the construction of a dam with a capacity of less than 3000 cubic metres.
- Buildings or works specifically identified in a whole farm plan prepared to the satisfaction of the responsible authority.

Infrastructure:
- The lay out of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.

Power Lines:
- Telephone or power lines provided they do not involve the construction of towers.

Buildings:
- A building or extension to an existing building where the total resultant floor area is less than 200 square metres, provided the construction is carried out in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) and the background document Control of Erosion on Construction Sites (Soil Conservation Authority).

A permit is not required to remove, destroy or lop vegetation:
- In a domestic garden.
- For the use as firewood for heating or cooking purposes within the dwelling on the lot from which the wood was collected.

An application must be accompanied by supporting information and or plans showing:
The existing conditions including streams, vegetation and contour intervals at suitable scale.
The location and layout of the proposed buildings and works.

**Application requirements (20)**
None specified.

**Decision guidelines (16)**
Before deciding on an application, the responsible authority must consider, as appropriate:

- The purpose of the overlay.
  - The following publications:
    - *Construction Techniques for Sediment Pollution Control* (Environment Protection Authority, May 1991)
    - Background document *Control of Erosion on Construction sites* (Soil Conservation Authority).
    - Background document *Your Dam, an Asset or a Liability* (Department of Conservation and Natural Resources).

- Any proposed measures to minimise the extent of soil disturbance and runoff.
- The need to stabilise disturbed areas by engineering works or vegetation.
- Whether the land is capable of providing a building envelope, which is not subject to high or severe erosion problem.
- Whether the proposed buildings or works are likely to cause erosion or landslip.
- Whether the proposed access and servicing of the site or the building envelope is likely to result in erosion or landslip.
- Any Land Capability Report Guidelines prepared by the Department of Natural Resources and Environment, Centre for Land Protection Resource.
- The views of the Department of Natural Resources and Environment in respect to:
  - Subdivision applications of greater than four lots or any subdivision application which may have adverse environmental effects.
  - Applications which immediately abut Crown Land.
  - Applications, which in the opinion of the responsible authority may cause or otherwise cause erosion, land degradation or affect land stability on either the subject land or on adjoining land.
SCHEDULE 7 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO7.

COASTAL SETTLEMENTS

1.0

Statement of Environmental Significance

South Gippsland contains some of Victoria’s most significant coastline areas. The settlements of Venus Bay, Sandy Point, Tarwin Lower and Waratah Bay are situated along this coastline and contribute to the areas appeal by providing accommodation opportunities in environmentally significant areas. They are characterized by their predominance of native vegetation, easily erodable soils and their proximity to foreshore reserves, coastal parks and other public land and their rugged appeal.

2.0

Environmental objective to be achieved

- To protect and enhance the natural beauty of the coastal townships.
- To protect and enhance the environmental quality of the townships.
- To minimise the risk of erosion, and destruction of the environment through poorly managed development.
- To ensure that development adjacent to coastal areas is compatible with the environment and does not result in adverse impacts on coastal processes.

3.0

Permit requirement

A permit is not required to construct a building or carry out works other than for:

- A building or extension to a building where the difference between finished ground level and natural ground level as a result of excavation or filling exceeds 1 metre.

A permit is not required to remove, destroy or lop non-native vegetation.

4.0

Application requirements

An application must be accompanied by supporting information and or plans showing:

- The existing conditions including vegetation and contour intervals at a suitable scale.
- The location and layout of buildings and works.
- Landscaping and areas of revegetation.

5.0

Decision Guidelines

Before deciding on an application, the responsible authority must consider:

- The environmental objectives of this schedule.
- Whether the proposal will assist in achieving the Vision, Objectives and Strategies for Venus Bay, Waratah Bay, Sandy Point and Tarwin Lower contained in Clause 21.04.
- Whether the proposal will assist in the maintenance and improvement of the stability of the coastal dunes and coastlines.
- The impact of the proposal on the extent of natural vegetation retained on the site.
- The impact of the proposal on the conservation of any areas of environmental importance or significance.
- Whether opportunities exist to avoid excavation by the use of alternative building designs, including split level and staggered building forms that follow the natural slope of the land.
Whether the development of the land will be detrimental to the natural environment.

- Any relevant coastal study adopted by the Shire of South Gippsland.

- The views of the Department of Sustainability and Environment in respect to:
  - Applications which immediately abut Crown land.
  - Applications which in the opinion of the responsible authority may adversely affect coastal processes, dune systems (including tertiary systems), or have any possible effect on aquatic habitat and flora and fauna habitat.
  - Applications which in the opinion of the responsible authority may cause or otherwise cause erosion, land degradation or affect land stability on either the subject land or on adjoining land.
  - Applications which in the opinion of the responsible authority may adversely affect wildlife habitat and sites of biological or zoological significance.
SCHEDULE 8 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO8**.

MANUFACTURE OF MILK PRODUCTS AMENITY BUFFER

1.0

**Statement of environmental significance (9)**

South Gippsland Shire contains some of the most productive dairy farming land in the nation. Milk processed in the Shire is exported globally and is a major contributor to the Victorian economy. Global demand for milk protein means that demand for milk products is expected to grow, underpinning the viability and expansion of local ‘manufacture of milk products’ facilities (milk factories) into the future.

A legacy of past practice means that milk factories are typically located in close proximity to residential areas and other sensitive land uses. This can create amenity conflicts from factory generated noise, odour, dust (particulates) and light impacts on surrounding land.

The ESO amenity buffer identifies the area most likely to be affected by factory operations. The control ensures that planning permit applications for sensitive land uses are assessed with consideration to potential factory impacts on surrounding lands and potential impacts on the factory from encroachment / intensification of sensitive uses near the factory. The ESO identifies areas subject to pre-existing factory impacts that will continue, and could intensify, over time.

The ESO does not affect a landowner’s right to apply to use and develop a single dwelling on an existing lot in a residential zone in the buffer. The presence of the buffer does not reduce the responsibility on a factory to comply with relevant environmental standards and licensing requirements.

2.0

**Environmental objective to be achieved (9)**

To inform landowners and land purchasers that the areas surrounding a manufacture of milk products facility may be exposed to amenity impacts resulting from existing and ongoing factory operations.

To protect a manufacture of milk products facility from the incremental encroachments of sensitive land uses that may endanger the commercial operations of the facility.

To discourage the subdivision of land for sensitive land uses that will result in an increase in the number of people likely to be exposed to amenity impacts from the operation of a manufacture of milk products facility.

To assist in shielding people from the impact of noise, odour, dust and light by requiring appropriate attenuation measures in new dwellings and other sensitive use buildings.

3.0

**Permit requirement (21)**

A permit is not required to construct a building or construct or carry out works except in relation to the use of land for accommodation1, childcare, education, hospital, office, place of assembly and retail purpose. This does not apply (no permit required) to the following buildings and works in relation to these uses:

- Non-habitable outbuildings.
- External alterations to a building that do not increase the internal floor area of a building by more than 50%.
- Fencing, signage and domestic services normal to a dwelling.
- Earthworks, landscaping, gardening.

A permit is not required under this overlay to remove, destroy or lop vegetation.
**Permit requirement explanatory note**

Accommodation 1. Accommodation is ‘Land used to accommodate persons’ and includes Camping and caravan park, Corrective institution, Dependent person’s unit, Dwelling, Group accommodation, Host farm, Residential building, Residential village and Retirement village.

**Application requirements (21)**

The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

An application must include building design, layout and landscaping details demonstrating how the building will minimise the impact of noise, dust, odour and light pollution on the proposed sensitive land use.

Applications to subdivide land must include noise measurements, at various times across the 24 hour period, and reported by a suitably qualified acoustic engineer.

The application requirements can be reduced or set-aside if in the opinion of the responsible authority the requirements are unnecessary to appropriately consider the application.

**Decision guidelines (17)**

Before deciding on an application, the responsible authority must consider:

The objectives of the overlay.

The views of the Environment Protection Authority of Victoria and the manufacture of milk products company.

Whether the proposal is compatible with the current permitted operations, approved planning permit or an approved development plan for the manufacture of milk products facility.

Whether the design of the building responds to identified or anticipated noise, odour, dust and light pollution amenity issues.

The distance of the application site from the manufacture of milk products facility and corresponding impact of the facility on the sensitive land use.

**Background documents**

*GHD Burra Foods Pty Ltd Buffer Assessment November 2014*
GIANT GIPPSLAND EARTHWORM AND HABITAT PROTECTION

1.0 Statement of environmental significance (13)
Clause 42.01 requires a schedule to contain a statement of environmental significance.

2.0 Environmental objective to be achieved (13)
The Giant Gippsland Earthworm (*Megascolides australis*) is endemic to West and South Gippsland and one of the largest earthworms in the world. Individuals average about 80 centimetres long but have been recorded up to 1.8 metres. Dispersed Giant Gippsland Earthworm colonies, ranging in size from a few individuals to many hundreds, occur within a 400 square kilometre area generally bounded by the towns of Loch, Korumburra and Warragul.

The Giant Gippsland Earthworm plays an important role in soil structure and fertility, and contribute to the high agricultural value of the region. Suitable habitat is restricted to generally moist, blue-grey clay soils near stream banks, soaks or watercourses on south or west-facing slopes.

The Giant Gippsland Earthworm is sensitive to development activities that affect their habitats. Individuals reach maturity slowly, live in discrete populations that are widely dispersed and are unable to recover from even slight wounds. Major threats to their survival include soil disturbance, altered soil hydrology, chemical disturbances and extreme weather or climate change.

The Giant Gippsland Earthworm is a threatened species listed in both the Commonwealth (*Environment Protection and Biodiversity Conservation Act 1999*) and State (*Flora and Fauna Guarantee Act 1988*) legislation. This overlay supports the existing legislation by identifying potential habitat when considering planning permit applications prior to commencing any works.

3.0 Permit requirement (28)
A permit is not required to construct the following buildings or construct or carry out works, where the following apply:

- Buildings and works on lots less than 8,000 square metres within a Residential, Township or Industrial Zone.
- An alteration or extension to a dwelling where the additions do not exceed 100 square metres.
- An out-building associated with an existing use provided the building footprint is not more than 200 square metres.
- Establishment of a replacement building or dwelling within the same construction footprint.
- A survey has been conducted by a suitably qualified person establishing that no buildings and works will negatively impact Giant Gippsland Earthworm numbers. This survey is to be completed to the satisfaction of the responsible authority and the Department of Environment, Land, Water & Planning, and be in accordance with the *Giant Gippsland Earthworm Environmental Significance Overlay Reference Document* (September 2015).
- If a Giant Gippsland Earthworm Land Management Plan has been approved by the Department of Environment, Land, Water & Planning and the responsible authority.
- To undertake road maintenance, rehabilitation or improvement works within the formation of an existing road reserve.
- Where emergency works are required to be undertaken by or on behalf of a public authority.

All applications must be referred in accordance with Section 55 of the Act to the referral authority as specified in the schedule to Clause 66.04.
Application requirements (28)

An application must include the following information to the satisfaction of the responsible authority:

- Clear and precise details of the buildings and/or works proposed, including the location of any wastewater treatment systems, dispersal fields, stormwater flow, driveways, ground disturbance, changes to hydrology or drainage.
- Description of the purpose for the development.
- Detailed scale map of the subject land showing:
  - property boundaries and dimensions;
  - location of proposed buildings and works site;
  - all waterways, including creeks, streams, soaks, seepages or wetlands within or adjacent to works, and;
  - the locality of Giant Gippsland Earthworm habitat affected by the proposal.
- An impact assessment of the proposal on Giant Gippsland Earthworm habitat conducted by a suitably qualified person and in accordance with the Giant Gippsland Earthworm Environmental Significance Overlay Reference Document (September 2015).
- Details on how the application has attempted to avoid, minimise or offset negative impact on Giant Gippsland Earthworm habitat.

Decision guidelines (24)

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:

- The objectives of this schedule.
- The views of the Department of Environment, Land, Water & Planning.
- The effects and design of subdivision on earthworms and their habitats.
- The type, density and layout of building and works. Any proposal is to avoid, minimise or manage impacts, in that order. For example, can the proposal be accommodated on land not considered to contain Giant Gippsland Earthworm habitat?
- The significance of a site with respect to Giant Gippsland Earthworm habitat extent, quality and connectivity, population density or genetic distinctiveness.
- Any effects on Giant Gippsland Earthworm populations created by development, that may extend beyond the building period.
- Opportunity to offset the negative impacts of a proposal on the Giant Gippsland Earthworm.

Background documents

Giant Gippsland Earthworm Environmental Significance Overlay Reference Document (September 2015)
SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO with a number.

Purpose

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

To identify significant landscapes.

To conserve and enhance the character of significant landscapes.

Landscape character and objectives

A schedule to this overlay must contain:

- A statement of the nature and key elements of the landscape.
- The landscape character objectives to be achieved.

Permit requirement

A permit is required to:

- Construct a building or construct or carry out works. This does not apply:
  - If a schedule to this overlay specifically states that a permit is not required.
  - To the conduct of agricultural activities including ploughing and fencing (but not the construction of dams) unless a specific requirement for that activity is specified in a schedule to this overlay.

- Construct a fence if specified in the schedule to this overlay.

- Remove, destroy or lop any vegetation specified in a schedule to this overlay. This does not apply:
  - If the table to Clause 42.03-3 specifically states that a permit is not required.
  - To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

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<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
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<td>Clause 59.05</td>
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<tr>
<td>Remove, destroy or lop one tree.</td>
<td>Clause 59.06</td>
</tr>
<tr>
<td>Construct a building or construct or carry out works for:</td>
<td>Clause 59.05</td>
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<tr>
<td>A carport, garage, pergola, verandah, deck, shed or similar structure.</td>
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<tr>
<td>A rainwater tank.</td>
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<td>The buildings and works must be associated with a dwelling.</td>
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## Table of exemptions

<table>
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<tr>
<th>The requirement to obtain a permit does not apply to:</th>
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</table>
| **Emergency works** | Vegetation that is to be removed, destroyed or lopped:  
- in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access or to enable 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. |
| **Fire protection** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of any of the following fire protection activities:  
- fire fighting;  
- planned burning;  
- making or maintaining of a fuelbreak or fire fighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;  
- making of 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 Conservation, Forests and Lands Act 1987);  
- is ground fuel within 30 metres of a building and is vegetation other than native vegetation;  
- in accordance with a fire prevention notice issued under either:  
  - Section 65 of the Forests Act 1958; or  
  - Section 41 of the Country Fire Authority Act 1958. |

Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.

| Geothermal energy exploration and extraction | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the Geothermal Energy Resources Act 2005. |

| Greenhouse gas sequestration and exploration | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the Greenhouse Gas Geological Sequestration Act 2008. |

| Land management or directions notice | 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 Catchment and Land Protection Act 1994. |

| Land use conditions | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the Catchment and Land Protection Act 1994. |

| Mineral exploration and extraction | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention licence issued under the Mineral Resources (Sustainable Development) Act 1990:  
- that is low impact exploration within the meaning of Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990; or  
- in accordance with a work plan approved under Part 3 of the Mineral Resources (Sustainable Development) Act 1990. |
The requirement to obtain a permit does not apply to:

<table>
<thead>
<tr>
<th>Vegetation Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Noxious weeds</strong></td>
<td>Vegetation that is a noxious weed subject of a declaration under section 58 or section 58A of the Catchment and Land Protection Act 1994. This exemption does not apply to Australian Dodder (Cuscuta australis).</td>
</tr>
<tr>
<td><strong>Pest animal burrows</strong></td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows. In the case of native vegetation the written agreement of an officer of the department responsible for administering the Flora and Fauna Guarantee Act 1988 is required before the vegetation can be removed, destroyed or lopped.</td>
</tr>
<tr>
<td><strong>Planted vegetation</strong></td>
<td>Vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding for Crop raising or Grazing animal production.</td>
</tr>
<tr>
<td><strong>Railways</strong></td>
<td>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 Conservation, Forests and Lands Act 1987).</td>
</tr>
</tbody>
</table>
| **Regrowth**                         | Vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established vegetation, and is  
  - bracken (Pteridium esculentum); 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.  
  This exemption does not apply to land on which vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster. |
| **Road safety**                      | 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 public road in accordance with written agreement of the Secretary of the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987). |
| **Stone exploration**                | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.  
  The maximum extent of 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:  
  - 1 hectare of vegetation which does not include a tree.  
  - 15 trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.  
  - 5 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 costeasing and bulk sampling activities. |
| **Stone extraction**                 | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone extraction in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority granted under that Act. |
| **Surveying**                        | 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 Surveying Act 2004) using hand-held tools to establish a sightline for the measurement of land. |
| **Traditional owners**               | Vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with: |

**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.
The requirement to obtain a permit does not apply to:

- a natural resources agreement under Part 6 of the *Traditional Owners Settlement Act 2010*; or
- an authorisation order made under sections 82 or 84 of the *Traditional Owner Settlement Act 2010* as those sections were in force immediately before the commencement of section 24 of the *Traditional owners Settlement Amendment Act* in 2016 (1 May 2017).

### Application requirements

An application must be accompanied by any information specified in a schedule to this overlay.

### Decision guidelines

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

- The statement of the nature and key elements of the landscape and the landscape character objective contained in a schedule to this overlay.
- The conservation and enhancement of the landscape values of the area.
- The need to remove, destroy or lop vegetation to create a defendable space to reduce the risk of bushfire to life and property.
- The impact of the proposed buildings and works on the landscape due to height, bulk, colour, general appearance or the need to remove vegetation.
- The extent to which the buildings and works are designed to enhance or promote the landscape character objectives of the area.
- The impact of buildings and works on significant views.
- Any other matters specified in a schedule to this overlay.
SCHEDULE 1 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO1.

VENUS BAY PENINSULA AND ANDERSON INLET

1.0

Statement of nature and key elements of landscape (4)

The coastline at Venus Bay is a wild and windswept landscape of high coastal dunes and lonely beaches, providing a scenic backdrop for Anderson Inlet. Visually, it is a landscape of regional significance.

The dominant landform in this area is the high coastal dune system that rises to 60 metres in height and stretches for up to one kilometre inland. These dunes contrast with the calmer waters of Anderson Inlet and the flat swampy hinterland, and this scene provides a scenic outlook for the township of Inverloch. The landscape is largely natural and undeveloped with the exception of the currently contained housing settlement areas of Venus Bay. Vegetation is indigenous with an important stand at Point Smythe at the mouth of the inlet.

The landscape is highly significant for its Aboriginal cultural heritage values, with many known sites scattered throughout the dunal landscape. It is also of high community value for its scenic qualities and recreation opportunities, including fishing, walking and boating.

2.0

Landscape character objectives to be achieved (4)

To retain and improve indigenous vegetation, particularly at roadsides and in riparian strips, to minimise the visual intrusion of new development.

To protect locally significant views and vistas which contribute to the character of the landscape, particularly expansive, open out views between Tarwin Lower and Venus Bay, and open views across Anderson Inlet.

To protect the flats between Townsend Bluff and Tarwin Lower from visually dominant development.

To contain the settlement of Venus Bay to less visible areas within topography.

To ensure that development in and around the Venus Bay estates does not impact on the characteristics of the landscape.

To ensure buildings and structures sit within, rather than dominate, the landscape.

To retain the sense of uncluttered openness throughout the area.

To ensure that development in and around the settlement of Tarwin Lower does not impact on the characteristics of the landscape, including key views and viewing opportunities.

To strengthen the dominant vegetated character of the Venus Bay peninsula as viewed from Anderson Inlet.

To minimise the visual impact of signage and other infrastructure, particularly on hill faces, in coastal areas and in other areas of high landscape values or visibility.

To protect landscape character and attributes that are consistent with the Aboriginal cultural heritage values of the area.

To recognise, and protect, the landscape of the Venus Bay and Anderson Inlet as places of significant Aboriginal cultural heritage value.

3.0

Permit requirement (25)

A permit is not require for:

- A building or extension to an existing building where all of the following are met:
- The building is single storey and no more than 7.5 metres in height above natural ground level; and,
- Has a total area of less than 250 square metres; and
- Is constructed in muted, non reflective tones.

- Buildings and works associated with informal outdoor recreation.
- Works undertaken by a public authority relating to watercourse management or environmental improvements
- A permit is required to remove, destroy or lop native vegetation. This does not apply in the following circumstances:
  - Vegetation that is dead.
  - The minimum extent of vegetation necessary for the maintenance of existing fences.

A permit is required to remove, destroy or lop non indigenous vegetation. This does not apply in the following circumstances:
  - Vegetation that is dead.
  - The minimum extent of vegetation necessary for the maintenance of existing fences.
  - Is within a garden.
  - Is less than 7.5 metres in height.
  - Is senescent tree rows outside a garden.

A permit is required to construct a fence other than a post and wire fence up to 1.8 metres in height.

**Application requirements (25)**

None specified.

**Decision guidelines (21)**

Before deciding on an application, the responsible authority must consider:

- Whether proposed buildings are sited and designed to maximise retention of existing vegetation, and provide for the planting of new indigenous coastal vegetation wherever possible.
- Whether buildings, structures and other developments that occur in view fields are designed and sited so as to retain the character and quality of the views.
- Whether the proposal contributes to the retention or establishment of an undeveloped vegetated dune buffer to Venus Bay Estates 1 and 3 when viewed from the coast, the approach road, Anderson Inlet and adjoining rural areas.
- Whether the proposed new development is integrated with the landscape through the use of appropriate indigenous vegetation and whether it is accompanied by a landscape plan, where appropriate.
- Where development on the flats cannot be avoided, whether the proposal uses low scale building forms and appropriate materials and colours that are not highly visible, particularly from main road corridors.
- Whether the proposal utilises appropriate indigenous vegetation to further integrate the development with the landscape.
- Whether the visual intrusion of proposed buildings is minimised by utilising low scale building forms, tucked into the landscape, with the use of materials and colours that occur in the local area.
Whether building heights are minimised in order to prevent visually intrusive developments, or any development visible from the Bass Strait Coast.

Whether the proposed development is kept below the dominant tree canopy height.

Whether the proposal prevents cluttering of development along main roads and key touring routes outside the settlements.

In rural residential areas, whether the proposal:
- Uses permeable surfacing for all unbuilt areas to minimise surface run-off and to support vegetation.
- Retains trees that form part of a continuous canopy beyond the property, and provides for the planting of new trees in a position where they will add to such a continuous canopy.
- Utilises vegetation for screening and to delineate property boundaries, instead of fencing.
- Provides open style fencing of a type traditionally used in rural areas i.e. post and wire (where fencing is necessary).
- Includes development located on the site to minimise views of the building from the main road into the settlement.

The avoidance of any buildings or structures visible from the foreshore on the Bass Strait coast by setting new developments back on the inland side of dunes.

Where development within the coastal strip cannot be avoided (e.g. development for essential public purposes), whether the proposal:
- is sited in the lower one-third of the visible slope, wherever possible (avoid buildings protruding above the dune ridgeline);
- includes buildings and structures set among existing vegetation, maximising the retention of coastal vegetation;
- utilises appropriate indigenous vegetation to further integrate the development with the landscape;
  - is designed to follow the contours or step down the site;
  - includes buildings that are articulated into separate elements, and avoid visually dominant elevations;
  - is constructed of materials which reduce distant visibility (e.g. darker colours, non-reflective materials).
  - minimises overlooking of the foreshore; and
  - avoids pedestrian and vehicular access in highly visible or undisturbed areas.

In circumstances where development cannot be avoided above ridgelines, whether the proposed development:
- is located to avoid the loss of vegetation;
- is constructed of lighter materials to minimise visibility against the sky.

6.0 BACKGROUND DOCUMENTS

State Overview Report, Coastal Spaces Landscape Assessment Study (Planisphere, 2006)
South Gippsland Shire Municipal Reference Document, Coastal Spaces Landscape Assessment Study (Planisphere, 2006).
Siting and Design Guidelines for Structures on the Victorian Coast (Victorian Coastal Council, 1998)
SCHEDULE 2 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO2.

CAPE LIPTRAP TO WARATAH BAY

1.0 Statement of nature and key elements of landscape

Cape Liptrap and surrounds is a diverse coastal landscape of State significance, comprising spectacular views and dramatic rock formations.

This is a remote and natural landscape with few settlements and long stretches of sandy beach, which is home to intact heathland and coastal forest communities. The area includes spectacular geological complexes with ancient Cambrian rocks and limestone cliffs, and remarkable landforms at Cape Liptrap and at Arch Rock. There are also unforgettable ocean views from high points such as the Cape Liptrap lighthouse, particularly across Waratah Bay to the dramatic profile of Wilsons Promontory.

In addition to its visual qualities, the landscape has significant cultural heritage and environmental values. The area is recorded on the Victorian Heritage Register and is recognised by the National Trust for relics of the lime burning industry at Walkerville South, with the ruins of several kilns still evident at the base of the cliffs. The area is also notable for shipwrecks off shore, and the remains of many Aboriginal camps with middens containing shellfish, flints and charcoal. The fauna and flora of the area are also highly valued, with some 270 species of flowering plants including 27 orchids and many threatened species.

2.0 Landscape character objectives to be achieved

To maintain, improve and protect indigenous vegetation, particularly at roadsides and in riparian strips throughout the landscape, and to ensure that it is the dominant feature of the landscape, particularly when viewed from the foreshore.

To protect locally significant views and vistas that contribute to the character of the landscape, including open views to Wilsons Promontory, the Toora Hills and Mt Hoddle.

To protect scenic vistas near the coast between Cape Liptrap and Walkerville, and views across Waratah Bay to Wilsons Promontory.

To protect the rural character and views that create a scenic ‘gateway’ to Wilsons Promontory.

To ensure that development in and around settlements does not impact on the characteristic of the landscape, including key views and viewing opportunities.

To manage development at the coastal edge of settlements so that the intact, natural, coastal character is the dominant feature of the landscape.

To minimise the visual intrusion of development within Walkerville and Walkerville South to views from the public foreshore and distant views (including offshore).

To contain the expansion of the settlements of Walkerville and Walkerville South into the vegetated and undeveloped landscapes between and adjacent to the settlements.

To ensure buildings and structures sit within, rather than dominate the landscape throughout the area.

To ensure minimum visibility of buildings and structures within the coastal strip.

To maintain the dominance of the natural landscape and vegetation on hill faces and ridges throughout the area.

To retain the natural and undeveloped character of the coastal strip between settlements by avoiding or carefully siting and designing development.

To ensure that long stretches of the coastal strip remain free of development of any kind.
To retain the open, rural character of the hinterland landscape.
To minimise the visual intrusion of signage and infrastructure, particularly in the landscape between settlements.
To preserve an appropriate landscape setting for landmarks or features of cultural heritage significance, such as the Cape Liptrap Lighthouse and limestone kilns at Walkerville.
To protect landscape character and attributes that are consistent with the Aboriginal cultural heritage values of the area.
To recognise, and protect, the landscape of Cape Liptrap to Waratah Bay as a place of significant Aboriginal cultural heritage value.

3.0 Permit requirement (22)
A permit is not required for:
- A building or extension to an existing building where all of the following are met:
  - The building is single storey and no more than 5 metres in height above natural ground level;
  - Has a total area of less than 250 square metres; and
  - Is constructed in muted, non reflective tones.
- Buildings and works associated with informal outdoor recreation.
- Works undertaken by a public authority relating to watercourse management or environmental improvements.

A permit is required to remove, destroy or lop native vegetation. This does not apply in the following circumstances:
- Vegetation that is dead.
- The minimum extent of vegetation necessary for the maintenance of existing fences.

A permit is required to remove, destroy or lop non indigenous vegetation. This does not apply in the following circumstances:
- Vegetation that is dead.
- The minimum extent of vegetation necessary for the maintenance of existing fences.
- Is within a garden.
- Is less than 7.5 metres in height.
- Is senescent tree rows outside a garden.

A permit is required to construct a fence other than a post and wire fence up to 1.8 metres in height.

4.0 Application requirements (22)
None specified.

5.0 Decision guidelines (18)
The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:
- Whether buildings are sited and designed to maximise retention of existing vegetation throughout the area, and whether the proposal provides for the planting of new indigenous coastal vegetation wherever possible.
Whether landscaping around buildings uses indigenous species (e.g. Eucalyptus or Melaleuca spp.) or non-invasive exotic/native feature planting that is already a feature of the character (e.g. existing shelterbelts).

Whether the proposal utilises indigenous vegetation for screening and to delineate property boundaries or open style fencing (e.g. post and wire) where important views would be interfered with by vegetation.

Whether proposed development in landscapes visible from the coast between Cape Liptrap and Walkerville is sited and designed to avoid visual intrusion by being set back from the coast and hidden by topography, or using low building forms, darker colours and non-reflective materials and landscaping with indigenous vegetation.

Whether the visibility of the proposed development is minimised in landscapes visible within 500 metres of formal scenic lookouts in the Character Area, including Cape Liptrap Lighthouse.

Whether the proposed development is kept below the dominant tree canopy height.

Whether the visual intrusion of the proposed development is reduced by utilising low scale building forms, tucked into the landscape, with the use of materials and colours that occur in the local area.

In flatter locations, whether the proposed development is substantially set back to minimise visual intrusion and retain a dominant natural character within 500 metres of the edge of the coast.

In steep or hilly locations, whether buildings are designed to follow the contours or step down the site, to minimise need for earthworks on the site and articulate buildings into separate elements to avoid visually dominant elevations.

Whether the proposed development utilises permeable surfacing for all unbuilt areas to minimise surface run-off and to support vegetation.

Whether the proposed development retains the character of large open rural areas offering scenic views by siting developments back from roads, amongst vegetation and low in topography.

Whether proposed building heights and footprints are minimised to retain an undeveloped appearance from foreshore and other public use areas.

Whether proposed buildings and structures are sited a sufficient distance away from landmarks or features of cultural heritage significance.

Whether the proposed development maintains an isolated setting to the Cape Liptrap lighthouse and avoids competition for visual dominance.

Whether the proposal contributes to the preservation of landscape conditions and settings of places of Aboriginal cultural heritage value.

The need for the sparse location of buildings and structures outside of settlements, to avoid the loss of existing vegetation

6.0 BACKGROUND DOCUMENTS

State Overview Report, *Coastal Spaces Landscape Assessment Study* (Planisphere, 2006)


SCHEDULE 3 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO3.

CORNER INLET AMPHITHEATRE

1.0

Statement of nature and key elements of landscape (5)

Mount Hoddle and the Welshpool Hills are prominent landforms that provide an amphitheatre setting for Corner Inlet and Wilsons Promontory, with the entire landscape unit being of regional significance.

The area is also of high environmental significance. It is identified by the RAMSAR Convention as a bird habitat of international importance, and is listed on the Register of the National Estate for its plant life, which is of bio-geographic significance. Aboriginal middens are plentiful along the shores of Corner Inlet, adding cultural heritage to the landscape’s layers of significance.

2.0

Landscape character objectives to be achieved (5)

To maintain and improve indigenous vegetation, particularly at roadsides and in riparian strips throughout the landscape.

To protect indigenous coastal vegetation and ensure that it is the dominant feature of the landscape, particularly when viewed from the foreshore.

To protect cultural vegetation patterns in the landscape.

To protect locally significant views and vistas that contribute to the character of the landscape, including open views to Wilsons Promontory, the Welshpool Hills and Mt Hoddle.

To protect the rural character and views that create a scenic ‘gateway’ to Wilsons Promontory (especially along Foster – Promontory Road).

To ensure that development in and around settlements does not impact on the characteristics of the landscape, including key views and viewing opportunities.

To manage development at the coastal edge of settlements so that the intact, natural, coastal character is the dominant feature of the landscape i.e. the Corner Inlet mangrove coastal edge of Port Albert and Port Welshpool and the Waratah Bay dunal coastal edge of Waratah Bay and Sandy Point.

To ensure buildings and structures sit within, rather than dominate the landscape.

To ensure that long stretches of the coastal strip remain free of development of any kind.

To reduce the visibility of buildings or structures, within the coastal strip, outside settlements.

To retain the open, rural character of the hinterland landscape.

To minimise the visual intrusion of infrastructure and signage, particularly between settlements.

To protect landscape character and attributes that are consistent with the Aboriginal cultural heritage values of the area.

To recognise, and protect, the landscape of the Corner Inlet Amphitheatre as a place of significant Aboriginal cultural heritage value.

3.0

Permit requirement (26)

A permit is not required for:

- A building or extension to an existing building where all of the following are met:
  - The building is single storey and no more than 7.5 metres in height above natural ground level; and,
- Has a total area of less than 250 square metres; and
- Is constructed in muted, non reflective tones.

- Buildings and works associated with informal outdoor recreation.
- Works undertaken by a public authority relating to watercourse management or environmental improvements

A permit is required to remove, destroy or lop native vegetation. This does not apply in the following circumstances:
- Vegetation that is dead.
- The minimum extent of vegetation necessary for the maintenance of existing fences.

A permit is required to remove, destroy or lop non indigenous vegetation. This does not apply in the following circumstances:
- Vegetation that is dead.
- The minimum extent of vegetation necessary for the maintenance of existing fences.
- Is within a garden.
- Is less than 7.5 metres in height.
- Is senescent tree rows outside a garden.

A permit is required to construct a fence other than a post and wire fence up to 1.8 metres in height.

Application requirements (26)

None specified.

Decision guidelines (22)

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether buildings are sited and designed to maximise retention of existing vegetation throughout the landscape, and whether the proposal provides for the planting of new indigenous coastal vegetation wherever possible.
- Whether landscaping around buildings uses indigenous species (e.g. Eucalyptus or Melaleuca spp.) or non-invasive exotic / native feature planting that is already a feature of the character (e.g. existing shelterbelts).
- In landscapes visible within 500 metres of Foster – Wilsons Promontory Road, whether the proposed development is sited to retain the open rural character and views to coastal landscape features.
- Whether ridgetops and visually prominent hill faces are largely kept free from development, particularly slopes visible from the coast and coastal hinterland such as between Mount Hoddle and Yarram
- Along the South Gippsland Highway, whether buildings are sufficiently set back to avoid intrusion into views to Corner Inlet, Wilsons Promontory and the Welshpool Hills.
- Whether the proposed development is kept below the dominant tree canopy height.
- The sparse location of buildings and structures outside of settlements, to avoid the loss of existing vegetation.
Whether the proposed development reduces visual intrusion by utilising low scale building forms, tucked into the landscape, with the use of materials and colours that occur in the local area.

In coastal locations, whether the proposed development utilises materials and colours that minimise contrast with the surrounding landscape and whether the visibility of buildings and structures is minimised when viewed from a distance, including from offshore.

In flatter locations (e.g. adjoining Shallow Inlet) whether the proposed development is substantially set back to minimise visual intrusion and to retain a dominant natural character within 500 metres of the edge of the coast.

In steep or hilly locations, whether the proposed development is designed to follow the contours or step down the site, to minimise need for earthworks on the site and whether buildings are articulated into separate elements to avoid visually dominant elevations.

Whether the proposal includes the use of permeable surfacing for all unbuilt areas to minimise surface run-off and to support vegetation.

Whether the proposal includes the use of vegetation for screening and to delineate property boundaries, instead of fencing. If fencing is necessary, the proposal should include open style fencing of a type traditionally used in rural areas i.e. post and wire.

Whether the proposal contributes to the retention of the character of large open rural areas offering scenic views by siting developments back from roads, amongst vegetation and low in the topography.

6.0 BACKGROUND DOCUMENTS

State Overview Report, Coastal Spaces Landscape Assessment Study (2006) Planisphere


HERITAGE OVERLAY

Shown on the planning scheme map as HO with a number (if shown).

Purpose

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

Scope

The requirements of this overlay apply to heritage places specified in the schedule to this overlay. A heritage place includes both the listed heritage item and its associated land. Heritage places may also be shown on the planning scheme map.

Permit requirement

A permit is required to:
- Subdivide land.
- Demolish or remove a building.
- Construct a building or construct or carry out works, including:
  - Domestic services normal to a dwelling if the services are visible from a street (other than a lane) or public park.
  - A solar energy facility attached to a building that primarily services the land on which it is situated if the services are visible from a street (other than a lane) or public park.
  - A rainwater tank if the rainwater tank is visible from a street (other than a lane) or public park.
  - A fence, if the fence is visible from a street (other than a lane) or public park.
  - Roadworks which change the appearance of a heritage place or which are not generally undertaken to the same details, specifications and materials.
  - Street furniture other than:
    - traffic signals, traffic signs, fire hydrants, parking meters, post boxes and seating.
    - speed humps, pedestrian refuges and splitter islands.
  - A domestic swimming pool or spa and associated mechanical and safety equipment, if the swimming pool or spa and associated equipment are visible from a street (other than a lane) or public park.
  - A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
  - A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level, if the deck is visible from a street (other than a lane) or public park
  - Non-domestic disabled access, excluding a non-domestic disabled access ramp if the ramp is not visible from a street (other than a lane) or public park.
- An electric vehicle charging station if the charging station is visible from a street (other than a lane) or public park.
- Services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar, if the works are visible from a street (other than a lane) or public park.

- Externally alter a building by structural work, rendering, sandblasting or in any other way.
- Construct or display a sign.
- Externally paint a building if the schedule to this overlay specifies the heritage place as one where external paint controls apply.
- Externally paint an unpainted surface.
- Externally paint a building if the painting constitutes an advertisement.
- Internally alter a building if the schedule to this overlay specifies the heritage place as one where internal alteration controls apply.
- Carry out works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials.
- Remove, destroy or lop a tree if the schedule to this overlay specifies the heritage place as one where tree controls apply. This does not apply:
  - To any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the *Electricity Safety Act 1998*.
  - If the tree presents an immediate risk of personal injury or damage to property.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
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<tr>
<td></td>
<td>Clause 59.07</td>
</tr>
</tbody>
</table>

- Subdivide land to realign the common boundary between 2 lots where the area of either lot is reduced by less than 15 percent and the general direction of the common boundary does not change.

- Subdivide land into lots each containing an existing building or car parking space where:
  - The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.
  - An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.

- Subdivide land into 2 lots if:
  - The construction of a building or the construction or carrying out of works on the land is approved under this scheme or by a permit issued under this scheme and the permit has not expired.
Class of application

- The construction or carrying out of the approved building or works on the land has started lawfully.
- The subdivision does not create a vacant lot.

Demolish or remove an outbuilding (including a carport, garage, pergola, verandah, deck, shed or similar structure) unless the outbuilding is specified in the schedule to the Heritage Overlay.

Demolish or remove a fence unless the fence is specified in the schedule to the Heritage Overlay.

Externally alter a non-contributory building.

External painting.

Construct a fence.

Construct a carport, garage, pergola, verandah, deck, shed or similar structure.

Construct and install domestic services normal to a dwelling.

Construct and install a non-domestic disabled access ramp.

Construct a vehicle cross-over.

Construct a domestic swimming pool or spa and associated mechanical equipment and safety fencing.

Construct a rainwater tank.

Construct or display a sign.

Lop a tree.

Construct or install a solar energy facility attached to a dwelling.

Construct and install an electric vehicle charging station.

Construct and install services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar.

Places in the Victorian Heritage Register

A heritage place which is included in the Victorian Heritage Register is subject to the requirements of the Heritage Act 2017.

Permit requirement

A permit is required under this overlay to subdivide a heritage place which is included in the Victorian Heritage Register. This includes the subdivision or consolidation of land including any building or airspace.

Referral of applications

An application to subdivide a heritage place which is included in the Victorian Heritage Register must be referred to the relevant referral authority under Section 55 of the Act in accordance with Clause 66 of this scheme.
No permit required

No permit is required under this overlay:

- For anything done in accordance with an incorporated plan specified in a schedule to this overlay.
- To internally alter a church for liturgical purposes if the responsible authority is satisfied that the alterations are required for liturgical purposes.
- For interments, burials and erection of monuments, re-use of graves, burial of cremated remains and exhumation of remains in accordance with the *Cemeteries and Crematoria Act 2003*.
- To develop a heritage place which is included in the Victorian Heritage Register, other than an application to subdivide a heritage place of which all or part is included in the Victorian Heritage Register.

Exemption from notice and review

An application under this overlay for any of the following classes of development is exempt from the notice requirements of section 52(1) (a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act:

- Demolition or removal of an outbuilding (including a carport, garage, pergola, verandah, deck, shed or similar structure) unless the outbuilding is specified in the schedule to this overlay.
- Demolition or removal of a fence unless the fence is specified in the schedule to this overlay.
- External alteration of a building.
- External painting.
- Construction of a fence.
- Construction of a carport, garage, pergola, verandah, deck, shed or similar structure.
- Domestic services normal to a dwelling.
- Carry out works, repairs and routine maintenance.
- Internally alter a building.
- Non-domestic disabled access ramp.
- Construction of a vehicle cross-over.
- Construction of a domestic swimming pool or spa and associated mechanical equipment and safety fencing.
- Construction of a tennis court.
- Construction of a rainwater tank.
- Construction or display of a sign.
- Lopping of a tree.
- Construction of seating, picnic tables, drinking taps, barbeques, rubbish bins, security lighting, irrigation, drainage or underground infrastructure, bollards, telephone boxes.
- Roadworks.
- An electric vehicle charging station.
- Services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar.
Statements of significance

The schedule to this overlay must specify a statement of significance for each heritage place included in the schedule after the commencement of Amendment VC148. This does not apply to:

- a heritage place included in the schedule to this overlay by an amendment prepared or authorised by the Minister under section 8(1)(b) or section 8A(4) of the Act before or within three months after the commencement of Amendment VC148.
- a registered heritage place included in the Victorian Heritage Register established under Part 3 of the *Heritage Act 2017*.

Heritage design guidelines

The schedule to this overlay may specify heritage design guidelines for any heritage place included in the schedule. A heritage design guideline must not contain any mandatory requirements.

Application requirements

An application must be accompanied by any information specified in the schedule to this overlay.

Decision guidelines

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

- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.
- Any applicable heritage design guideline specified in the schedule to this overlay.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.
- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed subdivision will adversely affect the significance of the heritage place.
- Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.
- Whether the lopping or development will adversely affect the health, appearance or significance of the tree.
- Whether the location, style, size, colour and materials of the proposed solar energy facility will adversely affect the significance, character or appearance of the heritage place.
Use of a heritage place

A permit may be granted to use a heritage place (including a heritage place which is included in the Victorian Heritage Register) for a use which would otherwise be prohibited if all of the following apply:

- The schedule to this overlay specifies the heritage place as one where prohibited uses may be permitted.
- The use will not adversely affect the significance of the heritage place.
- The benefits obtained from the use can be demonstrably applied towards the conservation of the heritage place.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider the effect of the use on the amenity of the area.

Aboriginal heritage places

A heritage place specified in the schedule to this overlay as an Aboriginal heritage place is also subject to the requirements of the *Aboriginal Heritage Act 2006*. 
## SCHEDULE TO CLAUSE 43.01 HERITAGE OVERLAY

### Application requirements

None specified.

### Heritage places

The requirements of this overlay apply to both the heritage place and its associated land.

<table>
<thead>
<tr>
<th>PS map ref</th>
<th>Heritage place</th>
<th>External paint controls apply?</th>
<th>Internal alterations controls apply?</th>
<th>Tree controls apply?</th>
<th>Outbuildings or fences which are not exempt under Clause 43.01-3</th>
<th>Included on the Victorian Heritage Register under the Heritage Act 2017?</th>
<th>Prohibited uses permitted?</th>
<th>Aboriginal heritage place?</th>
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<tbody>
<tr>
<td>ALLAMBEE &amp; DISTRICT</td>
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<tr>
<td>HO23</td>
<td>Allambee East Cemetery (former) Grand Ridge Road, Allambee East</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO24</td>
<td>Allambee South State School No 3075 (former) Grand Ridge Road, Allambee South</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>BENA &amp; DISTRICT</td>
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<tr>
<td>HO25</td>
<td>Bena Primary School (former) No 3062 40 Greens Road, Bena</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>BERRYS CREEK &amp; BOOROOL</td>
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<tr>
<td>HO28</td>
<td>Berry’s Creek Honour Avenue Berry’s Creek Road, Berry’s Creek</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>HO3</td>
<td>Mossvale Park</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
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</tbody>
</table>
Mossvale Park Road, Berry’s Creek
The heritage place comprises the Algerian Oak (Quercus Canariensis) situated next to the sound shell, Oriental Plane (Platanus Orientalis) next to the rear gate leading to private land, Chestnut Leaved Oak (Quercus Castaneifolia), near toilet block, London Plane (Platanus x Acerifolia), next to sound shell, concrete block shelter, brick toilet block, ruins of original timber bridge on river bank, and other mature trees including English Elms (Ulmus procera), other Oaks, Planes, Copper Beech, and Variegated Elm (Ulmus Minor Variegata) situated on pasture land on east facing slope behind park.

<table>
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<th>Aboriginal heritage place?</th>
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<tr>
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<td>Mossvale Park Road, Berry’s Creek</td>
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<td></td>
<td>DOLLAR &amp; DISTRICT</td>
<td>No</td>
<td>Yes</td>
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<td>Yes</td>
<td>No</td>
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<tr>
<td>HO32</td>
<td>Dollar State School No. 3473 (former) Dollar Hall Road</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<td></td>
<td>FISH CREEK &amp; DISTRICT</td>
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<td>No</td>
<td>No</td>
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<td>HO13</td>
<td>Bank of Australasia (former)</td>
<td>Yes</td>
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<td>HO140</td>
<td>Greenfields</td>
<td>No</td>
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<td>No</td>
<td>No</td>
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<tr>
<td></td>
<td>915 Falls Road, Fish Creek</td>
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<td></td>
<td>The heritage place comprises dwelling and surrounding land to a minimum extent of 2m.</td>
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<tr>
<td>HO141</td>
<td>Bosley Farm</td>
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<td>425 Harding-Lawson Road, Fish Creek</td>
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<td>HO157</td>
<td>Fish Creek Memorial Hall</td>
<td>No</td>
<td>No</td>
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<td>13 Falls Road Fish Creek</td>
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<td><strong>FOSTER &amp; DISTRICT</strong></td>
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<tr>
<td>HO15</td>
<td>Victory Mine and Kaffir Hill Reserve, Foster</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO16</td>
<td>Exchange Hotel</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
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<td>43 Main Street, Foster</td>
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<td>HO38</td>
<td>South Gippsland Historical Society Museum</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td></td>
<td>Main Street, Foster</td>
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</table>

The heritage place comprises dwelling and surrounding land to a minimum extent of 2m.
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<th>Aboriginal heritage place?</th>
</tr>
</thead>
<tbody>
<tr>
<td>HO39</td>
<td>Foster World War 1 Soldiers Memorial Main Street, Foster The heritage place comprises memorial and surrounding land to a minimum extent of 1m.</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>No</td>
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<tr>
<td>HO40</td>
<td>Foster Court House and Police Stables (former) 33 Station Road, Foster</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO41</td>
<td>Wilga (dwelling) 59 Station Road, Foster</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO42</td>
<td>Foster Recreation Reserve Pavilion Station Road, Foster</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<td>HO158</td>
<td>Hillcrest (dwelling) 175 Ameys Track, Foster</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HEDLEY &amp; DISTRICT</td>
<td>Hedley Public Hall South Gippsland Highway, Hedley</td>
<td>No</td>
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<td>No</td>
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</table>

The heritage place comprises Foster Post Office (former) and former Agnes State School No. 3043.
<table>
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<tr>
<th>PS map ref</th>
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<tbody>
<tr>
<td>JEETHO</td>
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<tr>
<td>HO46</td>
<td>Shire of Poowong &amp; Jeetho Offices &amp; Hall (former) (Jeetho Public Hall) Jeetho Road, Jeetho</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
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<td>Yes</td>
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<tr>
<td>HO142</td>
<td>Wrigwell (later Glenorchy) 250 Jeetho Road, Jeetho The heritage place comprises the dwelling, stables and trees along former carriage drive</td>
<td>No</td>
<td>No</td>
<td>Yes – trees along former carriage drive</td>
<td>Yes – stables only</td>
<td>No</td>
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<tr>
<td>JUMBUNNA</td>
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<td>HO47</td>
<td>Brick culverts Lynn Streets, Jumbunna</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>KARDELLA</td>
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<tr>
<td>HO48</td>
<td>Kardella Avenue of Honour Kardella Road, Kardella</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<td>HO49</td>
<td>Boer War Memorial Oak Trees Kardella Road, Kardella</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
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<tr>
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<td>HO4</td>
<td>Kongwak Co-operative Butter &amp; Cheese Factory (former)</td>
<td>Yes</td>
<td>Yes</td>
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<td>Prohibited uses permitted?</td>
<td>Aboriginal heritage place?</td>
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<td>HO50</td>
<td>Korumburra-Wonthaggi Road, Kongwak</td>
<td>No</td>
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<td>Kongwak Avenue of Honour</td>
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<td>Korumburra-Wonthaggi Road, Kongwak</td>
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<td>HO51</td>
<td>Three Railway Bridges over Tarwin River</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO52</td>
<td>Cluanie (former Linsfield, Lyrebird Mound)</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
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<td>HO53</td>
<td>Korumburra Post &amp; Telegraph Office (former)</td>
<td>Yes</td>
<td>Yes</td>
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<td>Yes – timber outbuilding</td>
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<td>HO54</td>
<td>Coal Creek Heritage Park</td>
<td>Yes</td>
<td>Yes</td>
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<td></td>
<td>The heritage place comprises the former Korumburra Court House, Kilcunda Road State School No 3337 (former) and the Wattle and Daub Cottage.</td>
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<tr>
<td>HO57</td>
<td>Korumburra Drill Hall</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td></td>
<td>8 Charles Street, Korumburra</td>
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<tr>
<td>HO59</td>
<td>Korumburra Strzelecki Memorial (Korumburra-Warragul Road (Cnr. Old Bena Road), Korumburra)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td></td>
<td>The heritage place comprises memorial and surrounding land to a minimum extent of 2m.</td>
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<td>HO61</td>
<td>Korumburra Baptist Church (Mine Road, Korumburra)</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO62</td>
<td>Korumburra World War 1 Soldiers Memorial (Coleman Park) (Queen Street, Korumburra)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO63</td>
<td>Korumburra Comfort Station for Women (former) (Radovick Street, Korumburra)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO5</td>
<td>Part of Korumburra Railway Station Complex (Station Street, Korumburra)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO18</td>
<td>Korumburra Railway Station complex (Station Street, Korumburra)</td>
<td>-</td>
<td>-</td>
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<td>Yes Ref No H1571</td>
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<td>HO143</td>
<td>14 Bridge Street, Korumburra (Dwelling)</td>
<td>No</td>
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<td>HO150</td>
<td>21 Bridge St Korumburra Dwelling</td>
<td>No</td>
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<td>No</td>
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<td>HO144</td>
<td>23 Bridge Street, Korumburra Dwelling</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO145</td>
<td>Lismore 48 Bridge Street, Korumburra The heritage place comprises dwelling and land to a depth of 25m from the lot frontage</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO146</td>
<td>1A Victoria Street, Korumburra Dwelling The heritage places comprises dwelling and land to a depth of 25m from the lot frontage</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td><strong>LEONGATHA, KOOROOMAN &amp; DISTRICT</strong></td>
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<td>HO26</td>
<td>Leongatha South State School No. 3251 (former) 7975 Bass Highway, Leongatha South</td>
<td>No</td>
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<td>HO64</td>
<td>Springdale 190 Gwyther Siding Road, Leongatha South</td>
<td>No</td>
<td>Yes</td>
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<td>HO65</td>
<td>South Gippsland Water Purification Plant Harveys Road, Leongatha The heritage place comprises Ronald M Scott designed brick building (constructed 1958-60) and 1m around the building, excluding plant equipment.</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO66</td>
<td>Koorooman Avenue of Honour Hydes Road, Koorooman</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
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<td>HO67</td>
<td>Leongatha Railway Station Long Street, Leongatha</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
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<td>HO68</td>
<td>Leongatha Strzelecki Memorial Long Street, Leongatha</td>
<td>No</td>
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<td>HO69</td>
<td>Canary Island Palms (Phoenix Canariensis) Apex Park, McCartin Street, Leongatha</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
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<td>HO70</td>
<td>Leongatha Court House (former) 2 McCartin Street, Leongatha</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
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### SOUTH GIPPSLAND PLANNING SCHEME

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<tr>
<td>HO71</td>
<td>Leongatha Post &amp; Telegraph Office</td>
<td>Yes</td>
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<td>4 McCartin Street, Leongatha</td>
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<td>HO7</td>
<td>Memorial Hall &amp; Woorayl Shire Offices (former)</td>
<td>Yes</td>
<td>Yes</td>
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<td>6-8 McCartin Street, Leongatha</td>
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<td>HO6</td>
<td>Leongatha Mechanics' Institute &amp; Free Library (former)</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
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<td>10 McCartin Street, Leongatha</td>
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<td>HO72</td>
<td>Leongatha Secondary College (former Leongatha Agricultural College)</td>
<td>-</td>
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<td>-</td>
<td>Yes Ref No H0949</td>
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<td>HO138</td>
<td>Part Leongatha Secondary College</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO10</td>
<td>Knox's Rockhill Farm complex</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
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<td>530 Nerrena Road, Leongatha</td>
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<td>HO76</td>
<td>Leongatha Showgrounds Grandstand and Gates</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>No</td>
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<td></td>
<td>Leongatha Recreation Reserve</td>
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<td></td>
<td>Roughead Street, Leongatha</td>
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<tr>
<td>HO77</td>
<td>Leongatha World War 1 Memorial Avenue of Honour Wild Dog Valley Road &amp; Yarragon Road, Leongatha</td>
<td>No</td>
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<td>HO9</td>
<td>Hayes’ (PA Dunne’s) Store (former) 4 Roughhead Street, Leongatha</td>
<td>Yes</td>
<td>Yes</td>
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<td>HO8</td>
<td>Leongatha Butter and Cheese Factory (former), corner Strzelecki Highway and Roughhead Street</td>
<td>Yes</td>
<td>Yes, limited to the hexagonal terracotta floor tiles</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
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<td>HO147</td>
<td>42 Brown Street, Leongatha Dwelling The heritage places comprises dwelling and land to a depth of 30m from the lot frontage</td>
<td>No</td>
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<td>HO148</td>
<td>Egerton 37 Jeffrey Street, Leongatha Dwelling and stables</td>
<td>No</td>
<td>No</td>
<td>Yes – stables</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO149</td>
<td>McGuinness House (later Lamont House) 19 Long Street, Leongatha Dwelling and former boarding house/stable</td>
<td>No</td>
<td>No</td>
<td>Yes – garages</td>
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<td>The heritage places comprises dwelling and land to a depth of 35m from the lot frontage</td>
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<td>LOCH</td>
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</table>
| HO2        | Chestnut-Leaved Oaks (Quercus Castaneifolia)  
Victoria Road, Loch  
The heritage place comprises the Oaks in the paddock at rear of Loch Catholic Church. | No                              | No                                   | Yes                   | No                                                             | No                                                                             | Yes                         | No                          |
| HO83       | Loch Primary School No 2912  
Victoria Road, Loch | No                              | No                                   | No                    | No                                                             | No                                                                             | No                          | No                          |
| MEENIYAN & DISTRICT |                                             |                                |                                      |                      |                                                              |                                                                                |                             |                             |
| HO88       | Railway Bridge over Tarwin River  
South Eastern Railway, Meeniyan | No                              | No                                   | No                    | No                                                             | No                                                                             | No                          | No                          |
| HO90       | Meeniyan Public Hall  
Whitelaw Street, Meeniyan | No                              | No                                   | No                    | No                                                             | No                                                                             | No                          | No                          |
| HO91       | Meeniyan & Stony Creek World War 1 Memorial  
Whitelaw Street, Meeniyan  
The heritage place comprises memorial and surrounding land to edge of median strip. | No                              | No                                   | No                    | No                                                             | No                                                                             | No                          | No                          |
## SOUTH GIPPSLAND PLANNING SCHEME

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</table>
| HO22 | Mirboo on Tarwin Hall  
285 Mirboo South Road, Mirboo | - | - | - | - | Yes | Yes | No |
| HO95 | Mirboo Shire Hall and Offices (former)  
30 Ridgway, Mirboo North | No | Yes | No | No | No | No | No |
| HO97 | Mirboo North Railway Station (former)  
Ridgway, Mirboo North  
The heritage place comprises Station building and platform and surrounding land to a minimum extent of 10m. | No | Yes | No | No | No | No | No |
| HO98 | Mirboo North Strzelecki Memorial  
Ridgway, Mirboo North | No | No | No | No | No | No | No |
| HO151 | Clestron (Ogilvy homestead site and trees)  
600 Boolarra South-Mirboo North Road, Mirboo North  
The heritage place comprises a circle with a diameter of 75m containing group of trees surrounding the former Ogilvie homestead | No | No | Yes | No | No | No | No |
<p>| HO152 | 60 Ridgway, Mirboo North | No | No | No | No | No | Yes | No |</p>
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<td>Colonial Bank of Australasia (former) and residence</td>
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<td>HO102</td>
<td>Nerrena Public Hall</td>
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<td>HO103</td>
<td>Nyora Railway Station</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
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<td>Yes</td>
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<td>Mitchell Street, Nyora</td>
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<td>POOWONG &amp; DISTRICT</td>
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<td>HO1</td>
<td>Wesleyan Church (former)</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
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<td>35 Nyora Road, Poowong</td>
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<td>HO21</td>
<td>Notched Log Cottage</td>
<td>-</td>
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<td>-</td>
<td>-</td>
<td>Yes</td>
<td>Yes</td>
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<td></td>
<td>920 Nyora-Poowong Road, Poowong</td>
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<td>HO104</td>
<td>Poowong World War 1 Soldiers’ Memorial</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td></td>
<td>The heritage place comprises memorial and surrounding land to a minimum extent of 3m.</td>
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<td>HO17</td>
<td>‘Crescent’ Turnbull Street, Port Welshpool</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO111</td>
<td>‘Woodlands’ 280 Stony Creek-Dollar Road, Stony Creek</td>
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<td>No</td>
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<td>No</td>
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<td>The heritage place comprises 2-room house constructed c.1905 and the main homestead constructed in 1924 and surrounding land to a minimum extent of 10m.</td>
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<td>HO112</td>
<td>Stony Creek Mechanics’ Institute &amp; Free Library Main Street, Stony Creek</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
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<td><strong>STRZELECKI</strong></td>
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<td>HO113</td>
<td>Strzelecki Avenue of Honour Korumburra-Warragul Road, Strzelecki</td>
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<td>Yes</td>
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<td>HO153</td>
<td>Strzelecki railway line (former) – engine turntable site 2 Wild Dog Road, Strzelecki</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>The heritage place comprises a circle with a diameter of 20m located over the turntable bed remains.</td>
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<td>No</td>
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<td>HO117</td>
<td>John Simpson Memorial&lt;br&gt;River Drive, Tarwin Lower&lt;br&gt;The heritage place comprises memorial and surrounding cast iron fence and surrounding land to a minimum extent of 2m.</td>
<td>No</td>
<td>No</td>
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<td>HO118</td>
<td>Tarwin Lower Memorial Hall (Former Mechanics’ Institute &amp; Free Library)&lt;br&gt;River Drive, Tarwin Lower</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
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<td>HO14</td>
<td>Tin Mines Toora&lt;br&gt;Creamery Valley Road &amp; Woomera Creek Road, Toora</td>
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<td>HO120</td>
<td>Toora Avenue of Honour&lt;br&gt;Grip Road, Toora</td>
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<td>Yes</td>
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<td>HO123</td>
<td>Toora State School Jubilee Gates&lt;br&gt;33 Gray Street, Toora</td>
<td>No</td>
<td>No</td>
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<td><strong>HO127</strong></td>
<td>Toora World War 1 Soldiers’ Memorial Welshpool Road, Toora The heritage place comprises memorial and surrounding land to a minimum extent of 5m.</td>
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<td><strong>HO154</strong></td>
<td>Bank of Victoria (former) and residence 35 Stanley Street, Toora The heritage place comprises the entire lot (Lot 1 TP577245)</td>
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<td><strong>HO155</strong></td>
<td>Ingleside (later Gully Humphrey) 46 Scannels Road, Toora North The heritage place comprises 2 dwellings &amp; surrounding land to a minimum extent of 2m.</td>
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<td><strong>TRIDA</strong></td>
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<td><strong>HO156</strong></td>
<td>1790 Grand Ridge Road, Trida The heritage place comprises dwelling and surrounding land to a minimum extent of 2m.</td>
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<td>Walkerville South</td>
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<td>HO130</td>
<td>Bell Point Lime Kilns (former)</td>
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<td>The Gap</td>
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<td>The heritage place comprises the rows of Elm trees planted on the sides of Main Road, Port Welshpool Road &amp; Woorarra Road, Welshpool</td>
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<td>Norfolk Island Pine Avenue</td>
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<td>The heritage place comprises Norfolk Island Pines on either side of Port Welshpool Road south of Welshpool.</td>
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<td>The heritage place comprises the memorial and surrounding landscape plantings.</td>
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<td>Leongatha-Yarragon Road, Wooreen</td>
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<td>Refuge Cove Wilsons Promontory</td>
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<td>Wilsons Promontory Lightstation</td>
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<td>Yes</td>
<td>Yes Ref No H1842</td>
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<td>HO20</td>
<td>Sealers Cove Sawmill</td>
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<td>Yes Ref No H2019</td>
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</table>
DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To identify areas which are affected by specific requirements relating to the design and built form of new development.

Design objectives

A schedule to this overlay must contain a statement of the design objectives to be achieved for the area affected by the schedule.

Buildings and works

Permit requirement

A permit is required to:

- Construct a building or construct or carry out works. This does not apply:
  - If a schedule to this overlay specifically states that a permit is not required.
  - To the construction of an outdoor swimming pool associated with a dwelling unless a specific requirement for this matter is specified in a schedule to this overlay.

- Construct a fence if specified in a schedule to this overlay.

Buildings and works must be constructed in accordance with any requirements in a schedule to this overlay. A schedule may include requirements relating to:

- Building setbacks.
- Building height.
- Plot ratio.
- Landscaping.
- Any other requirements relating to the design or built form of new development.

A permit may be granted to construct a building or construct or carry out works which are not in accordance with any requirement in a schedule to this overlay, unless the schedule specifies otherwise.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
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<tbody>
<tr>
<td>Construct a fence.</td>
<td>Clause 59.05</td>
</tr>
<tr>
<td>Construct a building or construct or carry out works for:</td>
<td>Clause 59.05</td>
</tr>
<tr>
<td>- A carport, garage, pergola, verandah, deck, shed or similar structure.</td>
<td></td>
</tr>
<tr>
<td>- An outdoor swimming pool.</td>
<td></td>
</tr>
<tr>
<td>The buildings and works must be associated with a dwelling.</td>
<td></td>
</tr>
</tbody>
</table>
**Exemption from notice and review**

A schedule to this overlay may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

**Subdivision**

**Permit requirement**

A permit is required to subdivide land.

This does not apply if a schedule to this overlay specifically states that a permit is not required.

Subdivision must occur in accordance with any lot size or other requirement specified in a schedule to this overlay.

A permit may be granted to subdivide land which is not in accordance with any lot size or other requirement in a schedule to this overlay, unless the schedule specifies otherwise.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.
**Class of application**

- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.
- Has started lawfully.

- The subdivision does not create a vacant lot.

---

**Exemption from notice and review**

A schedule to this overlay may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

---

**Signs**

Sign requirements are at Clause 52.05 unless otherwise specified in a schedule to this overlay.

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**Application requirements**

An application must be accompanied by any information specified in a schedule to this overlay.

---

**Decision guidelines**

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

- The design objectives of the relevant schedule to this overlay.
- The provisions of any relevant policies and urban design guidelines.
- Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
- Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.
- Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
- The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking.
- Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
- Any other matters specified in a schedule to this overlay.
SCHEDULE 1 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO1**.

TOWNSHIP APPROACH

1.0 Design objectives (13)

To provide for attractive and distinctive town approaches along main roads through measures including the provision of landscape and design controls upon development.

To provide highway travellers with conspicuously located facilities providing information, fuel and refreshments and rest stop areas.

To encourage development that is of an appropriate scale and design quality to enhance township approaches.

To ensure that new development harmonises in scale and design with adjoining residential areas.

2.0 Buildings and works (13)

The external walls of all buildings are encouraged to be constructed of brick, stone or concrete.

Buildings should be constructed with a setback of 6 metres from any road.

Land within 2 metres of a road reserve should be planted and maintained with lawn, trees and shrubs to the satisfaction of the responsible authority.

No buildings should be constructed closer to any Residential Zone as determined by the following formula:

\[ D = 1.5 + \frac{H}{2} \]

Where:

- \( D \) = Minimum horizontal distance in metres to a wall from the zone boundary.
- \( H \) = Height in metres of the highest part of the wall above the ground with the minimum height being 4 metres.

3.0 Subdivision (23)

None specified.

4.0 Signs (3)

None specified.

5.0 Application requirements (15)

None specified.

6.0 Decision guidelines (15)

Before deciding on an application, the responsible authority must consider the following matters:

- The availability and provision of services for the supply of water, sewerage, drainage, electricity and other services.

- The need for proper disposal of stormwater discharges, sewerage effluent and other liquid wastes, which may be associated with the development.

- The layout of any car park and the location and widths of entrance and exit points, access lanes and roadways and the need for an appropriate pattern of pedestrian and vehicular access to the development.
- The location, nature and type of advertisement which may be associated with the development.
- The location, nature and type of any landscape area which may be incorporated into the development.
- The need to screen storage areas, garbage receptacles and any other items which may have an adverse impact on the amenity of the area.
**SCHEDULE 2 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO2**.

**BURCHELL LANE INDUSTRIAL PRECINCT**

1.0

**Design objectives (12)**

To ensure all development and works enhance the amenity of the Burchell Lane Industrial Precinct by encouraging high quality design and external finishes to buildings and structures, adequate building siting and a high quality landscape.

To ensure that development and works are located to minimise off-site impacts to adjoining residential areas.

To minimise the impact of commercial traffic on adjoining residential amenity and pedestrian traffic.

2.0

**Buildings and works (12)**

**External finishes**

- Buildings and any ancillary structures should be constructed using brick, stone, concrete or similar. Buildings with frontages constructed using brick, stone or concrete and side and rear walls constructed using muted non reflective materials may be considered appropriate. Roof material must be constructed using muted non reflective materials.

**Building setbacks**

- All buildings within the precinct should be setback at least 6 metres from any road.

**Landscaping**

- A 3-metre width of landscaping must be provided along all road abuttals, other than Gile Street, using a suitable selection of trees, shrubs or grasses to the satisfaction of the responsible authority.

- A landscaping setback of a minimum of 6 metres must be provided along the Gile Street Road abuttal. The landscaping should be designed to provide appropriate screening of car parking and outdoor storage areas, enhance the amenity of the surrounding area and provide an attractive visual environment for adjoining residential properties.

**Access**

- Vehicle access to each site shall be in a form and location that permits all vehicles to enter and egress safely without causing detrimental affects on the amenity of adjoining residential uses.

- Access points off Gile Street are discouraged where alternative access from surrounding roads are available.

**Fencing**

- Boundary fencing should be black cylcone wire mesh or similar. Alternative fencing materials will be considered at the discretion of the responsible authority.

3.0

**Subdivision (22)**

None specified.

4.0

**Signs (2)**

None specified.
Application requirements (14)
None specified.

Decision guidelines (14)
Before deciding on the application, the responsible authority must consider whether the proposed buildings and works protect the amenity of adjoining residential uses in accordance with the criteria specified in this schedule with respect to:

- External finishes
- Building Setbacks
- Landscaping
- Access
- Fencing.
SCHEDULE 3 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO3.

SANDY POINT

1.0 Design objectives (16)

Built Form / Landscape Character

To protect and manage the coastal village character of Sandy Point.

To maintain the predominance of modest, minimal impact housing and the well-vegetated character of allotments.

To encourage single storey development, and recessive second storey development that is respectful of the typical built form and the coastal landscape setting.

To encourage building heights which do not protrude above the existing tree canopy.

To discourage boundary fencing forward of building frontages, unless this is a timber post and wire fence.

To minimise the dominance of car parking structures and outbuildings on views from the street and other sensitive viewing locations.

Siting and setbacks

To ensure that new development is sited and designed so as to be screened by and nestled within the landscaped setting.

To ensure that new development is appropriately set back from sensitive environmental boundaries.

Site Coverage

To minimise building site coverage and the use of impervious paving materials, in order to preserve the spacious landscape setting of the area.

Landscaping and Environment

To preserve the pattern of well vegetated and generous front setbacks that screen and soften the appearance of development from the street.

To encourage informal driveways and crossovers and the use of permeable materials (e.g. gravel, permeable paving) to minimise the visual impact on the street and property frontages.

To protect and maintain areas of indigenous and native vegetation where possible in new development.

To encourage the planting of indigenous vegetation in new landscaping.

To encourage the integration of best practice water sensitive urban design into the landscape treatments of new development.

Materials and design detail

To ensure that buildings demonstrate a high standard of design and utilise materials, colours and finishes that are in keeping with the natural environment.

2.0 Buildings and works (16)

A permit is not required to construct a building or carry out works other than for:

- A building with a height of over 6.5 metres from natural ground level.

- A building that has setbacks of less than 7.5 metres from the front property boundary and 3 metres from any side boundary on a secondary street frontage.

- A development that does not achieve the following site coverage requirements:
- A building site coverage of no more than 40 per cent;
- A paved area (permeable paving) of no more than 20 per cent; and
- An area free of buildings or impervious surfaces of at least 40 per cent.

- Buildings or additions to buildings where the total building floor space on a site is greater than 250 square metres.
- Buildings and works where the external materials, colours and finishes are not low reflective, subdued tones to the responsibility of the Responsible Authority.
- A front boundary fence, or side boundary fence forward of the building frontage, that is constructed of materials other than timber post and wire.

3.0

Subdivision (26)

An application for subdivision within the Township Zone is considered to meet the design objectives where:

- The proposed subdivision maintains the existing character of the area.
- The existing informality of the current road and drainage system is maintained, while achieving improved management of stormwater and runoff.

4.0

Signs (6)

None specified.

5.0

Application requirements (18)

An application to develop land for the purpose of a dwelling or any other building should meet the following requirements:

- The location of any proposed buildings clearly dimensioned on its allotment.
- Information that describes how the proposal achieves the design outcomes outlined in the decision guidelines of this schedule, in the form of a neighbourhood and site description, and design response.
- The location, type and size of any trees to be removed.
- Sufficient spot heights (to AHD) to enable the slope of the site and the slope of the works area(s) to be determined.
- The location, dimensions and depth of any proposed excavations or fill.
- The colour, finishes and materials to be used on all external surfaces, including the roof.
- A landscape plan retaining existing indigenous and native vegetation where possible and providing a range of trees, shrubs and ground cover in keeping with the surrounding landscape character.

6.0

Decision guidelines (18)

Before deciding on an application, the responsible authority must consider:

- The design objectives of this schedule.
- Whether the proposal will assist in achieving the Vision, Objectives and Strategies for Sandy Point contained in Clause 21.04.
- Whether the location, bulk or scale of the buildings or works will be in keeping with the predominant character and/or enhance the appearance of the area.
• The visual prominence of buildings and other structures within the landscape, particularly above the vegetation line.

• Whether the additional height of a development is required to achieve an exceptional or innovative design outcome that cannot otherwise be achieved, and is able to be substantially screened by the existing and proposed new vegetation and the landform.

• Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level and staggered building forms that follow the natural slope of the land and reduce the need for site excavation and filling.

• Whether any encroachment of buildings within the minimum setbacks stipulated in this Clause can demonstrate that the development will result in a preferred environmental and design outcome while being consistent with the township and landscape character.

• The impacts of any buildings or works on any prominent ridgelines or locations when viewed from a public place.

• Whether car parking structures, outbuildings and driveways are sited such that the visual impact of these structures and works are minimized.

• Whether buildings and structures are sited to incorporate space for the planting of substantial vegetation, including canopy trees.

• The preservation of any existing natural vegetation, particularly indigenous vegetation.

• Whether the landscaping will be integrated with the design of the development to screen buildings and structures and complement the landscaping of any adjoining public realm.

• Whether the siting, colour and design of buildings and works will be in keeping with the character and/or enhance the appearance of the area.

• The effect of any proposed subdivision or development on the environmental and landscape values of the site and of the local area.

A permit is required for all other buildings and works.

7.0 Background documents

*Urban Design Framework: Settlement Background Paper, Sandy Point,* (Connell Wagner, 2006)

SCHEDULE 4 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO4.

WARATAH BAY

1.0 Design objectives (15)

Built Form / Landscape Character

All Areas
To protect and manage the coastal hamlet character and reinforce the identity of the two distinct residential areas of Waratah Bay.
To maintain the predominance of modest, minimal impact housing and the well-vegetated character of allotments.
To encourage single storey development and recessive second storey development that is respectful of the typical built form and the coastal landscape setting.
To ensure that new development demonstrates a high standard of contemporary design and innovation and respects the low scale and the typical mass and form of the area.
To discourage boundary fencing forward of building frontages, unless this is a timber post and wire fence.
To minimise the dominance of car parking structures and outbuildings associated with residential development on views from the street and other sensitive viewing locations.

Township Zone
To maintain the predominant modest, minimal impact cottage style housing and well vegetated character of allotments.

Low Density Residential Zone
To ensure that new development demonstrates a high standard of contemporary design and complements the coastal setting.
To maintain the reclusive, well vegetated character of the area
To encourage low-profile development in order to minimise visual impact on views towards the ridgeline from other parts of the hamlet.

Siting and setbacks
To ensure that new development is sited and designed so as to be screened by and nestled within the landscaped setting.
To ensure that new development is appropriately set back from sensitive environmental boundaries.
To ensure that buildings and structures are strategically sited within the landscape in order to maintain the sense of isolation experienced from the beach.

Views
To minimise the visual impact of development from key viewing locations, particularly town approaches and high points in the dunal landscape.
To maintain and enhance the public views from the northern upper low density residential area across Waratah Bay and Bass Strait.
To prevent the interruption of views towards the coast by inappropriate or poorly designed development or that which is sited in prominent locations.

Site Coverage
To minimise building site coverage and the use of impervious paving materials, in order to preserve the spacious landscape setting of the area.
Landscaping and Environment
To preserve the pattern of well vegetated and generous front setbacks that screen and soften the appearance of development from the street.
To encourage informal driveways and crossovers and the use of permeable materials (e.g. gravel, permeable paving) to minimise the visual impact on the street and property frontages.
To protect and maintain areas of indigenous, native and non-weedy exotic vegetation where possible in new development.
To encourage the planting of indigenous vegetation in new landscaping.
To encourage the integration of best practice water sensitive urban design into the landscape treatments of new development.

Materials and design detail
To ensure that buildings demonstrate a high standard of design and utilise materials, colours and finishes that are in keeping with the natural environment.

Buildings and works (15)

Permit requirement – Township Zone
A permit is not required to construct a building or carry out works other than for:

- A building with a height of more than 6.5 metres from natural ground level.
- A building that has setbacks of less than 7.5 metres from the front property boundary and 3 metres from any side boundary on a secondary street frontage.
- A development that does not achieve the following site coverage requirements:
  - A building site coverage of no more than 40 per cent;
  - A paved area (permeable paving) of no more than 20 per cent; and
  - An area free of buildings or impervious surfaces of at least 40 per cent.
- Buildings or additions to buildings where the total building floor space on the site is greater than 250 square metres.
- Buildings and works where the external materials, colours and finishes are not low reflective, subdued tones to the satisfaction of the Responsible Authority.
- A front boundary fence, or side boundary fence forward of the building frontage, that is constructed of materials other than timber post and wire.

Permit requirement – Low Density Residential Zone
A permit is not required to construct a building or carry out works other than for:

- A building with a height of over 7.5 metres from natural ground level.
- A building that has setbacks of less than 12 metres from the front property boundary and 3 metres from a side boundary or rear boundary.
- A development that does not achieve the following site coverage requirements:
  - A paved area (permeable paving) of no more than 20 per cent; and
  - An area free of buildings or impervious surfaces of at least 40 per cent.
- Buildings or additions to buildings where the total building floor space on the site is greater than 300 square metres.
Buildings and works where the external materials, colours and finishes are not low reflective, subdued tones to the satisfaction of the Responsible Authority.

A boundary fence constructed of materials other than timber post and wire.

A permit is required for all other buildings and works.

### Subdivision (25)

An application for subdivision is considered to meet the design objectives where:

- The proposed subdivision maintains the existing character of the area.
- The existing informality of the current road and drainage system is maintained, while achieving improved management of stormwater and runoff and providing for anticipated increases in traffic demand.

### Signs (5)

None specified.

### Application requirements (17)

An application to develop land for the purpose of a dwelling or any other building should meet the following requirements:

- The location of any proposed buildings clearly dimensioned on its allotment.
- Information that describes how the proposal achieves the design outcomes outlined in the decision guidelines of this schedule, in the form of a neighbourhood and site description, and design response.
- The location, type and size of any trees to be removed.
- Sufficient spot heights (to AHD) to enable the slope of the site and the slope of the works area(s) to be determined.
- The location, dimensions and depth of any proposed excavations or fill.
- The colour, finishes and materials to be used on all external surfaces, including the roof.
- A landscape plan retaining existing indigenous and native vegetation where possible and providing a range of trees, shrubs and ground cover in keeping with the surrounding landscape character.

### Decision guidelines (17)

Before deciding on an application, the responsible authority must consider:

- The design objectives of this schedule.
- Whether the proposal will assist in achieving the Vision, Objectives and Strategies for Waratah Bay contained in Clause 21.04.
- Whether the location, bulk or scale of the buildings or works will be in keeping with the predominant character and/or enhance the appearance of the area.
- The visual prominence of buildings and other structures within the landscape, particularly above the vegetation line.
- Whether the additional height of a development is required to achieve an exceptional or innovative design outcome that cannot otherwise be achieved, and is able to be substantially screened by the existing and proposed new vegetation and the landform.
- Whether opportunities exist to avoid a building being visually obtrusive such as along a ridgeline by the use of alternative building designs, including split level and staggered building forms that follow the natural slope of the land and reduce the need for site excavation and filling.

- Whether any encroachment of buildings within the minimum setbacks stipulated in this Clause can demonstrate that the development will result in a preferred environmental and design outcome while being consistent with the township and landscape character.

- Whether car parking structures, outbuildings and driveways are sited such that the visual impact of these structures and works are minimized.

- Whether buildings and structures are sited to incorporate space for the planting of substantial vegetation, including canopy trees.

- The preservation of any existing natural vegetation, particularly indigenous vegetation.

- Whether the landscaping will be integrated with the design of the development to screen buildings and structures and complement the landscaping of any adjoining public realm.

- Whether the siting, colour and design of buildings and works will be in keeping with the character and/or enhance the appearance of the area.

- The effect of any proposed subdivision or development on the environmental and landscape values of the site and of the local area.

A permit is required for all other buildings and works.

7.0 **Background documents**


*Siting and Design Guidelines for Structures on the Victorian Coast* (Victorian Coastal Council, 1998)
SCHEDULE 5 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO5.

VENUS BAY

1.0

Design objectives (14)

Built Form / Landscape Character

All Areas

To protect and manage the coastal village character of Venus Bay.

To encourage single storey development, and recessive second storey development that is respectful of the typical built form and the coastal landscape setting.

To encourage building heights which do not protrude above the existing tree canopy.

To discourage boundary fencing forward of building frontages other than timber post and wire fence.

To minimise the dominance of car parking structures and outbuildings associated with residential development, on views from the street and other sensitive viewing locations.

To ensure that the style, scale, height, mass and form of new commercial development is consistent with that of adjoining sites and respects the low profile coastal character of Venus Bay.

Township Zone

To encourage low scale development that is sited so to be screened by and nestled within indigenous vegetation.

To retain and enhance the vegetation dominated coastal scrub character.

Low Density Zone

To ensure that new development demonstrates a high standard of contemporary design and innovation, and respect the low scale and typical mass and form of the area.

To maintain the reclusive, well vegetated character of the area.

Siting and setbacks

To ensure that new development is sited and designed so as to maximise the degree to which it is absorbed in the landscape.

To ensure that new development is appropriately set back from sensitive environmental boundaries.

Site Coverage

To minimise building site coverage and the use of impervious paving materials, in order to preserve the spacious landscape setting of the area.

Views

To minimise the visual impact of development from key viewing locations, particularly township approaches and high points in the dunal landscape.

To maintain or re-establish vegetation dominated views throughout the area.

To maintain views across the flood plain towards the Tarwin River and Anderson Inlet.

To prevent the interruption of views by inappropriate or poorly designed development or that which is sited in prominent locations.

Landscaping and Environment

To preserve the pattern of well-vegetated and generous front setbacks that screen and soften the appearance of development from the street.
To encourage informal driveways and crossovers and the use of permeable materials (e.g. gravel, permeable paving) to minimise the visual impact on the street and property frontages.

To encourage the planting of indigenous vegetation in new landscaping.

To encourage the integration of best practice water sensitive urban design into the landscape treatments of new development.

**Materials and design detail**

To ensure that buildings demonstrate a high standard of design and utilise materials, colours and finishes that are in keeping with the natural environment.

### 2.0 Buildings and works (14)

#### Permit requirement – Township Zone

A permit is not required to construct a building or carry out works other than for:

- A building with a height of more than 6.5 metres from natural ground level.
- A building that has setbacks of less than 7.5 metres from the front property boundary and 3 metres from any side boundary on a secondary street frontage.
- A development that does not achieve the following site coverage requirements:
  - A building site coverage of no more than 40 per cent;
  - A paved area (permeable paving) of no more than 20 per cent; and
  - An area free of buildings or impervious surfaces of at least 40 per cent.
- Buildings or additions to buildings where the total building floor space on the site is greater than 250 square metres.
- Buildings and works where the external materials, colours and finishes are not low reflective, subdued tones to the satisfaction of the Responsible Authority.
- A front boundary fence, or side boundary fence forward of the building frontage, that is constructed of materials other than timber post and wire.

#### Permit requirement – Low Density Residential Zone

A permit is not required to construct a building or carry out works other than for:

- A building with a height of over 7.5 metres from natural ground level.
- A building that has setbacks of less than 12 metres from the front property boundary and 3 metres from a side boundary or rear boundary.
- A development that does not achieve the following site coverage requirements:
  - A paved area (permeable paving) of no more than 20 per cent; and
  - An area free of buildings or impervious surfaces of at least 40 per cent.
- Buildings or additions to buildings where the total building floor space on the site is greater than 300 square metres.
- Buildings and works where the external materials, colours and finishes are not low reflective, subdued tones to the satisfaction of the Responsible Authority.
- A boundary fence constructed of materials other than timber post and wire.

A permit is required for all other buildings and works.

### 3.0 Subdivision (24)

An application for subdivision is considered to meet the design objectives where:
- The proposed subdivision maintains the existing character of the area.
- The existing informality of the current road and drainage system is maintained, while achieving improved management of stormwater and runoff and providing for anticipated increases in traffic demand.

**Signs (4)**

None specified.

**Application requirements (16)**

An application to develop land for the purpose of a dwelling or any other building should meet the following requirements:

- The location of any proposed buildings clearly dimensioned on its allotment.
- Information that describes how the proposal achieves the design outcomes outlined in the decision guidelines of this schedule, in the form of a neighbourhood and site description, and design response.
- The location, type and size of any trees to be removed.
- Sufficient spot heights (to AHD) to enable the slope of the site and the slope of the works area(s) to be determined.
- The location, dimensions and depth of any proposed excavations or fill.
- The colour, finishes and materials to be used on all external surfaces, including the roof.
- A landscape plan retaining existing indigenous and native vegetation where possible and providing a range of trees, shrubs and ground cover in keeping with the surrounding landscape character.

**Decision guidelines (16)**

Before deciding on an application, the responsible authority must consider:

- The design objectives of this schedule.
- Whether the proposal will assist in achieving the Vision, Objectives and Strategies for Venus Bay contained in Clause 21.04.
- Whether the location, bulk or scale of the buildings or works will be in keeping with the predominant character and/or enhance the appearance of the area.
- The visual prominence of buildings and other structures within the landscape, particularly above the vegetation line.
- Whether the additional height of a development is required to achieve an exceptional or innovative design outcome that cannot otherwise be achieved, and is able to be substantially screened by the existing and proposed new vegetation and the landform.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level and staggered building forms that follow the natural slope of the land and reduce the need for site excavation and filling.
- Whether any encroachment of buildings within the minimum setbacks stipulated in this Clause can demonstrate that the development will result in a preferred environmental and design outcome while being consistent with the township and landscape character.
- Whether car parking structures, outbuildings and driveways are sited such that the visual impact of these structures and works are minimized.
• Whether buildings and structures are sited to incorporate space for the planting of substantial vegetation, including canopy trees.
• The preservation of any existing natural vegetation, particularly indigenous vegetation.
• Whether the landscaping will be integrated with the design of the development to screen buildings and structures and complement the landscaping of any adjoining public realm.
• Whether the siting, colour and design of buildings and works will be in keeping with the character and/or enhance the appearance of the area.
• The effect of any proposed subdivision or development on the environmental and landscape values of the site and of the local area.

7.0 Background documents

Siting and Design Guidelines for Structures on the Victorian Coast (Victorian Coastal Council, 1998)
SCHEDULE 6 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO6.

TARWIN LOWER

1.0 Design objectives

All Types of Development

To protect and manage the character of this small rural hamlet and commercial precinct.

Commercial Development fronting Evergreen Road between Walkerville Road and School Road

To improve the visual appearance and image of the Tarwin Lower retailing areas through well designed, site responsive developments.

To consolidate and distinguish the commercial precinct of Tarwin Lower from adjacent residential areas.

To ensure new development within the commercial precinct will respect the rural character of the hamlet and be sympathetic to the distinguishing elements of the Tarwin River frontage and associated recreational area which abuts the precinct.

To encourage urban design improvements to provide variety, interest, safety, shelter and convenience for people using the commercial precinct.

To ensure that new commercial development is consistent in style, scale, height, mass and form, and respects the low profile character of Tarwin Lower.

To encourage buildings to abut front property boundaries to create a consistent building line, and to abut side boundaries where possible.

To create active frontages onto Evergreen Road and provide clear views between the building and street through the use of clear glazing.

To encourage the provision of verandahs or other pedestrian shelter above the footpath in front of new commercial or industrial buildings.

To encourage appropriate business identification signage, and discourage signage above verandahs or signage which dominates or is out of scale with the building or the streetscape.

To discourage the provision of car parking areas within the front setback to development.

Residential Development

Built Form / Landscape Character:

All areas

To encourage single storey development and recessive second storey development that is respectful of the typical built form and rural landscape setting.

To maintain views and provide a visual link towards the Tarwin River and surrounding flood plains.

Township Zone

To encourage low scale development that is sited so as to be screened by and nestled within indigenous vegetation.

Low Density Zone

To maintain the reclusive, well vegetated character of the area.

Siting and setbacks

To ensure that new development is sited and designed so as to be screened by and nestled within the landscaped setting.
To ensure that new development is appropriately set back from sensitive environmental boundaries.

Site Coverage
To minimise building site coverage and the use of impervious paving materials, in order to preserve the spacious landscape setting of the area.

Landscaping and Environment
To preserve the pattern of well vegetated and generous front setbacks that screen and soften the appearance of development from the street.

To encourage informal driveways and crossovers and the use of permeable materials (e.g. gravel, permeable paving) to minimise the visual impact on the street and property frontages.

To protect and maintain areas of indigenous and native vegetation where possible in new development.

To encourage the planting of indigenous vegetation in new landscaping.

To encourage the integration of best practice water sensitive urban design into the landscape treatments of new development.

Materials and design detail
To ensure that buildings demonstrate a high standard of design and utilise materials, colours and finishes that are in keeping with the natural environment.

Buildings and works
Permit requirement – Township Zone
A permit is not required to construct a building or carry out works other than for:

- A building with a height of more than 7.5 metres from natural ground level.
- A building that has setbacks of less than 7.5 metres from the front property boundary and 3 metres from any side boundary on a secondary street frontage.
- A development that does not achieve the following site coverage requirements:
  - A building site coverage of no more than 40 per cent;
  - A paved area (permeable paving) of no more than 20 per cent; and
  - An area free of buildings or impervious surfaces of at least 40 per cent.
- Buildings or additions to buildings where the total building floor space on the site is greater than 250 square metres.
- Buildings and works where the external materials, colours and finishes are not low reflective, subdued tones to the satisfaction of the Responsible Authority.
- A front boundary fence, or side boundary fence forward of the building frontage, that is constructed of materials other than timber post and wire.

Permit requirement – Low Density Residential Zone
A permit is not required to construct a building or carry out works other than for:

- A building with a height of over 7.5 metres from natural ground level.
- A building that has setbacks of less than 12 metres from the front property boundary and 3 metres from a side boundary or rear boundary.
- A development that does not achieve the following site coverage requirements:
  - A paved area (permeable paving) of no more than 20 per cent; and
  - An area free of buildings or impervious surfaces of at least 40 per cent.
Buildings or additions to buildings where the total building floor space on the site is greater than 300 square metres.

Buildings and works where the external materials, colours and finishes are not low reflective, subdued to the satisfaction of the Responsible Authority.

A boundary fence constructed of materials other than timber post and wire.

A permit is required for all other buildings and works.

### Subdivision (21)

An application for subdivision is considered to meet the design objectives where:

- The proposed subdivision maintains the existing character of the area.
- The existing informality of the current road and drainage system is maintained, while achieving improved management of stormwater and runoff and providing for anticipated increases in traffic demand.

### Signs (1)

None specified.

### Application requirements (13)

An application to develop land for the purpose of a dwelling or any other building should meet the following requirements:

- The location of any proposed buildings clearly dimensioned on its allotment.
- Information that describes how the proposal achieves the design outcomes outlined in the decision guidelines of this schedule, in the form of a neighbourhood and site description, and design response.
- The location, type and size of any trees to be removed.
- Sufficient spot heights (to AHD) to enable the slope of the site and the slope of the works area(s) to be determined.
- The location, dimensions and depth of any proposed excavations or fill.
- The colour, finishes and materials to be used on all external surfaces, including the roof.
- A landscape plan retaining existing indigenous and native vegetation where possible and providing a range of trees, shrubs and ground cover in keeping with the surrounding landscape character.

### Decision guidelines (13)

Before deciding on an application, the responsible authority must consider:

**All Development**

- The design objectives of this schedule.
- Whether the proposal will assist in achieving the Vision, Objectives and Strategies for Tarwin Lower contained in Clause 21.04.

**Commercial and industrial development fronting Evergreen Road, between Walkerville Road and School Road:**

- Whether the design of commercial or industrial buildings has regard to its appearance from the riverfront and nearby public spaces.
• Whether the use of colour, verandahs and architectural features achieves consistency with the existing built form.

• Whether advertising signs signage is appropriate to the rural hamlet context and does not create visual clutter or dominate the building or landscape.

• The effect of any proposed works on the environmental and landscape values of the site and of the local area.

• Whether the style, colours, height and form of development will be in keeping with the character and/or enhance the appearance of the area.

• The use of innovative urban design techniques to improve the variety, interest, safety and convenience of the commercial precinct.

• Whether any proposed building which does not abut side boundaries requires access along a side boundary to the rear of the building.

• Whether the proposed development is consistent with the bulk, scale and form of development within the commercial precinct.

• Whether the proposed development is sympathetic to adjoining sites and can be well distinguished as part of the core commercial precinct.

• The effect of the development on the riverfront and adjacent residential areas.

• Whether the height, siting and setback of development provides for the reasonable sharing of views.

Residential Development

• Whether the location, bulk or scale of the buildings or works will be in keeping with the predominant character and/or enhance the appearance of the area.

• The visual prominence of buildings and other structures within the landscape, particularly above the vegetation line.

• Whether the additional height of a development is required to achieve an exceptional or innovative design outcome that cannot otherwise be achieved, and is able to be substantially screened by the existing and proposed new vegetation and the landform.

• Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level and staggered building forms that follow the natural slope of the land and reduce the need for site excavation and filling.

• Whether any encroachment of buildings within the minimum setbacks stipulated in this Clause can demonstrate that the development will result in a preferred environmental and design outcome while being consistent with the township and landscape character.

• Whether car parking structures, outbuildings and driveways are sited such that the visual impact of these structures and works are minimized.

• Whether buildings and structures are sited to incorporate space for the planting of substantial vegetation, including canopy trees.

• The preservation of any existing natural vegetation, particularly indigenous vegetation.

• Whether the landscaping will be integrated with the design of the development to screen buildings and structures and complement the landscaping of any adjoining public realm.

• Whether the siting, colour and design of buildings and works will be in keeping with the character and/or enhance the appearance of the area.

• The effect of any proposed subdivision or development on the environmental and landscape values of the site and of the local area.
7.0 Background documents


SCHEDULE 7 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO7.

KORUMBURRA INDUSTRIAL AREA HIGHWAY PRECINCT

1.0 Design objectives (21)

To ensure that the standard of development in the Korumburra Industrial Precinct adjoining the South Gippsland Highway frontage is of high quality and visually stimulating.

To recognise that the precinct is situated at the main gateway to Korumburra and that the design and layout of buildings and signage should enhance the visual quality and amenity of the gateway.

2.0 Buildings and works (21)

Setback and landscape

- All buildings must be setback at least:
  - 25 metres from the northern boundary fronting the South Gippsland Highway.
  - 15 metres from Sanders Street.
  - 10 metres from the eastern boundary with the Recreation Reserve.

- The building setbacks must be used for vegetation landscaping providing a minimum buffer depth of:
  - 10 metres from the northern boundary fronting the South Gippsland Highway (inclusive of the Council Reserve 2 LP116539).
  - 5 metres from Sanders Street.
  - 10 metres from the eastern boundary with the Recreation Reserve. This setback is to be used solely for landscaping.

- Landscape plantings in the South Gippsland Highway and Sanders Street buffers should be designed to soften and integrate development through the establishment of native grasses, shrubs and dispersed canopy trees, which at maturity will allow direct views to be maintained from the road to the commercial uses.

- Planting within the eastern boundary buffer should be designed to maximise visual screening.

- Development proposals immediately south of Council Reserve 2 LP116539 should incorporate the Reserve land adjoining the development in their landscape plan.

- Car parking must not be provided in the above specified landscape buffers.

- Car parking areas should be landscaped to diminish their visual impact.

Site layout and buildings

- Buildings should be designed in a contemporary and creative manner.

- Elevations addressing the South Gippsland Highway should be articulated to avoid homogenous building lines.

- Floor area coverage must not exceed 60% of the overall site area.

- Loading, service functions, external storage areas and garbage receptacles must be sited to the side or rear of premises and appropriately screened to reduce their visual impact.

- Vehicle access to the site should be restricted to the Sanders Street frontage.

- External display areas sited forward of building front elevations must be modest in scale and not dominate the setback or landscaping.
- All driveways and car parking areas must be constructed of an impervious all weather seal coat such as concrete or bitumen.
- All structures on rooftops, including air conditioning units and fans, must be appropriately screened to reduce their visual impact.
- Development and site layout must enable vehicles to move to and from the site in a forward direction.
- Front fencing is discouraged and if required, should not exceed 1.2 metres height and be visually permeable.

### 3.0 Subdivision (31)
None specified.

### 4.0 Signs (11)
Sign requirements are at Clause 52.05. All land located within this Schedule to this zone is in Category 2.
Signage should be simple, clear business identification signage that complements the western township entry.
Totem signs promoting businesses within the industrial estate may be sited within or forward of the landscape areas provided they are appropriately designed and sympathetic to a town entry location.

### 5.0 Application requirements (23)
None specified.

### 6.0 Decision guidelines (23)
Before deciding on an application the responsible authority must consider, as appropriate:
- Whether the appearance of development and its surrounds will make a positive contribution to the immediate streetscape and the western township entry when viewed from the South Gippsland Highway.
- The need to provide an appropriate visual amenity and landscape interface with the Recreation Reserve.
- The need to provide for business display areas, in appropriate locations.
- The need to ensure the safety and efficiency of vehicle movements on the South Gippsland Highway.
SCHEDULE 8 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO8.

EMERGENCY MEDICAL SERVICES HELICOPTER FLIGHTPATH AREA: LEONGATHA HOSPITAL (INNER AREA)

1.0 Design objectives (20)

To ensure that the height of all buildings and works are constrained within specified limits to avoid creating a hazard to aircraft in the vicinity of the helicopter landing site serving the Leongatha Memorial Hospital, and to facilitate safe Emergency Medical Service (EMS) helicopter operations.

To ensure that flight paths associated with the Leongatha Memorial Hospital EMS helicopter landing site are protected from the encroachment of inappropriate obstacles which may affect the safe and effective operation of the Leongatha Memorial Hospital EMS helicopter landing site.

2.0 Buildings and works (20)

A permit is not required to:

- Construct a building or construct or carry out works with a height less than 84.55 metres above the Australian Height Datum (AHD).
- Construct building additions and alterations exceeding 84.55 metres AHD, provided:
  - The additions and alterations do not exceed the existing height of the building (measured at the roofline apex) and;
  - The lot does not immediately adjoin the hospital land.

A permit is required to construct a fence with a height greater than 84.55 metres AHD. This does not apply to the construction of a fence in relation to the use of land for a dwelling provided:

- The fence height does not exceed the maximum height of the dwelling measured at the roofline apex and;
- The lot does not immediately adjoin the hospital land.

Notes:

1. The Leongatha Hospital helicopter landing site is at an elevation of 84.55 metres above the AHD.

2. For the purposes of this clause buildings and works include radio masts, television antenna and flagpoles and any construction equipment associated with the buildings and works.

Referral of applications

An application must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause. Planning permit applications will be assessed against the Department of Health (Vic) guidelines for helicopter landing sites which incorporate the relevant requirements of the background document International Civil Aviation Organisation ‘Standards and Recommended Practices’ Annex 14 Volume II Helicopters (as amended).

3.0 Subdivision (30)

None specified.

4.0 Signs (10)

None specified.
5.0 Application requirements (22)

A planning permit application must include the following information:

- The location of the land in relation to the helicopter landing site.
- The location and height of the main features on the land including trees or any other tall features.
- The proposed buildings and works on the land including details of the maximum height of the buildings and works measured from natural ground level.

*Note: The Responsible Authority and the Department of Health (Vic) may request applications provide a maximum height (including the height of existing features) related to the Australian Height Datum (prepared by a suitably qualified person) if the proposal is deemed likely to impact safe helicopter operations.*

6.0 Decision guidelines (22)

Before deciding on an application, the responsible authority must consider whether the height and design of any proposed buildings and works will have an impact on the flights associated with the Leongatha Hospital EMS helicopter landing site.
SCHEDULE 9 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO9**.

**EMERGENCY MEDICAL SERVICES HELICOPTER FLIGHTPATH AREA: LEONGATHA HOSPITAL (OUTER AREA)**

1.0

**Design objectives (18)**

To ensure that the height of all buildings and works are constrained within specified limits to avoid creating a hazard to aircraft in the vicinity of the helicopter landing site serving the Leongatha Memorial Hospital, and to facilitate safe Emergency Medical Service (EMS) helicopter operations.

To ensure that flight paths associated with the Leongatha Memorial Hospital EMS helicopter landing site are protected from the encroachment of inappropriate obstacles which may affect the safe and effective operation of the Leongatha Memorial Hospital EMS helicopter landing site.

2.0

**Buildings and works (18)**

A permit is not required to:

- Construct a building or to construct or carry out works provided the maximum height of the buildings or works does not exceed 12 metres above natural ground level.
- Construct a building or to construct or carry out works exceeding 12 metres above natural ground level provided no part of the buildings or works exceeds 96.55 metres above the Australian Height Datum (AHD). See Note 2

**Notes:**

1. The Leongatha Hospital helicopter landing site is at an elevation of 84.55 metres above the AHD.
2. 96.55 metres above the AHD (12 metres above the height of the Leongatha Hospital helicopter landing site) is the horizontal height plane across the DDO9 area above which buildings and works may impact helicopter operations.
3. For the purposes of this clause buildings and works include radio masts, television antenna and flagpoles and any construction equipment associated with the buildings and works.

**Referral of applications**

An application must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause. Planning permit applications will be assessed against the Department of Health (Vic) guidelines for helicopter landing sites which incorporate the relevant requirements of the International Civil Aviation Organisation ‘Standards and Recommended Practices’ Annex 14 Volume II Helicopters (as amended).

3.0

**Subdivision (28)**

None specified.

4.0

** Signs (8)**

None specified.

5.0

**Application requirements (20)**

A planning permit application must include the following information:

- The location of the land in relation to the helicopter landing site.
- The location and height of the main features on the land including trees or any other tall features.
- The proposed buildings and works on the land including details of the maximum height of the buildings and works measured from natural ground level.

*Note: The Responsible Authority and the Department of Health (Vic) may request applications provide a maximum height (including the height of existing features) related to the Australian Height Datum (prepared by a suitably qualified person) if the proposal is deemed likely to impact safe helicopter operations.*

**Exemptions from notice and appeal**

An application is exempt from the notice requirements of Section 52(1) (a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

**Decision guidelines (20)**

Before deciding on an application, the responsible authority must consider whether the height and design of any proposed buildings and works will have an impact on the flights associated with the Leongatha Hospital EMS helicopter landing site.
SCHEDULE 10 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO10**.

**EMERGENCY MEDICAL SERVICES HELICOPTER FLIGHTPATH AREA: FOSTER HOSPITAL (INNER AREA)**

### 1.0 Design objectives (19)

To ensure that the height of all buildings and works are constrained within specified limits to avoid creating a hazard to aircraft in the vicinity of the helicopter landing site serving the Foster Hospital, and to facilitate safe Emergency Medical Service (EMS) helicopter operations.

To ensure that flight paths associated with the Foster Hospital EMS helicopter landing site are protected from the encroachment of inappropriate obstacles which may affect the safe and effective operation of the Foster Hospital EMS helicopter landing site.

### 2.0 Buildings and works (19)

A permit is not required to:

- Construct a building or construct or carry out works with a height less than 27.16 metres above the Australian Height Datum (AHD).
  - Construct building additions and alterations exceeding 27.16 metres AHD, provided:
    - The additions and alterations do not exceed the existing height of the building (measured at the roofline apex).

A permit is not required for a fence provided that:

- The fence is not within, around, or 10 metres outwards from the boundary of the sporting oval (football / cricket ground).

**Notes**:

1. The Foster Hospital Helipad is at an elevation of 27.16 metres above the AHD. This height represents the horizontal height plane across the DDO10 area at which buildings and works may impact helipad operations.

2. For the purposes of this clause buildings and works include radio masts, television antenna and flagpoles and any construction equipment associated with the buildings and works.

### Referral of applications

An application must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause. Planning permit applications will be assessed against the Department of Health (Vic) guidelines for helicopter landing sites which incorporates the relevant requirements of the *International Civil Aviation Organisation ‘Standards and Recommended Practices’ Annex 14 Volume II Helicopters* (as amended).

### 3.0 Subdivision (29)

None specified.

### 4.0 Signs (9)

None specified.

### 5.0 Application requirements (21)

A planning permit application must include the following information:

- The location of the land in relation to the helicopter landing site.
- The location and height of the main features on the land including trees or any other tall features.
- The proposed buildings and works on the land including details of the maximum height of the buildings and works measured from natural ground level.

Note: The Responsible Authority and the Department of Health (Vic) may request applications provide a maximum height (including the height of existing features) related to the Australian Height Datum (prepared by a suitably qualified person) if the proposal is deemed likely to impact safe helicopter operations.

Exemptions from notice and appeal

An application is exempt from the notice requirements of Section 52(1) (a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Decision guidelines (21)

Before deciding on an application, the responsible authority must consider whether the height and design of any proposed buildings and works will have an impact on the flights associated with the Foster Hospital EMS helicopter landing site.
SCHEDULE 11 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO11.

EMERGENCY MEDICAL SERVICES HELICOPTER FLIGHTPATH AREA: FOSTER HOSPITAL (OUTER AREA)

1.0

Design objectives (17)

To ensure that the height of all buildings and works are constrained within specified limits to avoid creating a hazard to aircraft in the vicinity of the helicopter landing site serving the Foster Hospital, and to facilitate safe Emergency Medical Service (EMS) helicopter operations.

To ensure that flight paths associated with the Foster Hospital EMS helicopter landing site are protected from the encroachment of inappropriate obstacles which may affect the safe and effective operation of the Foster Hospital EMS helicopter landing site.

2.0

Buildings and works (17)

A permit is not required to:

- Construct a building or to construct or carry out works provided the maximum height of the buildings or works does not exceed 12 metres above natural ground level.
- Construct a building or to construct or carry out works exceeding 12 metres above natural ground level provided no part of the buildings or works exceeds 39.16 metres above the Australian Height Datum (AHD). See Note 2

Notes:

1. The Foster Hospital helicopter landing site is at an elevation of 27.16 metres above the AHD.

2. 39.16 metres above the AHD (12 metres above the height of the Foster Hospital helicopter landing site) is the horizontal height plane across the DDO11 area above which buildings and works may impact helicopter operations.

3. For the purposes of this clause buildings and works include radio masts, television antenna and flagpoles and any construction equipment associated with the buildings and works.

Referral of applications

An application must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause. Planning permit applications will be assessed against the Department of Health (Vic) guidelines for helicopter landing sites which incorporate the relevant requirements of the International Civil Aviation Organisation ‘Standards and Recommended Practices’ Annex 14 Volume II Helicopters (as amended).

3.0

Subdivision (27)

None specified.

4.0

Signs (7)

None specified.

5.0

Application requirements (19)

A planning permit application must include the following information:

- The location of the land in relation to the helicopter landing site.
- The location and height of the main features on the land including trees or any other tall features.
- The proposed buildings and works on the land including details of the maximum height of the buildings and works measured from natural ground level.

*Note: The Responsible Authority and the Department of Health may request applications provide a maximum height (including the height of existing features) related to the Australian Height Datum (prepared by a suitably qualified person) if the proposal is deemed likely to impact safe helicopter operations.*

**Exemptions from notice and appeal**

An application is exempt from the notice requirements of Section 52(1) (a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

**Decision guidelines (19)**

Before deciding on an application, the responsible authority must consider whether the height and design of any proposed buildings and works will have an impact on the flights associated with the Foster Hospital EMS helicopter landing site.
SCHEDULE 12 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO12**.

NYORA TOWN CENTRE

1.0

**Design objectives (22)**

To ensure new development is consistent with the desired future character described in the Town Centre Character Statement at Clause 21.15.

To improve the pedestrian environment through human scale development, increased passive surveillance and improved pedestrian connections between public spaces and commercial and community buildings (existing and future).

2.0

**Buildings and works (22)**

A planning permit is not required to:

- Install an automatic teller machine.
- Alter an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
- Construct or carry out works for an awning that projects over a road reserve if it is authorised by the relevant public land manager.

A planning permit is required to construct or extend a front fence greater than 1.2 metres in height within 3 metres of a street.

A permit cannot be granted to vary design requirements for Weather protection and fence heights (refer to the Design requirements of this schedule).

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

- An application must be accompanied by a landscape plan as appropriate. The plan must include a schedule showing the scientific and common name of the species and height and width at maturity. The species should be selected from the South Gippsland Shire’s Urban Tree Management Guidelines for vegetation on public land. The species should be selected having regard to location, available space and surveillance/public safety.
- An application must be accompanied by a report demonstrating how the application responds to the requirements of this Schedule and the Town Centre Character Statement at Clause 21.15-5.

**Design requirements (detailed in Figures 1 and 2)**

**Weather protection and fence heights**

Continuous Weather Protection must be provided at Type A frontages along Mitchell Street, Davis Street and Grundy Avenue in the form of canopies, verandahs and awnings over the adjacent footpath.

Fences Heights must be less than 1.5 metres to provide for passive surveillance.

Front fences greater than 1.2 metres should be visually permeable (at least 20 per cent) so that front setback areas are visible from the footpath (e.g. picket fence).
Street activation
Buildings on land abutting Mitchell Street, Davis Street, Hewson Street, Henley Street and Grundy Avenue must be designed with a primary façade and entrance fronting the street. In the case where a building fronts more than one street, the primary façade and entrance should front the street with the greatest commercial activity (e.g. Mitchell Street, Davis Street).
Buildings abutting pedestrian spaces and connections should include entrances and windows in order to encourage activity and provide passive surveillance.
Building elevations, especially ground level façades, on Mitchell Street, Davis Street, Hewson Street and Grundy Avenue should present active frontages (built form which provides the opportunity for visual engagement between people in the street and those on the ground and first floors of buildings e.g. windows, upper level balconies) to the street with high proportions of transparent glazing above 1m from ground level.

Height and setbacks
Building façades should not exceed 7.5 metres in height above natural ground level.
Portions of buildings in excess of 7.5 metres in height should be setback behind the front façade so that they appear recessive and maintain a human scale when viewed from the adjacent footpath.
New buildings should have front setbacks as follows:
- zero metres for Type A frontages along Mitchell Street, Davis Street, Henley Street and Grundy Avenue;
- four metres for Type B frontages along Hewson Street and Henley Street.
Front setback areas may provide for outdoor dining or temporary retail displays.
Vehicle parking must not be provided between the building façade and the front boundary.

Design and materials
Plant, equipment, waste disposal, and loading bays must be completely screened from Mitchell Street, Davis Street, Hewson Street, Henley Street and Grundy Avenue and softened by landscaping when viewed from other streets.
Large expanses of blank walls should be avoided where visible from the street.
Any development with a large floor area (e.g. supermarket) should be designed to provide an active frontage to the adjoining street and support pedestrian connectivity within the precinct, particularly to Mitchell Street.
The materials used in the design of development, including buildings and fencing, should reference country styles (e.g. through the use of timber, masonry and corrugated iron).
A public pedestrian thoroughfare should be created between Mitchell Street and the rear lane as part of subdivision or development in the area.
Vehicular access and loading within the block bounded by Mitchell, Davis, Hewson and Henley Streets must be provided from the rear or side of the lot.
No new vehicle crossings should be created on Mitchell Street.
Existing vehicle crossings on Mitchell Street should be removed as part of new development where the opportunity exists to provide an alternative access from the rear or side of the property.
Car parks should be designed to facilitate integration with existing and future buildings and provide ease of movement by vehicles and pedestrians.

Landscaping
Where provided, front setback areas must be landscaped.
Buildings should be designed to retain healthy large canopy trees that contribute to the streetscape or will enhance proposed landscape areas.

Where practical, provision should be made for the planting of canopy trees with designated root protection zones.

All new car parks with 10 or more spaces should include areas for landscaping that are designed to provide shade, break up expanses of hard surfaces, and improve the quality of stormwater.

### Subdivision (34)
None specified.

### Signs
Sign requirements are at Clause 52.05. In addition to the requirements of the zone, a permit is required to display an Internally-illuminated sign.

### Application requirements (24)
Where no requirements are specified insert “None specified.”

or

Where application requirements are specified insert “The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- [insert application requirements].”

### Decision guidelines (24)
The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The Design requirements of this Schedule.
- The requirements of the Character Statement at Clause 21.15-5.
Figure 1 Illustration of DDO Requirements

LEGEND

- Properties in DDO
- Active Frontages
  Primary Facades & Entrances fronting the Adjacent Street
  Screening of Plant, Equipment, Waste Disposal & Loading Bays from Adjacent Street
- Future Pedestrian Connection (approximate location)
- Existing Pedestrian Connections
- Preferred Location for Supermarket Development & Associated Parking
  (refer to Town Centre Master Plan in Nyora Development Strategy)
- Further Subdivision to be Avoided
- Type A Frontage
  Build to Boundary (0m Setback)
  Provide Weather Protection
- Type B Frontage
  Landscaped Setback (4m Setback)
Figure 2 Illustration of Building Façade Controls

View at 1.6m above ground from opposite side of Mitchell Street.

Example Building Envelope

Max 7.5m
DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO with a number.

Purpose
To implement the Municipal Planning Strategy and the Planning Policy Framework.
To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.
To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.

Objectives
A schedule to this overlay may specify objectives to be achieved for the area affected by the overlay.

Requirement before a permit is granted
A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.
This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.
A permit granted must:
- Be generally in accordance with the development plan.
- Include any conditions or requirements specified in a schedule to this overlay.

Exemption from notice and review
If a development plan has been prepared to the satisfaction of the responsible authority, an application under any provision of this planning scheme is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Preparation of the development plan
The development plan may consist of plans or other documents and may, with the agreement of the responsible authority, be prepared and implemented in stages.
A development plan that provides for residential subdivision in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone, Township Zone, Comprehensive Development Zone and Priority Development Zone must meet the requirements of Clause 56 as specified in the zone.
The development plan must describe:
- The land to which the plan applies.
- The proposed use and development of each part of the land.
- Any other requirements specified for the plan in a schedule to this overlay.
The development plan may be amended to the satisfaction of the responsible authority.
SCHEDULE 1 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO1.

KORUMBURRA ENTRANCE NODE

1.0

Objectives (20)

None specified.

2.0

Requirement before a permit is granted (19)

None specified.

3.0

Conditions and requirements for permits (19)

None specified.

4.0

Requirements for development plan (19)

A development plan must include the following requirements:

- Landscaping plans along the western and northern boundaries of the land showing substantial screening measures to ensure views from the South Gippsland Highway, (especially views from the western approach to Korumburra) to industrial development on the subject site are retained as predominantly rural.

- Measures proposed to protect and prevent potential adverse impacts on the creek located on the subject land, having regard to potential land uses permitted in the Industrial 1 Zone.

- A notation specifying that all buildings and works on site must be:
  - Carried out in accordance with relevant EPA guidelines for sediment pollution control.
  - Constructed using materials of muted and non-reflective tones.

- The proposed road network to service any future subdivision of the land integrated with:
  - Existing road network;
  - Surrounding land uses;
  - Proposed landscaping; and
  - Creek protection measures.
SCHEDULE 2 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO2.

WARATAH BAY

1.0

Objectives (19)

None specified.

2.0

Requirement before a permit is granted (18)

A permit may be granted for the development of a single dwelling and associated outbuildings on the land affected by this Overlay before a development plan has been prepared, provided it is the only dwelling on the land and provided it complies with the requirements set out in clause 3.0 for dwellings.

3.0

Conditions and requirements for permits (18)

The following conditions and/or requirements apply to permits:

- Only one dwelling shall be constructed on any lot.
- The maximum site coverage of all buildings on a lot must not exceed 70% of the area of the lot.
- No dwelling shall be constructed on any lot shown on the development plan prior to the provision of reticulated sewerage to the land.
- The upper level of any two storey dwelling must be recessed to a maximum of 70% of the ground floor area.
- Buildings and all associated facilities such as heating units, air-conditioning units, solar panels and satellite dishes must have a maximum height of 8.0 metres above natural ground level. All such associated facilities must be located at the rear of dwellings.
- All buildings must be finished in muted non-reflective tones to the satisfaction of the Responsible Authority.

4.0

Requirements for development plan (18)

A development plan must include the following requirements:

- The subdivision layout of the land prepared by a qualified surveyor.
- The creation of no more than six (6) new lots wholly within the Township Zone.
- A minimum lot size of 600 square metres.
SCHEDULE 3 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO3.

MURRAY GOULBURN LEONGATHA FACTORY

1.0

Objectives (21)

None specified.

2.0

Requirement before a permit is granted (20)

A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.

3.0

Conditions and requirements for permits (20)

None specified.

4.0

Requirements for development plan (20)

Purpose

The purpose of the Development Plan is to provide a framework for approval of future development involving staged implementation over approximately a 10 year period (ie 2016) under the Murray Goulburn Co-Operative Co. Masterplan.

The Development Plan will address relevant planning and environmental issues to the satisfaction of the South Gippsland Shire Council, relevant agencies, and the local community.

Requirements

The Development Plan must show the following detailed plans and supporting information:

- A detailed description of the existing site and proposed extended site area including existing topography, vegetation, drainage lines, buildings and works.

- The proposed development including details of:
  - vegetation to be retained or removed, and new landscape planting proposals
  - re-alignment of drainage lines within the site
  - major site infrastructure proposals, including drainage works
  - vehicle access and any improvements to the external roads proposed
  - vehicle manouvring and access ways within the site
  - car parking and truck parking areas
  - proposed buildings and works within each development stage showing existing buildings to be retained or removed, and new buildings and processes involved
  - the use of buildings and works and other parts of the site
  - materials and finishes for new buildings and works.
SCHEDULE 4 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO4.

LOW DENSITY RESIDENTIAL ZONE DEVELOPMENT PLAN – SIMONS LANE

1.0

Objectives (18)

None specified.

2.0

Requirement before a permit is granted (17)

None specified.

3.0

Conditions and requirements for permits (17)

The following conditions and/or requirements apply to permits:

- All residential development should be serviced with reticulated water and sewerage.
- If sewerage infrastructure cannot be provided, a Land Capability Assessment report must be submitted demonstrating:
  - Compliance with State and local policies on effluent and stormwater disposal.
  - That soil type and environmental conditions can treat the number of proposed effluent disposal systems from the site.
- A permit for residential subdivision must include the following conditions:
  - The sealing of the unsealed road surface of Simons Lane between Ditchley Court and the immediate western side of the Rail Trail crossing to the satisfaction of the responsible authority.
  - The provision of a nominally 2.5m wide crushed rock footpath with associated infrastructure along the northern side of Simons Lane between the Rail Trail and the South Gippsland Highway to the satisfaction of the responsible authority.
  - A section 173 Agreement to be registered on each title to be created which identifies a building envelope and stormwater retention areas and measures.
- A planning permit for residential subdivision must consider the requirements and conditions of the Roads Corporation (VicRoads).
- A planning permit for residential subdivision must consider the requirements and conditions of the Country Fire Authority.

4.0

Requirements for development plan (17)

The development plan should:

- Provide a subdivision layout plan that allows for the creation of two road access points onto Simons Lane to service the future residential development of the land to the north of the Low Density Residential Zone avoiding, where possible, creation of cross type intersections with existing roads south of Simons Lane.
  - The western road access point should be located more than 150m west of the intersection of Ditchley Court.
  - The eastern access point should be located at least 80m east of the ridge line (road crest) east of Ditchley Court
- Describe the relationship of developments proposed on the land to existing and proposed developments on adjoining land.
• Identify any sites of conservation, heritage or archaeological significance and the means by which they will be managed.

• Provide appropriate arrangements for the provision of necessary physical infrastructure.

• Provide a Stormwater Management Plan detailing how stormwater will be managed within each lot to be created and between the subject land and declared waterways, including off site physical infrastructure where required.

• Identify the staging (if proposed) and anticipated timing of development.

• Provide a subdivision layout that does not compromise the future provision of a shared pedestrian / cycle path on the northern side of Simons Lane in front of the land to be subdivided.
SCHEDULE 5 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO5.

NYORA RESIDENTIAL DEVELOPMENT TRANSITION AREA

1.0

Objectives
None specified.

2.0

Requirement before a permit is granted
A permit may be granted before a development plan is approved for any use or development permissible in a residential zone, excluding:

- The subdivision of land, except where the subdivision is undertaken by the Crown, a public authority, infrastructure utility service provider or Council.
- The development of a lot for a second or subsequent dwelling(s).

A permit must not be issued for the residential subdivision of land until the land can be serviced by reticulated sewerage.

3.0

Conditions and requirements for permits
An application for a planning permit must be accompanied by a town planning report prepared by a suitably qualified person, outlining how the permit application responds to the Municipal Planning Strategy and Planning Policy Framework of the South Gippsland Planning Scheme, Clause 56 of the Particular Provisions (Residential subdivision) and the provisions and requirements of the approved development plan. An engineering report is required to demonstrate compliance with Council’s Infrastructure Design Manual.

A planning permit must be generally in accordance with the approved development plan.

A planning permit must include any conditions or requirements needed to give effect to the contents of the approved development plan.

4.0

Requirements for development plan
Any development plan prepared under the provisions of this overlay must be prepared to the satisfaction of the Responsible Authority.

Any approved development plan may be amended to the satisfaction of the responsible authority.

The development plan must show/provide the following detailed plans and supporting information to the satisfaction of the Responsible Authority:

Site Analysis and Design Response

- A site analysis and design response for the subject land (including details of the adjoining land, including land outside of the development plan area) displaying the existing lot configuration, the location and use of buildings on each lot, vegetation, drainage waterways and related infrastructure, environmental features, roads, paths and other public infrastructure.

Road and Pedestrian Network

- A subdivision layout pattern that provides a safe and efficient road network appropriately integrated with the existing road network. The layout should provide for the creation of an east/west road connection between Walters Road, Henley Street and Davis Street. Road access must be provided west from Walters Road into the Future Residential Area identified in the Nyora Framework Plan.
- A safe and convenient pedestrian and cycling network along main internal and external roads that creates appropriate links with the surrounding residential areas and open space. Continuous
pathway connectivity must be provided between Grundy Avenue and the Future Residential Area west of Walters Roads.

The road and pedestrian network plan must be supported by a Traffic Impact Assessment and Management Plan prepared by a suitably qualified person. The Plan must respond to Council’s Infrastructure Design Manual and provide detailed costings for all infrastructure to be provided on public land.

**Stormwater / Drainage**

- A stormwater and drainage management plan prepared by a suitably qualified person that demonstrates/provides:
  - Integrated stormwater management planning across the subject land, including consideration of impacts outside of the subject area likely to occur as a result of development. For land adjoining or creating connections to Walters Road and Henley Street, the Plan must specifically address improvements to stormwater management in the Walters Road and Henley Street road reserves.
  - Water Sensitive Urban Design principles (in accordance with Melbourne Water requirements) where appropriate.
  - A response that meets or exceeds the requirements of the State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the background document Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO, 1999) as amended.
  - Identification of waterlogged areas not suited to development.
  - A response to the infrastructure and payment levy requirements of Melbourne Water.
  - A response to Council’s Infrastructure Design Manual and detailed costings for all works to occur on public land.

**Off-site Infrastructure Provision / Developer Contribution**

Significant development and community public infrastructure upgrades are required to support new development in Nyora. In consultation with the Responsible Authority the development plan must include a clear commitment by the landowner/developer to provide contributions to improving development and community infrastructure on public land in Nyora. The development plan must include a report specifying details and costings for the provision of off-site infrastructure resulting from the subdivision of the land. The report will form the basis for a section 173 Agreement, or other development contributions mechanism, to be executed before a permit is issued for the subdivision of land.

**Environment**

- A flora and fauna report prepared by a suitably qualified person that:
  - Identifies vegetation on the land, its health and significance to the locality, measures required to protect vegetation and the identification of any vegetation to be removed.
  - Provides a landscape plan for new subdivisions.
  - Identifies the location/habitat of the Giant Gippsland Earthworm and any other significant species in the locality, including details of measures to protect significant fauna.
  - Appropriate development separation to declared waterways and natural drainage lines.

**Urban Design**

- A subdivision layout and design that seeks to protect the small rural township character of Nyora by incorporating design measures including, but not limited to:
- The creation of larger lots on land fronting main roads and connector roads. The lots should allow for generous development setbacks and side boundary separation between adjoining dwellings.

- Active frontage to main roads and connector roads and the avoidance of internally-facing subdivisions resulting in rear fence lines adjoining roads.

- The creation of areas within road reserves and public spaces that allow for the planting of canopy trees.

**General**

- The provision of open space.
- Staging of subdivision – if intended.
- Identification of infrastructure servicing constraints and opportunities.

**Staging of the Development Plan**

The development plan may be approved in stages. Each development plan stage must represent a logical land unit bounded by roads or the boundaries of the Development Plan Overlay map area. For example, the area east of Davis Street, or the area between Henley Street and Walters Road may be approved as separate development plan stages. Smaller stages within these areas may be approved if the Responsible Authority is satisfied that integrated and orderly planning can be achieved, addressing all of the matters set out in this development plan schedule.
SCHEDULE 6 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO6.

KORUMBURRA RESIDENTIAL GROWTH AREAS

1.0

Objectives (12)

None specified.

2.0

Requirement before a permit is granted (11)

A permit may be granted before a development plan has been prepared to the satisfaction of the Responsible Authority for the following:

- A minor extension, minor addition or minor modification to an existing development that does not prejudice the future orderly development of the general area affected by the Development Plan Overlay to the satisfaction of the Responsible Authority.

- The use and development of land for agriculture provided it is minor in nature and does not prejudice the future residential use and development of the land, or the residential amenity of surrounding areas.

- The use, development & subdivision of land by a public authority or utility provider.

3.0

Conditions and requirements for permits (11)

Before deciding on an application to subdivide land, construct buildings, or carry out works, the Responsible Authority must consider, as appropriate:

- Whether the development of the land is occurring in an efficient and orderly manner having regard to essential services, community facilities, open space and roads.

- The potential for future re-subdivision.

- The interface between proposed and existing nearby developments, to reduce the chance of conflicting developments, especially in relation to the industrial zoned land north of Bena Road.

- The need to minimise access points to Jumbunna Road.

- The design of any proposed buildings to enhance and reinforce the character of the area.

- The timing and staging of the development of the land.

- The consistency of the proposed development with the approved development plan.

- The consistency of the proposed development with the adopted Korumburra Structure Plan, where relevant.

- Any other matter, as deemed appropriate by the Responsible Authority, which the development plan should take account of based on the specific character of the land.

- The requirement for building envelopes, agreements or covenants to be registered on newly created titles to achieve the lot development restrictions set out in the development plan.

- An assessment against the requirements of Clause 56 of the South Gippsland Planning Scheme.

Development and community infrastructure

Prior to the issuing of a Statement of Compliance (or otherwise agreed to in writing by the Responsible Authority), the landowners may enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 or other mechanisms approved by Council. Any such agreement should make provision for contributions to be made by the owners towards the provision of development and community infrastructure on public land (including the provision of land and/or the payment of financial levies) required as a consequence of the subdivision of the land.
Fencing Requirement

Fencing on sensitive interfaces (existing residential zoned land bordering DPO6) is to be a minimum 1.8m high solid fence to be provided at the developer’s expense prior to the issue of Statement of Compliance on the subdivision of the land. The location and type of fencing may be varied subject to the approval of the Responsible Authority.

Requirements for development plan (11)

A development plan must include the following requirements:

- The development plan must be prepared to the satisfaction of the Responsible Authority.
- The development plan may be approved in stages. Each development plan stage must represent a logical land development unit bounded by roads, natural features or the boundaries of the Development Plan Overlay map area.

The development plan must show / provide:

Land use and subdivision layout

- The proposed boundaries of the development area, and provide the strategic justification for those boundaries.
- The overall subdivision of the area, including where possible, the proposed size and density of allotments which provide opportunities for a diverse range of housing types.
- The provision of a sensitive residential interface with adjoining residential land. Lots directly adjoining the Low Density Residential Zone (LDRZ) must include a rear setback of a minimum of 7 metres from the zone boundary to any new structure, with a minimum of a 3 metre wide landscape buffer along the zone boundary, or alternative, determined to the satisfaction of the Responsible Authority.
- Street network that:
  - Limits the creation of new road access points onto Jumbunna Road and support building frontages with two way surveillance.
  - The overall pattern of development of the area, including any proposed re-zoning of land and proposed land uses.
- A staging plan that demonstrates an efficient and orderly provision of infrastructure and services
- An accessible and integrated network of walking and cycling routes for safe and convenient travel to adjoining communities (including existing and future areas included in the DPO), local destinations or points of local interest, activity centres, community hubs, open spaces and public transport.
- The provision of any commercial facilities and the extent to which these can be co-located with community and public transport facilities to provide centres with a mix of land uses and develop vibrant, active, clustered and more walkable neighbourhood destinations.

Industrial Zone interface

For subdivision and development north of Foster Creek an interface management plan is to be provided which specifies a design response and specific building and lot controls including, where required, controls to address amenity concerns related to noise, odour, vibration and lighting arising from legally occurring industrial activities within the Industrial 1 and Industrial 3 Zones. This may be executed via a Section 173 Agreement.

Earthworks and Land Form

- Where steeply sloping land exists on the site, the development plan shall detail how the proposed design responds to the topography and contours of the land, and whether significant earthworks are likely to be required for subdivisions to ensure good development design outcomes are
achieved. Where land exceeds a slope of 20% a geotechnical report must be prepared by an
appropriately qualified person demonstrating the suitability of the land for development.

The report must provide sufficient detail to ensure environmental, access and amenity issues
are appropriately addressed. The report should detail whether building envelopes or other
controls are likely to be required at the subdivision stage.

Infrastructure Services

- An integrated stormwater and flood management plan that incorporates water sensitive urban
design techniques which provides for the protection of natural systems, integration of stormwater
treatment into the landscape, improved water quality, and reduction and mitigation of run-off
and peak flows, including consideration of downstream impacts.

- A comprehensive Traffic Impact Assessment prepared to the satisfaction of the Responsible
Authority in consultation with the Roads Corporation that identifies existing and post
development traffic generation, distribution and associated analysis and the pattern and location
of the major arterial road network of the area including existing roads and the location and
details of any required:
  - road widening
  - signalised/unsignalised intersections
  - access points
  - pedestrian crossings or safe refuges
  - cycle lanes
  - bus lanes and stops

- The pattern and location of any internal road system based on a safe and practical hierarchy of
roads including safe pedestrian and bicycle connections and crossing points in accordance with
background documents South Gippsland Paths and Trails Strategy 2010 (as amended) and
South Gippsland Open Space Strategy 2007 (as amended). The internal road network must
specifically provide for the potential for internal road connectivity to the existing dwelling lots
that have potential for further subdivision.

- In consultation with relevant agencies and authorities, provision of public transport stops where
appropriate within easy walking distance to residential dwellings and key destinations. Stops
should also be located near active areas where possible.

- Identification of costs for infrastructure provision both onsite and offsite

Open Space and Landscaping

- The location and size of the proposed open spaces that cater for a range of user groups and
provide a variety of functions that perform both an active and passive role for recreation, as
appropriate.

- Public open spaces designed to provide:
  - The inclusion of pedestrian and cycle paths and play equipment, that encourage active
    recreational opportunities.
  - Opportunities for visual surveillance to promote safety of users, through encouraging active
    frontages, using buildings to frame public spaces and locating open spaces within or adjacent
to activity centres where possible.

- A landscaping plan, prepared by a suitably qualified person, identifying all proposed landscaping
with particular regard to the interface with surrounding residential and industrial developments,
open space and roads. The landscape plan must include canopy tree plantings within both the
internal and external road network to soften the visual impact of new development when viewed
from within and outside the development area. The landscape plan must provide a high level
of detail where new development is adjoining Jumbunna Road, Bena Road and new Connector Street – Level 1 roads, especially in areas where new development is inward facing and not addressing the road.

**Community Infrastructure and Meeting Places**
- Provision for access and social interaction, particularly where this encourages physical activity. For example:
  - Consider the need for public amenities, including toilets and bicycle parking at key destinations in accordance with the background document *Path and Trails Strategy 2010 (as amended).*
  - The pattern and location of pedestrian and bicycle paths should provide safe and practical access to and from community facilities and meeting places.
  - Spaces should be designed to accommodate community events.
  - Consider the need for onsite community facilities or where required, upgrades and contribution to offsite community infrastructure.

**Flora and Fauna**
- In consultation with the Department of Sustainability and Environment, a flora and fauna survey, prepared by a suitably qualified expert, which includes but is not limited to species surveys for Gippsland Giant Earthworm, and measures required to protect the identified species.
- An assessment of any native vegetation to be removed having regard to Victoria’s Native Vegetation Management: A Framework for Action, including how it is proposed to protect and manage any appropriate native vegetation, including the provision of any offsets if required.
- Regard must be had to the background document *West Gippsland Native Vegetation Plan 2003 (as amended).*

**Cultural Heritage**
- A cultural heritage assessment including how cultural heritage values will be managed.

**Land Contamination**
An investigation by an appropriately qualified person of the potential location and forms of land contamination resulting from previous land uses, as well as measures to address contamination in areas where sensitive land uses are proposed. The investigation must consider, but not be limited to, agricultural chemical use, informal land dumping, industrial & mining activities.

**Process and Outcomes**
The development plan should be prepared with an appropriate level of community participation as determined by the Responsible Authority.

An implementation plan must be submitted as part of the development plan, indicating the proposed staging of the development and timing of infrastructure provision.

The approved development plan may be amended to the satisfaction of the Responsible Authority.

**Decision guidelines for development plan**
Before deciding on a development plan, the Responsible Authority must be satisfied that the plan has regard to the information contained within the following background documents:
- *Victoria’s Native Vegetation Management: A Framework for Action 2002*
- *Healthy by Design: a planners’ guide to environments for active living®, (National Heart Foundation of Australia - (Victorian Division, 2004) or as amended;*
- *South Gippsland Path and Trails Strategy 2010 (as amended).*
- South Gippsland Open Space Strategy 2007 (as amended).
- Korumburra Structure Plan 2010 (as amended)
SCHEDULE 7 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO7.

JUMBUNNA ROAD RESIDENTIAL AREA

1.0

Objectives (13)

None specified.

2.0

Requirement before a permit is granted (12)

A permit may be granted before a development plan has been prepared to the satisfaction of the Responsible Authority for the following:

- A minor extension, minor addition or minor modification to an existing development that does not prejudice the future orderly development of the general area affected by the Development Plan Overlay to the satisfaction of the Responsible Authority.
- Buildings and works associated with the Jumbunna Road bus depot provided the buildings and works are contained within the established development footprint or immediate surrounds to the satisfaction of the Responsible Authority.
- The use and development of land for agriculture provided it is minor in nature and does not prejudice the future residential use and development of the land, or the residential amenity of surrounding areas.
- The use, development & subdivision of land by a public authority or utility provider.

3.0

Conditions and requirements for permits (12)

Before deciding on an application to subdivide land, construct buildings, or carry out works, the Responsible Authority must consider, as appropriate:

- Whether the development of the land is occurring in an efficient and orderly manner having regard to essential services, community facilities, open space and roads.
- The potential for future re-subdivision.
- The interface between proposed and existing nearby developments, to reduce the chance of conflicting developments, including in relation to the Bus Depot site.
- The need to minimise access points to Jumbunna Road.
- The design of any proposed buildings to enhance and reinforce the character of the area.
- The timing and staging of the development of the land.
- The consistency of the proposed development with the approved development plan.
- The consistency of the proposed development with the adopted Korumburra Structure Plan, where relevant.

Any other matter, as deemed appropriate by the Responsible Authority, which the development plan should take account of based on the specific character of the land.

The requirement for building envelopes, agreements or covenants to be registered on newly created titles to achieve the lot development restrictions set out in the development plan.

- An assessment against the requirements of Clause 56 of the South Gippsland Planning Scheme.

Development and community infrastructure

Prior to the issuing of a Statement of Compliance (or otherwise agreed to in writing by the Responsible Authority), the landowners may enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 or other mechanisms approved
by Council. Any such agreement should make provision for contributions to be made by the owners towards the provision of development and community infrastructure on public land (including the provision of land and/or the payment of financial levies) required as a consequence of the subdivision of the land.

**Bus Depot development requirements**

Any planning permit which creates residential lots or approves a sensitive use in the DPO7 area within 50 metres of the Jumbunna Road bus depot site may include a condition to restrict (through an appropriate restriction on title) the use of these lots for dwellings or other sensitive uses until such time as the bus depot is no longer in operation and its existing use rights are expired.

The following requirement applies to the use or development of the Jumbunna Road bus depot site:

Before a sensitive use (e.g. residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
- An environmental auditor appointed under the Environment Protection Act 1979 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

**Fencing requirement**

A planning permit which creates residential lots adjoining land in the Low Density Residential Zone or Lot 1 LP134693 or Lot 3 LP135303 must include a condition requiring fencing along the boundary of these lots. Fencing must be a minimum 1.8m high solid fence to be provided at the developer’s expense and constructed prior to the issue of Statement of Compliance for the subdivision of the land.

**Requirements for development plan (12)**

A development plan must include the following requirements:

The development plan must be prepared to the satisfaction of the Responsible Authority.

The development plan may be approved in stages. Each development plan stage must represent a logical land development unit bounded by roads, natural features or the boundaries of the Development Plan Overlay map area.

The development plan must show / provide:

**Land use and subdivision layout**

- The proposed boundaries of the development area, and provide the strategic justification for those boundaries.
- The overall subdivision of the area, including where possible, the proposed size and density of allotments which provide opportunities for a diverse range of housing types.
- The provision of a sensitive residential interface with adjoining residential land and the school. Lots directly adjoining the Low Density Residential Zone (LDRZ) should have a minimum rear boundary width at the LDRZ boundary of an average of 20m and not less than 18 metres, and avoid (where possible) the creation of more than 2 new lots directly adjoining each established LDRZ lots. Buildings must be setback a minimum of 7m from the zone boundary.
- For lots with a primary frontage to Jumbunna Road and Sommers Crescent provide:
  - Minimum lot frontage of 18m
  - Minimum building front setback of 7m
• The provisions of a 2.5m wide reserve (unencumbered by landscaping or development) adjoining the southern side of Jumbunna Road to facilitate future widening of the shared pedestrian footpath to the school.

• A street network that limits the creation of new road access points onto Jumbunna Road and support building frontages with two way surveillance.

• The overall pattern of development of the area, including any proposed re-zoning of land and proposed land uses.

Earthworks and Land Form

• Where steeply sloping land exists on the site, the development plan shall detail how the proposed design responds to the topography and contours of the land and whether significant earthworks are likely to be required for subdivisions to ensure good development design outcomes are achieved. Where land exceeds a slope of 15% a geotechnical report must be prepared by an appropriately qualified person demonstrating the suitability of the land for development.

  The report must provide sufficient detail to ensure environmental, access and amenity issues are appropriately addressed. The report should detail whether building envelopes or other controls are likely to be required at the subdivision stage.

Infrastructure Services

• An integrated stormwater and flood management plan that incorporates water sensitive urban design techniques which provides for the protection of natural systems, integration of stormwater treatment into the landscape, improved water quality, and reduction and mitigation of run-off and peak flows, including consideration of downstream impacts.

• A comprehensive Traffic Impact Assessment prepared to the satisfaction of the Responsible Authority, in consultation with the Roads Corporation, that identifies the pattern and location of the major arterial road network of the area including existing roads and the location and details of any required:
  - road widening
  - signalised/unsignalised intersections
  - access points
  - pedestrian crossings or safe refuges
  - cycle lanes
  - bus lanes and stops

• The pattern and location of any internal road system based on a safe and practical hierarchy of roads including safe pedestrian and bicycle connections and crossing points in accordance with the background documents South Gippsland Paths and Trails Strategy 2010 (as amended) and South Gippsland Open Space Strategy 2007 (as amended). The internal road network must specifically provide for:
  - A continuous road / pedestrian link from Prudence Close, across Sommers Crescent and through Lot 4 LP135303 to an exit point onto Jumbunna Road between the school and Lot 1 LP134693.
  - The potential for internal road connectivity to the existing dwelling lots that have potential for further subdivision.

• In consultation with relevant agencies and authorities, provision of public transport stops where appropriate within easy walking distance to residential dwellings and key destinations. Stops should also be located near active areas where possible.

• Identification of costs for infrastructure provision both onsite and offsite.
Open Space and Landscaping

- The location and size of the proposed open spaces that cater for a range of user groups and provide a variety of functions that perform both an active and passive role for recreation, as appropriate.

- Public open spaces designed to provide:
  - The inclusion of pedestrian and cycle paths and play equipment, that encourage active recreational opportunities.
  - Opportunities for visual surveillance to promote safety of users, through encouraging active frontages, using buildings to frame public spaces and locating open spaces within or adjacent to activity centres where possible.

- A landscaping plan, prepared by a suitably qualified person, identifying all proposed landscaping with particular regard to the interface with surrounding residential developments, open spaces, the bus depot, roads and the school. The landscape plan must include canopy tree plantings within both the internal and external road network to soften the visual impact of new development when viewed from within and outside the development area. The landscape plan must provide a high level of detail where new development is to adjoin Jumbunna Road, Sommers Crescent and new Connector Streets especially in areas where new development is inward facing and not addressing the road.

Flora and Fauna

- In consultation with the Department of Environment and Primary Industries, a flora and fauna survey, prepared by a suitably qualified expert which includes but is not limited to species surveys for the Gippsland Giant Earthworm, and measures required to protect the identified species.

- An assessment of any native vegetation to be removed having regard to Victoria’s native vegetation management requirements, including how it is proposed to protect and manage any appropriate native vegetation.

- Regard must be had to the background document West Gippsland Native Vegetation Plan 2003. (as amended).

Cultural Heritage

- A cultural heritage assessment including how cultural heritage values will be managed.

Land Contamination

An investigation by an appropriately qualified person of the potential location and forms of land contamination resulting from previous land uses, as well as measures to address contamination in areas where sensitive land uses are proposed. The investigation must consider, but not be limited to, agricultural chemical use, informal land dumping, industrial & mining activities and former railway use.

Process and Outcomes

The development plan should be prepared with an appropriate level of community participation as determined by the Responsible Authority.

An implementation plan must be submitted as part of the development plan, indicating the proposed staging of the development and timing of infrastructure provision.

The approved development plan may be amended to the satisfaction of the Responsible Authority.

Decision guidelines for development plan

Before deciding on a development plan, the Responsible Authority must be satisfied that the plan has regard to the following information contained within the following background documents:
- Healthy by Design: a planners’ guide to environments for active living®, (National Heart Foundation of Australia - (Victorian Division, 2012) or as amended;

- South Gippsland Path and Trails Strategy 2010 (as amended).

- South Gippsland Open Space Strategy 2007 (as amended).

- Korumburra Structure Plan 2010 (as amended)
SCHEDULE 8 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO8.

RESIDENTIAL GROWTH AREA (NORTH WEST KORUMBURRA)

1.0

Objectives (15)

None specified.

2.0

Requirement before a permit is granted (14)

A permit may be granted before a Development Plan has been prepared to the satisfaction of the Responsible Authority for a minor extension, minor addition or minor modification to an existing development, boundary realignment, agricultural activity, vegetation removal or any other use that does not affect the future orderly development of the area affected by the Development Plan Overlay.

3.0

Conditions and requirements for permits (14)

Before deciding on an application to subdivide land, construct buildings, or carry out works, the Responsible Authority must consider, as appropriate:

- The requirement for building envelopes on any plan of subdivision for lots that abut 33 Korumburra-Warragul Road
- An appropriate mechanism to identify and apportion costs of land and services as development occurs, by way of Section 173 Agreement or alternative means.

4.0

Requirements for development plan (14)

A development plan must include the following requirements:

General Requirements

- How the development of the land occurs in an orderly manner having regard to essential services, open space and roads.
- The timing and staging of the subdivision of the land.
- The potential for further subdivision of individual lots to negatively impact neighbourhood character.
- The interface between proposed and existing nearby developments.

Land use and subdivision

- Details of the interfaces with neighbouring uses of land.
- Any noise mitigation requirements associated with proximity to the South Gippsland Highway and Korumburra - Warragul Road.
- The overall subdivision of the area, including where possible, the proposed size and density of allotments which provide opportunities for a diverse range of housing types.
- Street network that:
  - Limits the creation of new road access points onto Korumburra - Warragul Road
  - Support building frontages which promote passive surveillance of the street network.
- A staging plan that demonstrates an efficient and orderly provision of infrastructure and services.

Earthworks and Land Form
Where land with a slope of more than 10% exists on the site, the Development Plan shall detail how the proposed design responds to the topography and contours of the land and whether significant earthworks are likely to be required for subdivisions to ensure good development design outcomes are achieved.

Where land exceeds a slope of 15% a geotechnical report must be prepared by an appropriately qualified person demonstrating the suitability of the land for development. The report must provide sufficient detail to ensure environmental, access and amenity issues are appropriately addressed. The report should determine whether building envelopes or other controls are likely to be required at the subdivision stage.

**Infrastructure Services**

- An integrated Stormwater Management Plan that incorporates water sensitive urban design techniques and provides for the protection of natural systems, integration of stormwater treatment into the landscape, improved water quality, reduction/mitigation of run-off and peak flows including consideration of downstream impacts and how they may be affected by roadworks to neighbouring properties.

- A comprehensive Traffic Impact Assessment that identifies the pattern and location of the major arterial road network of the area including existing roads and the location and details of any required:
  - road widening
  - intersections
  - access points
  - pedestrian crossings or safe refuges
  - cycle lanes

- The pattern and location of any internal road system based on a safe and practical hierarchy that accounts for pedestrian and bicycle connections and crossing points.

- Identification of costs for infrastructure provision both onsite and offsite.

**Open Space**

- The location of any open space reserves and details of the provisions of building / works / equipment within the open space. Open space should be located on a flatter area of land and capable of easy drainage.

**Flora and Fauna**

- In consultation with the Department of Environment, Land Water and Planning, a Flora and Fauna Assessment, prepared by a suitably qualified expert(s) which includes, but is not limited to, species surveys for Gippsland Giant Earthworm and measures required to protect the identified species.

**Land Contamination**

- An investigation by an appropriately qualified person is required, which considers the potential location and forms of land contamination resulting from previous land uses, as well as measures to address contamination in areas where sensitive land uses are proposed. The investigation must consider but not be limited to, agricultural chemical use, informal land dumping, industrial & mining activities.

- This can initially take the form of a limited desktop study but further detailed investigation may be required should there be sufficient concern of a risk to sensitive uses of the land, as determined by the Responsible Authority.

**Process and Outcomes**
An Implementation Plan must be submitted as part of the Development Plan, indicating the proposed staging of the development and timing of infrastructure provision.
SCHEDULE 9 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO9.

WESTERN LEONGATHA RESIDENTIAL GROWTH AREA

1.0

Objectives (14)

None specified.

2.0

Requirement before a permit is granted (13)

A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority for:

- The use and development of land for Agriculture that does not prejudice the future residential use and development of land, or residential amenity of surrounding areas.
- A fence.
- The removal, destruction or lopping of vegetation.
- Minor drainage and/or earthworks.

3.0

Conditions and requirements for permits (13)

The following conditions and/or requirements apply to permits (unless specifically otherwise agreed to by the responsible authority):

A planning permit application for the subdivision or development of the land in accordance with the approved development plan must include a town planning report prepared by a suitably qualified person demonstrating how the permit application addresses the requirement of the planning scheme and the approved development plan. The report must specifically demonstrate how the subdivision of land responds to and facilitates the integrated development of the entire DPO9 area.

- Where subdivision creates lots adjoining Shingler Street (Old Korumburra Road) and Gibson Street, a condition requiring construction of a 2.5 metre wide shared pathway adjoining the land being subdivided.
- Where the development plan identifies minimum lot size and boundary setback requirements on steep sloping land, a permit condition requiring the restrictions are registered on the lot titles to be created by the subdivision via covenant, Section 173 Agreement, restriction on a plan of subdivision or other mechanism as agreed to by the responsible authority.
- An appropriate mechanism to identify and apportion development costs of land and services, payable by the developer or landowner commensurate with each stage of development, by way of Section 173 Agreement or alternative means agreed by the responsible authority.
- The provision of infrastructure, open space and landscaping maintenance periods in accordance with Council’s Infrastructure Design Manual.

Planning permit applications for each residential subdivision stage must consider the views of VicRoads in regards to the potential impact of additional traffic movements on the major arterial road network.

4.0

Requirements for development plan (13)

Development plan explanatory note:

The residential development of the land in DPO9 is anticipated to occur over an extended period of time. Accordingly, flexibility is beneficial for the timing of when highly specific development plan information is required to be provided. However to achieve integrated, coordinated development across the entire area it is important that a ‘Whole of site development plan’ be...
approved to establish key development principles before any smaller stage of the development plan is approved. This process will ensure that each stage has appropriate regard to the complete development of the DPO9 land.

A development plan must include the following requirements:

**Whole of site development plan**

Before a development plan stage is approved, a ‘Whole of site development plan’ must be prepared by the developer and approved by the responsible authority.

Before approving the ‘Whole of site development plan’ the responsible authority will seek and consider the views of residents and landowners in the immediate area and other relevant stakeholders.

The plan must consider all land in DPO9 and should be guided by Council’s Infrastructure Design Manual ‘Outline Development Plans’ objectives and requirements. The plan must be based on a site analysis and design response and provide (at minimum):

- A Traffic Impact Assessment Report addressing the location of Connector Streets across the land, road intersections around the boundaries of the land, how the road network integrates and impacts the existing road network including the major arterial road network (details of road and intersection upgrading that may be required, including concept plans), the provision of road connectivity to the west and south of the DPO9 area, pedestrian and cycle connectivity, costing of off-site infrastructure upgrades. The report must specifically consider:
  - Upgrading of Worthy Street (west of Brown Street) to achieve Connector Street access standard and the timing (related to staging) when upgrading will be required.
  - Traffic impacts on the arterial road network and specifically the intersections of Worthy Street/Bass Highway and Shingler Street/South Gippsland Highway and the timing (related to staging) when any upgrades might be required.

- A Stormwater Management Plan (SMP) detailing the location and size of drainage reserves, drainage retardation and treatment systems with consideration to water sensitive urban design (WSUD) principles. The SMP must consider off-site drainage impacts and/or infrastructure upgrades that may be required in a full development scenario and indicate at which stage the requirements are to be carried out. The SMP must specifically consider and respond to stormwater requirements in waterways and easements on public and private land east of Gibson Street and south of Higg Street.

- The location of active and passive open space addressing (at minimum) the open space provisions and requirements of the planning scheme and specifically identifying land the developer will provide as a flat ‘active open space’ area unencumbered by drainage requirements. The active open space reserve should be located on a connector street and have active frontage wherever possible. Details of the staging (timing) of all open space provision is required.

- Staging details of future land rezoning and/or subdivision stages within rezoned land.

- An assessment against the residential subdivision provisions of the planning scheme.

The ‘Whole of site development plan’ may be amended with the written consent of the responsible authority.

**Development plan**

The development plan may be approved in stages, to the satisfaction of the responsible authority. A development plan stage must not be approved until the ‘Whole of site development plan’ has been approved by the responsible authority.

Before approving a development plan the responsible authority will seek and consider the views of residents and landowners in the immediate area and other relevant stakeholders.
The development plan for each stage must show or provide (unless set aside or varied by the responsible authority):

**General requirements**

- A report demonstrating how the development plan stage responds to the requirements of the ‘Whole of site development plan’.

**Land use and subdivision layout**

- Dwelling densities are to reflect the opportunities and constraints of the land. Lower densities should generally be provided on land with slopes greater than 10% and higher densities should generally be provided on flatter land and adjacent to open space.

- Where the pre-development slope equals or exceeds 10%, larger lots should be created (increasing in size commensurate to the slope of the land). Within these lots building envelopes must be identified and sited to:
  - Minimise earthwork requirements for slab construction dwellings.
  - Avoid the requirement for earthwork retaining walls within 1 metre of a lot boundary.
  - Protect passive solar access to dwellings sited in cuts.
  - Provide additional front setbacks (not less than 7 metres) where the slope falls predominantly down the length of the lot.

*Note: The lot size, building envelope and retaining wall restrictions will be made an ongoing restriction on the lot titles via the planning permit conditions for the subdivision of the land.*

- Lots adjoining Shingler Street and Gibson Street must be oriented to front the road. Internally facing subdivisions will not be supported.

- Street network designs promoting passive surveillance of the street network.

**Drainage**

- The Stormwater Management Plan (SMP) must address all internal and external catchments that may impact on the proposed development.

- The catchment area relevant to each stage is to be identified along with drainage outfall locations, new drainage works, detailed flow and flood levels for the 1% ‘Annual Exceedance Probability’ storm event as a result of development.

- How the subdivision of the land will cater for flooding and waterway enhancement works (including WSUD), including setbacks from waterways and protection of riparian values either side of designated waterways on the land to be rezoned.

- How it is intended to manage waterways and flows that run through the land.

- Any SMP must show how water flow rates will not exceed pre-development levels beyond the boundary of the subject land to the satisfaction of the responsible authority.

**Geotechnical report**

- Where land exceeds a slope of 15% a geotechnical report must be prepared by an appropriately qualified person demonstrating the suitability of the land for development. The report must provide sufficient detail to ensure environmental, access and amenity issues are appropriately addressed. The report should determine whether building envelopes or other controls are likely to be required at the subdivision stage.

**Infrastructure services**

- A comprehensive Traffic Impact Assessment Report identifying the pattern and location of the major arterial road network of the area including:
  - Existing roads.
- Effects to surrounding intersections that might be affected by the proposal.
- Proposed treatments to intersections affected by the development stage under consideration and how they integrate with future and existing road networks.
- The location and details of any required road widening, intersections, access points, pedestrian crossings or safe refuges, and cycle lanes.

- The main access road from Shingler Street should, to the satisfaction of the responsible authority, be constructed as Collector/Connector Street Level 1 along its entire length from Shingler Street internally through the site to Worthy Street and the design agreed to in writing by the responsible authority.

- All other subdivision roads should at a minimum be constructed to the specifications included in the Infrastructure Design Manual and agreed to in writing by the responsible authority.

- The pattern and location of the internal road system based on a safe and practical hierarchy of roads including safe pedestrian and bicycle connections and crossing points.

- An accessible and integrated network of walking and cycling routes allowing safe and convenient travel to future and existing developments, open spaces and integrated with the established residential area to the east.

- Each development plan stage must consider the views of VicRoads in regards to the potential impact of additional traffic movements on the major arterial road network.

**Open space and landscaping**

- The location of open space reserves and details of the provisions of infrastructure, buildings, works and equipment within open space reserves.

- Details of when open space reserves are to be provided within the staging of the development of the land. Timing of open space provision must accord with anticipated demand with key open space reserves provided by the early to mid-stages of the development of the development plan area and specifically not left to final stages.

- Public open spaces should, to the satisfaction of the responsible authority, be:
  - Designed to integrate with other reserves and public areas where possible.
  - Designed to provide active frontages and opportunities for visual surveillance to promote safety of users.
  - Located on flatter land and capable of easy drainage.
  - Located in areas not required for stormwater management.

  Public open spaces should not contain a slope angle greater than 5%.

- A landscape plan, prepared by a suitably qualified person, identifying all proposed native vegetation removal and new landscaping with particular regard to the interface with surrounding residential areas, open space and roads.

  The landscape plan must include canopy tree plantings within both the internal and external road network adjoining the development to soften the visual impact of new development when viewed from within and outside the development area.

  The landscape plan must provide a high level of detail where new development is adjoining Shingler Street and Gibson Street and new Connector Street.

**Land contamination**
A limited desktop assessment must be undertaken by an appropriately qualified person of the potential location and forms of land contamination resulting from previous land uses. In any case where contamination is identified, the report will consider the measures to address contamination in areas where sensitive land uses are proposed as necessary. The investigation must consider, but not be limited to, agricultural chemical use and informal land dumping.

**Development contributions**

It is the expectation of the responsible authority that a developer commitment to provide an appropriate level of developer contributions will be made in association with the residential rezoning and subdivision of land in the DPO9 area. The commitment to developer contributions should preferably occur as part of the rezoning process.

In recognition of the likely extended timelines of the development of the DPO9 land (and likely changes to the planning system across this timeframe in relation to how developer contributions are secured), each development plan stage must provide details of how each stage has addressed the provision of developer contributions commensurate to the additional demand on development and community infrastructure resulting from the subdivision of land.

**Process and outcomes**

An implementation plan must be submitted as part of each development plan stage, indicating the proposed staging of subdivision land release within the development plan stage and the development and timing of infrastructure provision.
SCHEDULE 10 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO10.

NYORA URBAN RESIDENTIAL GROWTH AREA (SOUTH OF GLOVERS ROAD)

1.0

Objectives (16)

None specified.

2.0

Requirement before a permit is granted (15)

A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority for the following:

- A minor extension, minor addition or minor modification to an existing development.
- Minor drainage works.
- Minor earthworks.
- The use and development of land for agriculture.
- The use, development or subdivision of land by a public authority or utility provider.
- The re-subdivision of existing lots (boundary realignment), provided the number of lots is not increased.
- A fence.
- The removal, destruction or lopping of vegetation.

3.0

Conditions and requirements for permits (15)

- Planning permit applications for the subdivision or development of the land must include a town planning report prepared by a suitably qualified person demonstrating how the permit application addresses the relevant requirements of the Planning Scheme and the approved Development Plan.

- Planning permit applications for residential subdivision must include a report prepared by a suitably qualified person demonstrating the need for the release of additional residential land.

- Planning permits for residential subdivision (excluding lots to be further subdivided at a future stage) must include a condition requiring all lots to be connected to a reticulated sewerage system to the satisfaction of the responsible authority.

- Planning permits for residential subdivision which creates lots that retain clusters of native vegetation (particularly vegetation adjoining Glovers Road and riparian vegetation) must include the following conditions:
  - Building envelopes must be identified for each lot. The building envelopes must be located in areas free of native vegetation and appropriately separated from the vegetation to reduce bushfire risk to building and occupant. The building envelopes must be registered on the title to each lot via covenant, Section 173 Agreement or restriction on a plan of subdivision.
  - The lots which retain native vegetation stands/clusters that adjoin Glovers Road must not be further subdivided. This restriction must be registered on the title to each lot via covenant, Section 173 Agreement or restriction on a plan of subdivision.

- Planning permits for the subdivision of land which create lots directly adjoining the boundary of established residential lots along Hatches Road must include a condition requiring a 4 metre wide amenity buffer. The amenity buffer must be registered on the title to each lot via covenant, Section 173 Agreement or restriction on a plan of subdivision.
Planning permits for the residential subdivision of land which creates lots immediately adjoining lots within the Low Density Residential Zone must include a condition requiring fencing along the boundary of these lots. Unless specifically agreed otherwise with an adjoining landowner, fencing must be a minimum of 1.8 metre high solid fence. The fence is to be constructed at the developer’s expense and constructed prior to the issue of Statement of Compliance for the subdivision of the land.

The subdivision lot size, configuration and setback requirements set out in the ‘Requirements for development plan’ below, or special subdivision design requirements identified in the approved Development Plan, must be included as a planning permit condition for the subdivision of the land and executed via a covenant, Section 173 Agreement or restriction on a plan of subdivision.

The planning permit for the first residential subdivision adjoining (fronting) Lang Lang Poowong Road or service road, must include a condition requiring the construction of a shared pathway no less than 2.5 metres wide along Lang Lang Poowong Road between the subject land and Forster Drive.

Planning permits for development over or adjoining dams must include conditions that:
- Set out requirements to remediate the dams.
- Require the submission of an engineer’s report to confirm that remediated dams are suitable for the intended development.

Planning permits for the subdivision of land must include a condition requiring the provision of infrastructure, open space and landscaping maintenance periods in accordance with the Infrastructure Design Manual (as amended).

Planning permits for the development of land on lots greater than 800sqm must include a condition requiring a minimum front setback of 7 metres and 3 metres setback from any side road boundary.

Requirements for development plan (15)

A development plan must include the following requirements:
- Be prepared to the satisfaction of the responsible authority.
- Be prepared for the entire land parcel to which this schedule applies.
- Be informed by a detailed site analysis and design response and include the requirements of Clause 56.01-1 and 2. The site analysis and design response should respond to the natural, cultural and strategic context of the site.

The Development Plan must include/show:

Layout
- The location of lots, lot sizes and density.
- A diversity of lot sizes, with the overall development having an average lot size of 700 – 800 sqm.
- The location and layout of all key features of the land.
- The provision of larger lots (greater than 800 square metres and with frontages of not less than 20 metres) located along the southern boundary (adjoining Lang Lang – Poowong Road) and the western boundary (adjoining Yannathan Road) of the subject land and adjoining internal ‘Connector Street’.
- Allowance for the creation of lots in excess of 2,000sqm in areas containing good quality native vegetation stands particularly adjoining Glovers Road.
Building envelopes on lots that retain clusters of native vegetation must be appropriately separated from the vegetation to reduce bushfire risk.

The provision of lots along Lang Lang Poowong Road and Yannathan Road must front and address these roads and are strongly discouraged from being side or rear facing lots.

The provision of lots within the area directly adjoining the boundary of the established residential lots along Hatches Road must include:
- A minimum building setback of 7 metres from the adjoining Low Density Residential Zone boundary.
- A 4 metre wide amenity buffer for landscape planting.
- No more than two new lots directly adjoining the rear boundary of established residential lots fronting Hatches Road.
- A lot size of no less than 1,000 square metres.
- One new lot directly adjoining the rear boundary of 16 Hatches Road (Lot 2 PS543620).

A layout which responds to the existing waterways, riparian vegetation and other native vegetation stands across the land.

A layout which ensures the retention of prominent stands of existing native vegetation on public land (i.e. within road reserves, drainage reserves or local parks), where appropriate including:
- Along the major drainage line through the site.
- Within the road reserve of Lang Lang Poowong Road and Yannathan Road.
- At the north-west corner of Lot 1 LP213970 that is visible along Yannathan Road when approaching the town.
- Within the Glovers Road road reserve.

At prominent high points of the land, a subdivision road layout which provides for road reserves configured to allow canopy tree planting in widened verge strips or central median strips to soften the visual impact of buildings when viewed from surrounding areas. This does not apply if high points are located within proposed open space areas.

A layout which provides for a ‘Connector street level 1’ road and a intersection with Lang Lang Poowong Road and Yannathan Road to the satisfaction of VicRoads and the responsible authority.

A layout which provides for a 2.5 metre wide pedestrian/cycle path along Lang Lang Poowong Road between the subject land and Forster Drive.

A layout which provides for a minimum of two pedestrian/cycle connections to Glovers Road, one of which is to be located from Lot 12 LP148069B.

A layout which provides for a road network that delivers a safe, permeable and convenient road network. Cul-de-sacs should only be provided where necessary and should not detract from convenient pedestrian and vehicular connections.

**Staging Plan**

Details of the proposed staging of subdivision land releasing across the entire area with the land identified in the Nyora Framework Plan map as ‘Long Term Residential Area’ (east of the waterway) to be identified as ‘later stages’ in the development of the land at Lot 12 LP148069B. Each identified stage should consist of a logical land unit bound by roads, waterways or natural features, or based on servicing/engineering design, or the boundaries of the Development Plan Overlay map area.

Stage 1 should contain no more than 200 lots designed to be used for dwellings.
Infrastructure Services

- A comprehensive Traffic Impact Assessment Report (based on a full development scenario) prepared by a suitably qualified person to the satisfaction of the responsible authority and VicRoads. The report must include:
  - The impact of the development on the existing road network and intersections surrounding the land.
  - Improvements necessary to facilitate the development of the land, including road widening, access points, pedestrian crossing points and safety refuges, cycle lanes etc.
  - All intersections and roads impacted as a direct consequence of a full development scenario and costings for intersection and road treatments associated with those impacts.

- A Road Hierarchy Plan for the internal road network across the entire development plan area detailing all roads ‘Access Street – Level 1’ and above. The Road Hierarchy Plan:
  - Should identify a ‘Connector Street level 1’ road and intersection with Lang Lang Poowong Road and Yannathan Road to VicRoads and the responsible authority’s satisfaction.
  - Must identify a shared pathway no less than 2.5m wide along Lang Lang Poowong Road between the subject land and Forster Drive.
  - Must identify a minimum of two pedestrian/cycle connections to Glovers Road one of which is to be located from Lot 12 LP148069B. The access paths should restrict vehicle movements (if proposed as a long term option) until such time as they are upgraded to an appropriate service level.
  - Must provide for a continuous east/west vehicle, pedestrian and cycle movement across the land (at ‘Connector Street level 1’ standard) with a design/configuration to minimise the use of the internal roads as an alternate vehicle route to the existing main road network. If the continuous east/west route does not cross the main waterway traversing the land, then a road, pedestrian, cycling crossing of the waterway must be provided approximately midpoint along the length of the waterway (at ‘Connector Street level 1’ Standard) to service the eastern corner of the land.
  - Must address the long term need to retain or close the unmade road reserve to vehicles between the northern end of Hatchs Road and Yannathan Road.

- A subdivision design providing an appropriately sited reserve (justified by the Traffic Impact Assessment Report) capable of becoming a long term future ‘Connector Street’ with an access point onto Glovers Road. The reserve should allow for logical integration with the subdivision road network however should remain unconstructed and untrafficable until such time as Glovers Road is appropriately constructed or the land to the north of Glovers Road is developed in the very long term. The subdivision design should also ensure:
  - A pedestrian/cycle pathway network that responds to the waterways and riparian vegetation network across the subject land.
  - A street network that supports building frontages with natural surveillance of the street.

Stormwater and Drainage

- A stormwater and drainage management plan prepared by a suitably qualified person that demonstrates:
  - Integrated stormwater management planning across the subject land, including consideration of impacts outside of the subject area likely to occur as a result of development.
  - A response to the Infrastructure Design Manual (as amended) and detailed costings for all stormwater drainage works to occur on public land or outside of the development plan area if directly related to the development.
Open Space and Landscaping

- The location and size of proposed open spaces that can cater for a range of uses for active and passive recreation, including:
  - An area of not less than 4 hectares located on Lot 12 LP148069 in a flatter area of land not affected by waterlogging. The identified area should allow for a sports ground which can accommodate a full size football field where minimal earthworks will be required. The development plan or Staging Plan must identify and commit to the provision of the open space to be delivered at a time to the satisfaction of the responsible authority.
  - Active open space areas, which are to be made flat and safe for public use by the subdivider/developer prior to their transfer to the responsible authority.
  - Identification of open space areas that are affected by drainage or waterlogging.
  - The provision of a local park between 0.35-0.5 hectares in size on Lot 2 LP213970.
  - Pedestrian and cycle paths and play equipment that encourage active recreational opportunities.
  - Opportunities for visual surveillance of public open space to promote safety of users, through encouraging active frontages, using buildings to frame public spaces.
  - Low scale and visually permeable fencing of open space (whether encumbered or unencumbered).

- Provision for the planning and payment of open space features, which must be made by agreement between the responsible authority and the subdivider/developer prior to the approval of the development plan.

- A landscape masterplan prepared by a suitably qualified person, identifying:
  - All proposed public landscaping (with particular regard to the interface with surrounding residential developments) of all open space areas.
  - Proposed landscaping along the road network and shared paths within or abutting the development plan area.
  - The location of canopy tree plantings within the proposed road network to soften the visual impact of new development when viewed from within and outside the development area.
  - Planting to enable practical maintenance and plants suitable to the local climate and soil conditions.
  - Plantings integrated with the proposed waterways and drainage reserves.
  - All existing vegetation to be retained and removed.

- An arborists report identifying native vegetation to be retained and protected in public spaces and works required for public safety and suitability of retention for open space areas.

- Retention of the treed entry into Nyora along Lang Lang Poowong and Yannathan Roads by incorporating the trees in public land within nature strips or boulevards where appropriate.

- A diversity of streetscape outcomes across the development plan area.

Bushfire

For vegetated areas to be retained, an indicative subdivision plan and building envelope plan which address and responds to the ‘Application requirements’ of Clause 53.02 and the ‘Subdivision objectives’ of Clause 53.02-4.4.
The information must be sufficiently detailed to identify bushfire safe building envelopes on lots to be created within 150m of vegetation stands. This information is required to inform the identification of the bushfire building envelopes required in the ‘Conditions and requirements for permits’.

**Cultural Heritage**

Unless otherwise agreed by the responsible authority, a cultural heritage assessment prepared by a suitably qualified heritage consultant.

**Land Contamination**

A desktop assessment undertaken by an appropriately qualified person that considers the potential location and forms of land contamination resulting from previous land uses. In the case where contamination is identified, the report must consider the measures to address contamination in areas where sensitive land uses are proposed. The investigation must consider, but not be limited to, agricultural chemical use, informal land dumping, industrial or mining activities.

**Environment**

A flora and fauna report prepared by a suitably qualified person. The report(s) must consider:

- Vegetation on the land, its health and significance to the locality, measures required to protect vegetation and the identification of any vegetation to be removed.

- A survey and assessment of impacts of the proposed development plan layout on the Giant Gippsland Earthworm habitat. This assessment must be conducted by a suitably qualified person to the satisfaction of the Department of Environment, Land, Water and Planning and the responsible authority.

**Decision guidelines for development plan**

Before approval of the development plan (or development plan stage) or an amendment to the Development Plan, the responsible authority must consider the background documents:

- *Nyora Structure Plan - June 2013.*

- *South Gippsland Shire Council Paths and Trails Strategy 2010.*

- *Healthy by Design ®, A guide to planning environments for active living in Victoria, Melbourne: National Heart Foundation of Australia, updated June 2012 (as amended), National Heart Foundation of Australia (Victoria Division).*

- *Infrastructure Design Manual (version 4.2, October 2015)( as amended).*

- The views of the Country Fire Authority, Melbourne Water, Department of Environment, Land, Water and Planning and VicRoads, as relevant.
SCHEDULE 11 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO11.

BERRYS CREEK ROAD RESIDENTIAL DEVELOPMENT AREA

1.0

Objectives (17)

None specified.

2.0

Requirement before a permit is granted (16)

A permit may be granted before a development plan has been prepared for the following:

- Minor drainage works.
- Minor earthworks.
- The use and development of land for agriculture.
- The use, development or subdivision of land by a public authority or utility provider.
- A re-subdivision of existing lots (boundary realignment) provided the number of lots is not increased.
- A fence.
- The removal, destruction or lopping of vegetation.

3.0

Conditions and requirements for permits (16)

Subdivision applications that create residential lots must be accompanied by:

- A town planning report prepared by a suitably qualified person, demonstrating how the permit application addresses the relevant requirements of the planning scheme and the approved development plan.
- An engineering report demonstrating compliance with the background document South Gippsland Shire Council’s Infrastructure Design Manual.
- A report addressing the requirements of Clause 52.17 Native Vegetation with consideration of offset requirements in accordance with the background document Permitted clearing of native vegetation – Biodiversity assessment guidelines (DEPI, 2013).

Planning permits that create residential lots must include conditions requiring:

- All lots to be connected to a reticulated sewerage system to the satisfaction of the responsible authority.
- Provision of infrastructure, open space and landscaping maintenance periods in accordance with the background document South Gippsland Shire Council’s Infrastructure Design Manual.
- Construction of footpaths in Berrys Creek Road reserve in accordance with the locations and any staging of footpath provision detailed in the approved development plan.
- Building envelopes or agreements to be registered on residential lot titles to achieve any development restrictions set out in the approved development plan.

4.0

Requirements for development plan (16)

The development plan must be prepared to the satisfaction of the responsible authority.

The development plan:
- Must be prepared for the entire land parcel to which the schedule applies.
- Must be informed by a detailed site analysis and design response that responds to the natural, cultural and strategic context of the site.

The development plan must provide the following information unless otherwise agreed by the responsible authority:

**Layout**

- Subdivision of the land, which must be designed in an efficient and orderly manner having regard to the provision of services, infrastructure, roads, pathways, open space and reserves.
- Proposed number, location and size of lots.
- Subdivision layout that responds to the topography of the land. Where land slope exceeds:
  - 10 per cent identify where earthworks are required to facilitate development.
  - 15 per cent a geotechnical assessment report prepared by an appropriately qualified person demonstrating the suitability of the land for the development of dwellings and roads and which also considers the requirement to apply building envelopes to avoid development on very steep and/or unstable land.
- A subdivision layout that:
  - Provides at least 30 lots with sizes generally 600-800 square metres.
  - Provides a single access point onto Berrys Creek Road. A second access onto Berrys Creek Road is discouraged, unless justified by a traffic impact assessment report demonstrating why a single access point cannot be used to service the entire land.
  - Restricts lots having direct vehicle access onto Berrys Creek Road. If a lot(s) has direct vehicle access to Berrys Creek Road, demonstrates how this can be achieved in a safe manner to the satisfaction of the responsible authority.
  - Allows continuous vehicle and pedestrian movement across the land, with connectivity across Reserve 1 on PS609443V (sewer reserve lot).
  - Provides a road network that responds to the topography and the contours of the land which minimises large scale excavation, retaining walls or batters particularly if court bowls are proposed.
  - Provides a road network and subdivision layout that ensures future road access point to the land on the western boundary of the subject land.
  - Provides larger lots (greater than 800 square meters) with wider frontages (not less than 20 meters) on steeper land with a cross fall slope (across the narrow axis of the lot) of 10 per cent or greater.
  - Creates no more than five new dwelling lots along the edge of the northern DPO boundary (shared with Lot 2 PS537386). The new lots must have building envelopes that provide for generous setbacks from the Lot 2 PS537386 boundary.
  - Locates open space to maximise its use and effectiveness.
  - Retains existing native vegetation on the land if supported by the required arborist report.
- Addresses any other matter specific to the circumstances and character of the land as deemed appropriate by the responsible authority.

**Staging plan**

- A subdivision staging plan (if staging is proposed) that:
- Provides for the efficient and orderly development of the land and the orderly provision of infrastructure and services.
- Identifies off site development contributions and when they are to be provided in accordance with any agreement registered on the title of the subject land.

**Infrastructure**

- Unless otherwise agreed by the responsible authority the subdivider/developer of the land must provide, fund and/or install all infrastructure to the satisfaction of the responsible authority and in accordance with the background document South Gippsland Shire Council’s Infrastructure Design Manual, and:
  - Provide functional design details for all infrastructure including details of earthworks, vegetation removal and any other works required.
  - Secure all off site infrastructure required for the development of the land via a Section 173 Agreement.
- Consult with Gippsland Water regarding details of any changes that may be required to Reserve 1 on PS609443V (sewer reserve lot).

**Drainage and stormwater**

- A stormwater management plan that:
  - Incorporates water sensitive urban design (WSUD) techniques and provides for the protection of natural systems, environmental and recreational values wherever practical, integration of stormwater treatment into the landscape to achieve a high level of landscape amenity, reduction/mitigation of run-off and peak flows including consideration of downstream impacts and how they may be affected by road works to neighbouring properties. The plan must demonstrate the overall quantity and quality of discharge meets best practice standards and quantify long term maintenance and operation costs in the design and location of WSUD features.
  - Demonstrates how stormwater quality and quantity can be suitably treated including the need (or otherwise) for kerb and channel along Berrys Creek Road to control runoff from the road and ensure no adverse impacts on new lots abutting the road.

**Roads**

- A Traffic Impact Assessment Report (TIAR), based on a full development scenario, prepared by a suitably qualified person to the satisfaction of the responsible authority and VicRoads. The TIAR must address, unless otherwise agreed by the responsible authority:
  - The impact of the development on the existing road network and intersections surrounding the land, notably Grand Ridge West intersection.
  - Improvements necessary to facilitate the development of the land, including road widening, access points, pedestrian crossing points and safety refuges, cycle lanes.
  - The pattern and location of the internal road system (as detailed in the subdivision layout plan) based on a safe and practical hierarchy of roads including safe pedestrian and bicycle connections and crossing points.

**Footpaths**

- A footpath network that provides a 1.5 meter wide concrete footpath:
  - On all internal roads within the subject land.
- On the western side of Berrys Creek Road which connects the access road to the subject land to the northern boundary of the subject land, linking with any adjoining footpath existing or proposed.

- On the eastern side of Berrys Creek Road connecting the existing footpath north of Fary Court and running north east to Grand Ridge West.

*Note: A footpath is not required on the western side of Berrys Creek Road south of the road access (or southernmost road access point) to the subject land.*

**Open space and landscaping**

- Open space in accordance with Clause 53.01. Easement reserves (including Reserve 1 on PS609443V - sewer reserve lot) on the land will not be considered open space for the purpose of Clause 53.01 unless fully integrated with the overall subdivision design, including active frontage.

- A landscaping masterplan, prepared by a suitably qualified person, addressing:
  - Landscaping along the proposed road network and footpaths within and abutting the development plan area.
  - Street tree planting (canopy trees) dispersed within all internal road reserves and abutting the land within the Berrys Creek Road reserve at suitable intervals to enhance the streetscape and soften visual impacts when viewed from within and outside the subject land.
  - Trees and landscape planting suited to the local climate and soil conditions
  - Landscaping designed for easy maintenance.
  - Details of vegetation to be removed.

- Provide low scale (not exceeding 1.2 meters) visually permeable fencing of open space areas (encumbered or unencumbered) including any fencing of open space areas abutting any residential lots.

- Provide an arborist report, prepared by a suitably qualified person that determines the health and viability of trees on the land and identifies which trees are to be retained, removed or made safe (and works required to make safe).

**Land contamination**

A desktop assessment undertaken by an appropriately qualified person that considers the potential location and forms of land contamination resulting from previous land uses. In the case where contamination is identified, the report must consider the measures to address contamination in areas where sensitive land uses are proposed. The investigation must consider, but not be limited to, agricultural chemical use, industrial use, informal land dumping, or mining activities.

**Decision guidelines for development plan**

Before deciding on the development plan (or development plan stage) or an amendment to the development plan, the responsible authority must consider the requirements in this schedule.
EROSION MANAGEMENT OVERLAY

Shown on the planning scheme map as EMO with a number (if shown).

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.

Erosion management objectives and statement of risk

A schedule to this overlay may contain:

- Erosion management objectives to be achieved.
- A statement of risk.

Buildings and works

A permit is required to construct a building or construct or carry out works, including:

- Roadworks.
- Buildings and works associated with a dependent person’s unit.
- A domestic swimming pool or spa and associated mechanical and safety equipment.
- Any matter specified in Clause 62.02-2 if specified in a schedule to this overlay.

This does not apply if a schedule to this overlay specifically states that a permit is not required.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a fence.</td>
<td>Clause 59.05</td>
</tr>
<tr>
<td>Construct a building or construct or carry out works for:</td>
<td>Clause 59.05</td>
</tr>
<tr>
<td>- A carport, garage, pergola, verandah, deck, shed or similar structure.</td>
<td></td>
</tr>
<tr>
<td>- A rainwater tank.</td>
<td>The buildings and works must be associated with a dwelling.</td>
</tr>
</tbody>
</table>

Vegetation removal

A permit is required to remove, destroy or lop any vegetation. This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- If the table to Clause 44.01-4 specifically states that a permit is not required.
- To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.
## Table of Exemptions

<table>
<thead>
<tr>
<th>The Requirement to Obtain a Permit Does Not Apply To:</th>
<th>Vegetation That Is to Be Removed, Destroyed or Lopped:</th>
</tr>
</thead>
</table>
| **Emergency Works**                                  | - in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access or to enable 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. |
| **Fire Protection**                                  | - fire fighting;  
- planned burning;  
- making or maintenance of a fuelbreak or fire fighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;  
- making of 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 *Conservation, Forests and Lands Act 1987*);  
- is ground fuel within 30 metres of a building and is vegetation other than native vegetation;  
- in accordance with a fire prevention notice issued under either:  
  - Section 65 of the *Forests Act 1958*; or  
  - Section 41 of the *Country Fire Authority Act 1958*.  
- keeping 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 *Electricity Safety Act 1998*;  
- 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 *Conservation, Forests and Lands Act 1987*). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the *Road Management Act 2004*.  
*Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.* |
| **Geothermal Energy Exploration and Extraction**      | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the *Geothermal Energy Resources Act 2005*. |
| **Greenhouse Gas Sequestration and Exploration**      | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the *Greenhouse Gas Geological Sequestration Act 2008*. |
| **Land Management or Directions Notice**             | 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 *Catchment and Land Protection Act 1994*. |
| **Land Use Conditions**                              | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the *Catchment and Land Protection Act 1994*. |
| **Mineral Exploration and Extraction**                | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention licence issued under the *Mineral Resources (Sustainable Development) Act 1990*:  
  - that is low impact exploration within the meaning of Schedule 4A of the *Mineral Resources (Sustainable Development) Act 1990*; or  
  - in accordance with a work plan approved under Part 3 of the *Mineral Resources (Sustainable Development) Act 1990*. |
The requirement to obtain a permit does not apply to:

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.

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noxious weeds</td>
<td>Vegetation that is a noxious weed subject of a declaration under section 58 or section 58A of the Catchment and Land Protection Act 1994. This exemption does not apply to Australian Dodder (<em>Cuscuta australis</em>).</td>
</tr>
<tr>
<td>Pest animal burrows</td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows. In the case of native vegetation the written agreement of an officer of the department responsible for administering the Flora and Fauna Guarantee Act 1988 is required before the vegetation can be removed, destroyed or lopped.</td>
</tr>
<tr>
<td>Planted vegetation</td>
<td>Vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding for Crop raising or Grazing animal production.</td>
</tr>
<tr>
<td>Railways</td>
<td>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 Conservation, Forests and Lands Act 1987).</td>
</tr>
</tbody>
</table>
| Regrowth               | Vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established vegetation, and is:  
  - bracken (*Pteridium esculentum*); 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.  
This exemption does not apply to land on which vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster. |
| Road safety            | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing public 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 Conservation, Forests and Lands Act 1987). |
| Stone exploration      | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.  
The maximum extent of 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:  
  - 1 hectare of vegetation which does not include a tree.  
  - 15 trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.  
  - 5 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 costeanning and bulk sampling activities. |
| Stone extraction       | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone extraction in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority granted under that Act. |
| Surveying              | 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 Surveying Act 2004) using hand-held tools to establish a sightline for the measurement of land. |
| Traditional owners     | Vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:                                                                                                   |
The requirement to obtain a permit does not apply to:

- a natural resources agreement under Part 6 of the *Traditional Owners Settlement Act 2010*; or
- an authorisation order made under sections 82 or 84 of the *Traditional Owner Settlement Act 2010* as those sections were in force immediately before the commencement of section 24 of the *Traditional owners Settlement Amendment Act* in 2016 (1 May 2017).

### Subdivision

A permit is required to subdivide land.

### Application requirements

An application must be accompanied by any information specified in a schedule to this overlay and information showing:

- The existing site conditions, including land gradient and the extent of any existing erosion, landslip or other land degradation.
- The extent of any proposed earthworks.
- The means proposed to stabilise disturbed areas.
- Any other application requirements specified in a schedule to this overlay.

### Exemption from notice and review

An application under this overlay is exempt from the notice requirements of sSection 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

### Decision guidelines

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

- Regional Catchment Strategy (*Catchment and Land Protection Act 1994*).
- Control of Erosion on Construction Sites, Soil Conservation Authority.
- Your Dam, an Asset or a Liability, Department of Conservation and Natural Resources.
- Any proposed measures to manage concentrated runoff and site drainage.
- Any proposed measures to minimise the extent of soil disturbance.
- Whether the removal of vegetation will increase the possibility of erosion, the susceptibility to landslip or other land degradation processes, and whether such removal is consistent with sustainable land management.
- The need to stabilise disturbed areas by engineering works or revegetation.
- Whether the land is capable of providing a building envelope which is not subject to high or severe erosion concern.
• Whether buildings or works are likely to cause erosion or landslip.
• Whether access and servicing of the site or building envelope is likely to result in erosion or landslip.
• Land Capability Report (if prepared) as developed by the Department of Environment, Land, Water and Planning.
• The need to remove, destroy or lop vegetation to create a defendable space to reduce the risk of bushfire to life and property.
• Any technical information or reports required to be provided by a schedule to this overlay.
• Any other matters specified in a schedule to this overlay.
SCHEDULE 1 TO CLAUSE 44.01 EROSION MANAGEMENT OVERLAY

Shown on the planning scheme map as EMO.

1.0

Erosion management objectives to be achieved

None specified.

2.0

Statement of risk (2)

None specified.

3.0

Permit requirement (16)

A permit is not required to construct the following buildings or to construct or carry out the following works:

Agricultural activities:

- Agricultural activities including ploughing and fencing.
- Buildings or works specifically identified in a whole farm plan prepared to the satisfaction of the responsible authority.

Power lines:

Telephone or power lines provided they do not involve the construction of towers.

Buildings:

- An extension to an existing dwelling provided the additional floor area is less than 50 square metres and provided the construction is carried out in accordance with Construction Techniques for Sediment Pollution Control (EPA May 1991) and the background document Control of Erosion on Construction Sites (Soil Conservation Authority).

An application must be accompanied by information regarding the likely effect of the proposed building and works on adjoining and nearby land.

4.0

Application requirements (16)

None specified.

5.0

Decision guidelines (14)

None specified.
LAND SUBJECT TO INUNDATION OVERLAY

Shown on the planning scheme map as LSIO with a number (if shown).

Purpose

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

To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.

To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.

To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

Land subject to inundation objectives and statement of risk

A schedule to this overlay may contain:

- Land subject to inundation management objectives to be achieved.
- A statement of risk.

Buildings and works

A permit is required to construct a building or to construct or carry out works, including:

- A fence.
- Roadworks, if the water flow path is redirected or obstructed.
- Bicycle pathways and trails.
- Public toilets.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- Rainwater tank with a capacity of not more than 10,000 litres.
- A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
- A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.
- A non-domestic disabled access ramp.
- A dependent person’s unit.

This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- To flood mitigation works carried out by the responsible authority or floodplain management authority.
To the following works in accordance with plans prepared to the satisfaction of the responsible authority:

- The laying of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.
- The erection of telephone or power lines provided they do not involve the construction of towers or poles.

- To post and wire and post and rail fencing.

**Subdivision**

A permit is required to subdivide land.

**Application requirements**

An application must be accompanied by any information specified in a schedule to this overlay.

**Local floodplain development plan**

If a local floodplain development plan has been developed for the area and has been incorporated into this scheme, an application must be consistent with the plan.

**Exemption from notice and review**

An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

**Referral of applications**

An application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority.

**Decision guidelines**

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

- Any local floodplain development plan.
- Any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:
  - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
  - The flood warning time available.
- The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.

- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.

- The effect of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.

- Any other matters specified in a schedule to this overlay.
SCHEDULE 1 TO CLAUSE 44.04 LAND SUBJECT TO INUNDATION OVERLAY

Shown on the planning scheme map as LSIO.

1.0

Land subject to inundation objectives to be achieved

None specified.

2.0

Statement of risk

None specified.

3.0

Permit requirement

A permit is not required for any of the following:

- A new dwelling in a residential zone in the townships of Sandy Point, Venus Bay and Tarwin Lower, provided the finished floor level of the habitable building is 3.4 metres or more above Australian Height Datum (AHD).

- A new dwelling in a residential zone in the township of Port Welshpool, provided the finished floor level of the habitable building is 3.0 metres or more above AHD.

- A ground floor extension to an existing habitable building (including a dwelling) provided the proposed floor level is at or above the highest point of the existing floor level and the gross floor area of the extension does not exceed 20 square metres.

- An upper storey extension to an existing building within the existing building footprint.

- A single Replacement dwelling provided that the floor level is above the applicable floor levels set by the relevant floodplain management authority.

- A non-habitable building (other than a building associated with the use of land for industry or for a public or commercial use) with a floor area less than 20 square metres.

- A non-habitable building, or extension to a non-habitable building (other than a building associated with the use of land for industry or for a public or commercial use) provided the finished floor levels are above the applicable floor levels set by the relevant floodplain management authority.

- A pergola, open sided carport or in-ground swimming pool/spa (including plant equipment and safety features normal to a pool/spa) associated with a dwelling.

- An open sided deck or verandah associated with an existing dwelling that has a floor area no greater than 20 square meters.

- A rainwater tank associated with an existing dwelling, or the agricultural use of land, provided that the footprint of all rainwater tanks does not exceed 20 square metres.

- A replacement fence of the same materials as an existing fence, in the same location.

- Open type fencing (excluding paling and Colorbond style fencing, brick and concrete walls) and maintenance to existing fencing.

- An agricultural farm building, or structure, with permanent open sides.

- A mast, antenna, power pole or light pole.

- A non-domestic disabled access ramp.

- An outdoor sign/structure, provided that it does not impede floodwater flows.

- Works ancillary to an existing building, including landscaping and pathways that do not alter the existing surface profile by more than 150 mm.
Works associated with roads, roadsides or any other access way (public or private) that do not alter the existing surface level by more than 150mm.

Works associated with roads, roadsides or any other access ways carried out by a public authority that have received written consent from the relevant floodplain management authority.

Earthworks in accordance with a whole farm plan approved by the responsible authority and relevant floodplain management authority.

Works associated with dams with less than 3000 cubic metres capacity, where no fill is imported to the site and where no embankment is proposed above natural ground level.

Works associated with vine or horticultural trellises or watering systems.

Windmills and solar units in association with the use of land for Agriculture.

Routine and maintenance works that do not affect the height, length or location of a levee, embankment.

On non-urban zoned land, earthworks involving the receipt, importation, stockpiling or placement of not more than 100 cubic metres of fill.

Buildings and works undertaken by Gippsland Ports associated with jetties, boardwalks, landings, beach refurbishment, swing moorings, navigational aids, beacons and signs.

Buildings and works associated with bicycle pathways and trails undertaken by or on behalf of South Gippsland Shire Council that do not alter the existing surface level by more than 150mm.

Buildings and works undertaken by or on behalf of Parks Victoria in accordance with a park management plan approved by the floodplain management authority, or where the buildings and works have otherwise received written consent from the relevant floodplain management authority.

Buildings and works carried out by a Water Corporation to maintain and replace infrastructure related to sewer and water supply.

*Note:* Replacement dwelling. For the purpose of this schedule a Replacement dwelling is a new dwelling constructed on the same area of land containing an existing dwelling which is to be demolished and replaced by a new dwelling, or a new dwelling to replace on the same area of land a dwelling damaged or destroyed after 1 January 2016.

**Application requirements**

Unless agreed in writing by the relevant floodplain management authority an application to construct a building or construct or carry out works must be accompanied by four sets of plans, drawn to scale, which show:

- A location plan showing the boundaries and dimensions of the site, surrounding uses and the layout of existing and proposed buildings and works.

- Elevation plans showing natural ground level, finished ground level and the floor levels of any proposed buildings in relation to Australian Height Datum, taken by or under direction of a licensed surveyor.

- A detailed site plan with 0.5m contour intervals showing the layout of existing and proposed buildings and works, watercourses and access roads, taken by or under the direction of a licensed land surveyor.

- Relevant ground levels, to Australian Height Datum, taken by or under the direction or supervision of a licensed land surveyor.
For inland waterways, the 100 year Average Recurrence Interval flood level (1 in 100 year flood level) from the relevant floodplain management authority. The flood level information must not be greater than six months old.

Any additional information requested in writing from the floodplain management authority.

Coastal Development

For land below 5 metres AHD, the responsible authority or floodplain management authority may require that a coastal hazard vulnerability assessment, or similar statement, be prepared to accompany the following planning application types:

- Subdivision.
- Accommodation (including Dwelling, Residential building, Residential village, Retirement village, Camping and caravan park, Corrective institution, Dependent persons unit, Group accommodation and Host farm).

This requirement does not apply where the information has been previously published in a regional Local Coastal Hazard Assessment.

If a report is required, the report must be prepared by a suitably qualified coastal processes engineer and/or coastal processes specialist and prepared in accordance with any approved coastal hazard guidelines to the satisfaction of the responsible authority and floodplain management authority. The assessment is to be prepared in accordance with the background document *Victorian Coastal Hazard Guide* (or superseding document) and must not be more than six months old and contain at least the following information:

- A location plan drawn to scale, showing the boundaries and dimensions of the site, surrounding uses, the layout of existing and proposed buildings and works and the distance to coast or estuary.
- Elevation plans taken by or under the direction and supervision of a licensed land surveyor showing natural ground level, finished ground level and the floor levels of any proposed buildings in relation to both AHD and the level as nominated by the relevant floodplain management authority at 2100.
- A detailed site plan with 0.5 metres contours showing the layout of existing and proposed buildings and works, watercourses, access roads, vegetation and all infrastructure that may be affected by flooding, sea level rise or coastal inundation, taken by or under the direction and supervision of a licensed land surveyor.

*Note: Before commencing preparation of the coastal hazards vulnerability assessment, consultation should occur with the floodplain management authority and the responsible authority to determine what information, additional to that specified above, must be provided to fulfill the requirements of the Victorian Coastal Hazard Guide.*

Referral of Applications

An application to construct a building or construct or carry out works, or an application to amend a permit, does not require referral to the relevant floodplain management authority if the application satisfies one of the following:

- Is accompanied by the relevant floodplain management authority’s written approval, which must:
  - be granted not more than three months prior to lodging with the responsible authority;
  - quote the reference number and date of the approved plans; and
  - states the applicable flood level and any required floor levels.
Is in accordance with an adopted local floodplain development plan or other agreement between the floodplain management authority and the responsible authority.

Complies with a building envelope, filling levels and floor levels specified by the relevant floodplain management authority for the subject land in the previous six months.

**Background documents**

*Corner Inlet Dynamic Storm Tide Modelling Assessment – Water Technology June 2014*

**Decision guidelines**

None specified.
44.06

BUSHFIRE MANAGEMENT OVERLAY

Shown on the planning scheme map as BMO with a number (if shown).

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.

Bushfire management objectives and application of schedules

A schedule to this overlay must contain a statement of the bushfire management objectives to be achieved for the area affected by the schedule and when the requirements within it apply.

44.06-1

19/09/2017

Bushfire management objectives and application of schedules

A schedule to this overlay must contain a statement of the bushfire management objectives to be achieved for the area affected by the schedule and when the requirements within it apply.

44.06-2

08/08/2019

Permit requirement

Subdivision

A permit is required to subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.

Buildings and works

A permit is required to construct a building or construct or carry out works associated with the following uses:

- Accommodation (including a Dependent person’s unit)
- Education centre
- Hospital
- Industry
- Leisure and recreation
- Office
- Place of assembly
- Retail premises
- Service station
- Timber production
- Warehouse

This does not apply to any of the following:

- If a schedule to this overlay specifically states that a permit is not required.
- A building or works consistent with an agreement under Section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of Clause 44.06-5.
- An alteration or extension to an existing building used for a dwelling or a dependent person’s unit that is less than 50 percent of the gross floor area of the existing building.
- An alteration or extension to an existing building (excluding a dwelling and a dependent person’s unit) that is less than 10 percent of the gross floor area of the existing building.
A building or works with a floor area of less than 100 square metres not used for accommodation and ancillary to a dwelling.

A building or works associated with Timber production provided the buildings or works are not within 150 metres of Accommodation or land zoned for residential or rural residential purposes.

### Application requirements

Unless a schedule to this overlay specifies different requirements, an application must be accompanied by:

- **A bushfire hazard site assessment** including a plan that describes the bushfire hazard within 150 metres of the proposed development. The description of the hazard must be prepared in accordance with Sections 2.2.3 to 2.2.5 of AS3959:2009 Construction of buildings in bushfire prone areas (Standards Australia) excluding paragraph (a) of section 2.2.3.2. Photographs or other techniques may be used to assist in describing the bushfire hazard.

- **A bushfire hazard landscape assessment** including a plan that describes the bushfire hazard of the general locality more than 150 metres from the site. Photographs or other techniques may be used to assist in describing the bushfire hazard. This requirement does not apply to a dwelling that includes all of the approved measures specified in Clause 53.02-3.

- **A bushfire management statement** describing how the proposed development responds to the requirements in this clause and Clause 53.02. If the application proposes an alternative measure, the bushfire management statement must explain how the alternative measure meets the relevant objective.

If in the opinion of the responsible authority any part of these requirements is not relevant to the assessment of an application, the responsible authority may waive, vary or reduce the requirement.

### Requirements of Clause 53.02

An application must meet the requirements of Clause 53.02 unless the application meets all of the requirements specified in a schedule to this overlay.

A schedule to this overlay may specify substitute approved measures, additional alternative measures and additional or substitute decision guidelines for the purposes of Clause 53.02.

### Mandatory condition

**Subdivision**

A permit which creates a lot for a single dwelling on land zoned for residential or rural residential purposes must include the following condition:

“**Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:**

- **State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the [*insert name of applicable planning scheme] Planning Scheme.**

- **Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.**

- **State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.**

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.”
This does not apply:

- If a schedule to this overlay specifies that a Section 173 Agreement is not required.
- Where the relevant fire authority states in writing the preparation of an agreement under Section 173 of the Act is not required for the subdivision.
- For the subdivision of the land into lots each containing an existing dwelling or car parking space.

A permit to subdivide land must include any condition specified in a schedule to this overlay.

**Buildings and works**

A permit to construct a building or construct or carry out works must include the following condition:

> “The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.”

A permit allowing a dwelling to be constructed to the next lower bushfire attack level in accordance with AM1.2 in Clause 53.02-3 must include the following condition:

> “Before the development starts, the owner must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 to provide for the following:

- A dwelling constructed in accordance with planning permit [*insert planning permit reference] must not be occupied until a private bushfire shelter (a Class10c building within the meaning of the Building Regulations 2006) is:
  - Constructed on the same land as the dwelling.
  - Available for use by the occupants of the dwelling at all times.
  - Maintained in accordance with the requirements of the building permit issued for that private bushfire shelter.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.”

A permit to construct a building or construct or carry out works must include any condition specified in a schedule to this overlay.

**Referral of applications**

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.

**Notice and review**

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act, unless a schedule to this overlay specifies otherwise.

A schedule to this overlay may specify that notice be given to any person or body in accordance with section 52(1)(c) of the Act.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 53.02 and Clause 65, the responsible authority must consider, as appropriate:
- Any other matters specified in a schedule to this overlay.

Transitional arrangements

The requirements of Clause 44.06 Bushfire Management Overlay do not apply to a single dwelling, or a dependent person's unit, when a permit under the Building Act 1993 was issued before the commencement of Amendment GC13, if:

- vegetation is managed to accord with the bushfire attack level assessment undertaken at the time the building permit was issued; and
- a static water supply of:
  - 2500 litres on lots of 500 square metres or less
  - 5000 litres on lots of more than 500 square metres, is provided to the satisfaction of the responsible authority.

- no permit was required for such development under Clause 44.06 before the commencement of Amendment GC13.
SCHEDULE 1 TO CLAUSE 44.06 BUSHFIRE MANAGEMENT OVERLAY

Shown on the planning scheme map as BMO1.

VENUS BAY, WAKERVILLE BAL-29 AREAS

1.0

Statement of the bushfire management objectives to be achieved (4)

To specify bushfire protection measures to construct or extend one dwelling on a lot.

To specify referral requirements for applications to construct or extend one dwelling on a lot.

See 44.06-1 for relevant provisions.

2.0

Application (2)

The application to construct or extend one dwelling on a lot must include all the requirements set out in this schedule.

Clause 53.02 applies in all other circumstances.

3.0

Permit requirement (18)

None specified.

4.0

Application requirements (18)

The following application requirements apply to an application for a permit under Clause 44.06:

- An application must be accompanied by a bushfire management plan that:
  - Shows all of the required bushfire protection measures specified in this schedule,
  - Includes written conditions that implement the required bushfire protection measures,
  - Identifies water supply including the location of any fire hydrant within 120 metres of the rear of the building, and
  - Details vehicle access.

5.0

Requirements to be met (2)

The following requirements apply to an application to construct a single dwelling on a lot:

- The dwelling must be constructed to BAL-29

- Defendable space is to be provided for a distance of 30 metres around the dwelling or to the property boundary, whichever is the lesser and maintained in accordance with the vegetation management requirements of Clause 53.02 with the following variation:
  - The canopy of trees must be separated by at least 2 metres.

- A static water supply must be provided in accordance with Clause 53.02, and

- Vehicle access must be provided in accordance with Clause 53.02.

If these requirements are not met, the requirements of Clause 53.02 apply.

6.0

Substitute approved measures for Clause 53.02 (2)

None specified.

7.0

Additional alternative measures for Clause 53.02 (2)

None specified.
Mandatory Condition (2)
An application must include the mandatory conditions as specified in Clause 44.06-5.

Referral of application not required (2)
An application for a single dwelling on a lot meeting all of the required bushfire protection measures is not required to be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03.

Notice and review (2)
None specified.

Decision guidelines (2)
Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider whether all of the bushfire protection measures in this schedule have been met.
SCHEDULE 2 TO CLAUSE 44.06 BUSHFIRE MANAGEMENT OVERLAY

Shown on the planning scheme map as BMO2.

FOSTER, MEENIYAN, MIRBOO NORTH/BAROMI, PORT WHELSHPOOL, TARWIN LOWER, VENUS BAY, WAKERVILLE BAL-12.5 AREAS

1.0 Statement of the bushfire management objectives to be achieved

To specify bushfire protection measures to construct or extend one dwelling on a lot.

To specify referral requirements for applications to construct or extend one dwelling on a lot.

2.0 Application

The application to construct or extend one dwelling on a lot must include all the requirements set out in this schedule.

Clause 53.02 applies in all other circumstances.

3.0 Permit requirement (17)

None specified.

4.0 Application requirements (17)

The following application requirements apply to an application for a permit under Clause 44.06:

- An application must be accompanied by a bushfire management plan that:
  - Shows all of the required bushfire protection measures specified in this schedule,
  - Includes written conditions that implement the required bushfire protection measures,
  - Identifies water supply including the location of any fire hydrant within 120 metres of the rear of the building, and
  - Details vehicle access.

5.0 Requirements to be met

The following requirements apply to an application to construct a single dwelling on a lot:

- The dwelling must be constructed to BAL-12.5
- Defendable space is to be provided for a distance of 30 metres around the dwelling or to the property boundary, whichever is the lesser and maintained in accordance with the vegetation management requirements of Clause 53.02 with the following variation:
  - The canopy of trees must be separated by at least 2 metres.
- A static water supply must be provided in accordance with Clause 53.02, and
- Vehicle access must be provided in accordance with Clause 53.02.

If these requirements are not met, the requirements of Clause 53.02 apply.

6.0 Substitute approved measures for Clause 53.02

None specified.

7.0 Additional alternative measures for Clause 53.02

None specified.
Mandatory Condition
An application must include the mandatory conditions as specified in Clause 44.06-5.

Referral of application not required
An application for a single dwelling on a lot meeting all of the required bushfire protection measures is not required to be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03.

Notice and review
None specified.

Decision guidelines
Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider whether all of the bushfire protection measures in this schedule have been met.
PUBLIC ACQUISITION OVERLAY

Shown on the planning scheme map as **PAO** with a number.

**Purpose**

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

To identify land which is proposed to be acquired by a Minister, public authority or municipal council.

To reserve land for a public purpose and to ensure that changes to the use or development of the land do not prejudice the purpose for which the land is to be acquired.

To designate a Minister, public authority or municipal council as an acquiring authority for land reserved for a public purpose.

**Permit required**

A permit is required to:

- Use land for any Section 1 or Section 2 use in the zone.

- Construct a building or construct or carry out works, including:
  - A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
  - A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
  - A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.

- Damage, demolish or remove a building or works.

- Damage, remove, destroy or lop any vegetation. This does not apply:
  - If the vegetation has been planted for pasture, timber production or any other crop.
  - To any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the *Electricity Safety Act 1998*.
  - If the vegetation presents an immediate risk of personal injury or damage to property.

- Subdivide land.

This does not apply:

- To the acquiring authority for the land if the land has been acquired and any of the above matters for which a permit is required is consistent with the purpose for which the land was acquired.

- To an authority or a municipal council if the responsible authority, after consulting with the acquiring authority for the land, is satisfied that any of the above matters for which a permit is required is consistent with the purpose for which the land is to be acquired.

**Exemption from notice and review**

An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.
Referral of applications
An application must be referred under Section 55 of the Act to the acquiring authority for the land.

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

- The effect of the proposed use or development on the purpose for which the land is to be acquired as specified in the schedule to this overlay.

A permit granted under this clause may be conditional on:

- The extent of alterations and extensions to an existing building and works, and the materials that may be used.
- The location, dimensions, design and material or a new building or works.
- The demolition, removal or alteration of any buildings or works.
- The demolition or removal of buildings or works constructed or carried out in accordance with a permit under this clause.
- No compensation being payable for the demolition or removal of any buildings or works constructed under the permit.

Land not to be spoiled or wasted
Land must not be spoiled or wasted so as to adversely affect the use of the land for the purpose for which it is to be acquired.

Reservation for public purpose
Any land included in a Public Acquisition Overlay is reserved for a public purpose within the meaning of the Planning and Environment Act 1987, the Land Acquisition and Compensation Act 1986 or any other act.

Acquiring authority
An acquiring authority is the Minister, public authority or municipal council specified in the schedule to this overlay as the acquiring authority for the land.
## Public acquisition

<table>
<thead>
<tr>
<th>PS map ref</th>
<th>Acquiring Authority</th>
<th>Purpose of acquisition</th>
</tr>
</thead>
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<tr>
<td>PAO1</td>
<td>South Gippsland Shire Council</td>
<td>Road widening and acquisition</td>
</tr>
<tr>
<td>PAO2</td>
<td>VicRoads</td>
<td>Roadworks</td>
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<tr>
<td>PAO5</td>
<td>VicRoads</td>
<td>Proposed improvements to and deviation of the South Gippsland Highway between Loch and Jeetho Road</td>
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<tr>
<td>PAO6</td>
<td>VicRoads</td>
<td>Proposed improvements and deviation of the South Gippsland Highway between Jeetho Road and the Korumburra - Bena Road</td>
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<td>PAO7</td>
<td>VicRoads</td>
<td>Proposed improvements to the South Gippsland Highway Toora – Gunyah Road and approximately 1.4 km west of Cargeegs Road</td>
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<td>PAO8</td>
<td>VicRoads</td>
<td>Proposed highway improvements to the South Gippsland Highway between Old Meeniyan Road and Minns Road.</td>
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<tr>
<td>PAO9</td>
<td>VicRoads</td>
<td>Proposed highway improvements to the South Gippsland Highway between Bena-Korumburra Road and east of Korumburra-Whitelaw Road.</td>
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<tr>
<td>PAO10</td>
<td>VicRoads</td>
<td>Proposed highway improvements to the South Gippsland Highway between Carmichaels Road and McKnights Road.</td>
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</tbody>
</table>
45.02
AIRPORT ENVIRONS OVERLAY

Shown on the planning scheme map as AEO with a number.

**Purpose**

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

To identify areas which are or will be subject to high levels of aircraft noise, including areas where the use of land for uses sensitive to aircraft noise will need to be restricted.

To ensure that land use and development are compatible with the operation of airports in accordance with the appropriate airport strategy or master plan and with safe air navigation for aircraft approaching and departing the airfield.

To assist in shielding people from the impact of aircraft noise by requiring appropriate noise attenuation measures in new dwellings and other noise sensitive buildings.

To limit the number of people residing in the area or likely to be subject to significant levels of aircraft noise.

45.02-1
Use of land

Any requirement in a schedule to this overlay must be met.

45.02-2
Construction of buildings

Any new building must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021-2015, Acoustics - Aircraft Noise Intrusion - Building Siting and Construction, issued by Standards Australia Limited.

Note: In Section 3 of Australian Standard AS 2021-2015, Table 3.3 refers to both building types and activities within those buildings. Each building type listed has its ordinary meaning and should not be interpreted as defined in this scheme.

45.02-3
Subdivision

A permit is required to subdivide land.

An application to subdivide land must be referred to the airport owner under Section 55 of the Act unless in the opinion of the responsible authority the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the airport owner.

45.02-4
Exemption from notice and review

An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

45.02-5
Decision guidelines

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

- Whether the proposal will result in an increase in the number of dwellings and people affected by aircraft noise.
- Whether the proposal is compatible with the present and future operation of the airport in accordance with the appropriate airport strategy or master plan.
- Whether the design of the building incorporates appropriate noise attenuation measures.
- The views of the airport owner.
SCHEDULE 2 TO CLAUSE 45.02 AIRPORT ENVIRONS OVERLAY

Shown on the planning scheme map as AEO2.

Requirements

An application to use land for the following must be referred to the airport owner under Section 55 of the Act unless, in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the airport owner:

- Accommodation.
- Art and craft centre.
- Bar.
- Display home centre.
- Education centre.
- Hospital.
- Hotel.
- Office.
- Place of assembly.
- Research and development centre.
- Research centre.
- Restricted recreation facility.
ENVIRONMENTAL AUDIT OVERLAY
Shown on the planning scheme map as EAO.

Purpose
To implement the Municipal Planning Strategy and the Planning Policy Framework.
To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.

Requirement
Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
- An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.
**ROAD CLOSURE OVERLAY**

Shown on the planning scheme map as RXO.

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To identify a road that is closed by an amendment to this planning scheme.

**Road closure**

A road included in this overlay is closed on the date notice of approval of the amendment is published in the Government Gazette.

**Decision guidelines**

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

- That the road is closed.
45.05
31/07/2018
VC148

RESTRUCTURE OVERLAY
Shown on the planning scheme map as RO with a number.

Purpose
To implement the Municipal Planning Strategy and the Planning Policy Framework.
To identify old and inappropriate subdivisions which are to be restructured.
To preserve and enhance the amenity of the area and reduce the environmental impacts of dwellings and other development.

45.05-1
19/01/2006
VC37

Subdivision
A permit is required to subdivide land.
A subdivision must be in accordance with a restructure plan for the land listed in the schedule to this overlay. This does not apply if the subdivision is for one of the following purposes and no additional lots or subdivision potential is created:

- To realign boundaries between lots that have been consolidated in accordance with the restructure plan.
- To consolidate a restructure lot with a section of closed road or other land not included in a proposed restructure lot.

Each lot must be provided with reticulated sewerage if available. If reticulated sewerage is not available, the application must be accompanied by:

- A land assessment report which demonstrates that each lot is capable of treating and retaining all waste water in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- A plan which indicates the building envelope and effluent disposal area for each lot.

Before deciding on an application to subdivide land into residential lots, the responsible authority must consider Clause 56.

45.05-2
19/01/2006
VC37

Dwellings and other buildings
A permit is required to construct or extend a dwelling or other building.
A permit must be in accordance with a restructure plan for the land listed in a schedule to this overlay. This does not apply if:

- No restructure plan is listed in the schedule and the permit is required to extend an existing dwelling or other building.
- The land is a lot for which a permit has been granted under Clause 45.05-1.

45.05-3
31/07/2018
VC148

Exemption from notice and review
An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

45.05-4
31/07/2018
VC148

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

- The objectives of the restructure plan for the area.
- Appropriate measures to cope with any environmental hazard or constraint affecting the land, including slope, drainage, salinity and erosion.

- The protection and enhancement of the natural environment and the character of the area including the retention of vegetation and fauna habitats and the need to revegetate along waterways, gullies, ridge lines and property boundaries.

- The availability of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.

- The relationship of the intended use and development to the existing or likely use and development of adjoining and nearby land.

- The effect on surrounding uses, especially agricultural uses and nearby public land.

- The design of buildings.
# Restructure plan

<table>
<thead>
<tr>
<th>PS map ref</th>
<th>Land</th>
<th>Title of restructure plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>RO1</td>
<td>Land bounded by Mercury Drive, Juno Road and Saturn Parade as depicted in Figure 1 to this schedule</td>
<td>Juno Road Restructure Plan (Map 1)</td>
</tr>
<tr>
<td>RO2</td>
<td>Land located on Louis Road as depicted in Figure 2 to this schedule</td>
<td>Louis Road Restructure Plan (Map 2)</td>
</tr>
</tbody>
</table>
45.09
PARKING OVERLAY
Shown on the planning scheme map as **PO** with a number.

**Purpose**
To implement the Municipal Planning Strategy and the Planning Policy Framework.
To facilitate an appropriate provision of car parking spaces in an area.
To identify areas and uses where local car parking rates apply.
To identify areas where financial contributions are to be made for the provision of shared car parking.

45.09-1
Operation
This overlay operates in conjunction with Clause 52.06.
A schedule to this overlay may:
- Vary the requirements of Clause 52.06 as allowed by this overlay.
- Specify additional requirements to the requirements of Clause 52.06 as allowed by this overlay.
- Specify requirements for the provision of a financial contribution as a way of meeting the car parking requirements of Clause 52.06 or this overlay.

45.09-2
Parking objectives
A schedule to this overlay must specify the parking objectives to be achieved for the area affected by the schedule.

45.09-3
Permit requirement
A schedule to this overlay may specify that:
- The exemption from the requirement for a permit in Clause 52.06-3 does not apply. If the exemption does not apply, a permit is required for any of the matters set out in Clause 52.06-3.
- A permit must not be granted to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or this overlay.
- A permit must not be granted to provide some or all of the car parking spaces required under Clause 52.06-5 or this overlay on another site.
- A permit must not be granted to provide more than the maximum parking provision specified in a schedule to this overlay.
- A permit is not required under Clause 52.06-3.

45.09-4
Number of car parking spaces required
A schedule to this overlay may:
- Vary the car parking rate and measure for any use listed in Table 1 of Clause 52.06-5.
- Specify the car parking requirements for any use of land not listed in Table 1 of Clause 52.06-5.
- Specify maximum and minimum car parking requirements for any use of land.
- For any use listed in Table 1 of Clause 52.06-5, apply Column B in the Table to that use.

45.09-5
Application requirements and decision guidelines for permit applications
Before deciding on an application under Clause 52.06-3, in addition to the relevant decision guidelines in Clause 52.06-7, the responsible authority must consider, as appropriate:
- The parking objectives of the relevant schedule to this overlay.
- Any application requirements and decision guidelines specified in a schedule to this overlay.

### Financial contribution requirement

A schedule to this overlay may allow a responsible authority to collect a financial contribution in accordance with the schedule as a way of meeting the car parking requirements that apply under this overlay or Clause 52.06.

A schedule must specify:

- The area to which the provisions allowing the collection of financial contributions applies.
- The amount of the contribution that may be collected in lieu of each car parking space that is not provided, including any indexation of that amount.
- When any contribution must be paid.
- The purposes for which the responsible authority must use the funds collected under the schedule. Such purposes must be consistent with the objectives in section 4 of the Act.

### Requirements for a car parking plan

A schedule to this overlay may specify additional matters that must be shown on plans prepared under Clause 52.06-8.

### Design standards for car parking

A schedule to this overlay may specify:

- Additional design standards.
- Other requirements for the design and management of car parking.

Plans prepared in accordance with Clause 52.06-8 must meet any design standards and requirements specified in a schedule to this overlay.

### Decision guidelines for car parking plans

Before deciding whether a plan prepared under Clause 52.06-8 is satisfactory, in addition to the decision guidelines in Clause 52.06-10, the responsible authority must consider, as appropriate, any other matter specified in a schedule to this overlay.
SCHEDULE 1 TO CLAUSE 45.09 PARKING OVERLAY

Shown on the planning scheme map as PO1.

LEONGATHA CENTRAL BUSINESS DISTRICT

1.0

Parking objectives to be achieved

- To identify appropriate car parking rates for land uses within the Leongatha Central Business District (CBD).
- To provide for the equitable collection and distribution of financial contributions to contribute towards the construction of shared car parking facilities, but only when a reduction in car parking under Clause 52.06-3 is considered appropriate.
- To ensure an appropriate level of parking is provided in the CBD.
- To ensure that parking supply is efficiently utilised and best services the land uses.
- To achieve an appropriate balance between the supply and demand of car parking spaces while allowing new and intensified use.

2.0

Permit requirement

Any applications to reduce the car parking requirement must include a Car Parking Demand Assessment as set out in Clause 52.06 and which addresses the decision guidelines below to the satisfaction of the responsible authority.

3.0

Number of car parking spaces required

For all uses listed in Table 1 of Clause 52.06-5, the number of car parking spaces required for a use is calculated using the Rate in Column B of that Table.

4.0

Application requirements and decision guidelines for permit applications

The following application requirements apply to an application for a permit under Clause 45.09, in addition to those specified in Clause 45.09 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Any applications to reduce the car parking requirement must include a detailed statement addressing the decision guidelines to the satisfaction of the responsible authority.

In addition to the decision guidelines in Clause 52.06, the responsible authority must consider, as appropriate:

- Availability of off-site parking spaces available to the public and within safe and convenient walking distance to the site.
- The use or mix of uses in the building and on the land.
- Potential for shared parking.
- After hours use of the building or site.

5.0

Financial contribution requirement

It is within the responsible authority’s absolute discretion whether to accept a financial contribution in accordance with this Schedule (and if so, in respect of how many spaces).

If a permit is granted pursuant to Clause 52.06-3 to reduce or waive the requirement for car parking, the responsible authority must include a condition requiring payment-in-lieu of providing physical car parking spaces, unless satisfied that such payment is not warranted having regard to the circumstances.
The payment-in-lieu contribution is as per Table 1. This amount is to be increased annually from 1st July 2012, by applying the ABS 6427.0 Producer Price Index Number 3101 Road and Bridge Construction Victoria contained within the Construction Industry Output Price Indexes, or superseding index to the satisfaction of the Responsible Authority.

The amounts specified in Table 1 are before application of indexation specified in this clause and are GST exclusive. These are calculated as follows:

- $4,800 for each car space from the fifth to the eighth space (inclusive) in-lieu;
- $7,200 for each car space from the ninth to the twentieth space (inclusive) in-lieu;
- $9,600 per car space from the twenty-first space (inclusive) or above in-lieu;

**Table 1: Payment in lieu amounts**

<table>
<thead>
<tr>
<th>Number of car spaces not provided</th>
<th>Payment in lieu Contribution (G.S.T. exclusive and before indexation)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$0</td>
</tr>
<tr>
<td>2</td>
<td>$0</td>
</tr>
<tr>
<td>3</td>
<td>$0</td>
</tr>
<tr>
<td>4</td>
<td>$0</td>
</tr>
<tr>
<td>5</td>
<td>$4,800</td>
</tr>
<tr>
<td>6</td>
<td>$9,600</td>
</tr>
<tr>
<td>7</td>
<td>$14,400</td>
</tr>
<tr>
<td>8</td>
<td>$19,200</td>
</tr>
<tr>
<td>9</td>
<td>$26,400</td>
</tr>
<tr>
<td>10</td>
<td>$33,600</td>
</tr>
<tr>
<td>11</td>
<td>$40,800</td>
</tr>
<tr>
<td>12</td>
<td>$48,000</td>
</tr>
<tr>
<td>13</td>
<td>$55,200</td>
</tr>
<tr>
<td>14</td>
<td>$62,400</td>
</tr>
<tr>
<td>15</td>
<td>$69,600</td>
</tr>
<tr>
<td>16</td>
<td>$76,800</td>
</tr>
<tr>
<td>17</td>
<td>$84,000</td>
</tr>
<tr>
<td>18</td>
<td>$91,200</td>
</tr>
<tr>
<td>19</td>
<td>$98,400</td>
</tr>
<tr>
<td>20</td>
<td>$105,600</td>
</tr>
<tr>
<td>21 (or above)</td>
<td>$115,200 (+$9,600 for each additional space not provided)</td>
</tr>
</tbody>
</table>
Council may enter into an agreement with the owner of the land under Section 173 of the Planning and Environment Act 1987 for the payment of the contribution in instalments. The agreement may provide for the payment of the contribution in instalments, plus an interest component equivalent to the interest payable on unpaid rates and charges under the Local Government Act 1989 and it must provide that all instalments and accrued interest are paid within 5 years of the first instalment. The agreement must also provide for the owner to pay Council's costs of preparing, registering and then upon its ending, removing the agreement from title.

The provisions of this clause will be reviewed no later than five years from the date of gazettal of Amendment C85.

Financial contributions will be used to construct a public car park for the Leongatha town centre area.

### Requirements for a car parking plan

None specified.

### Design standards for car parking

In addition to the design standards set out in Clause 52.06-9, plans prepared in accordance with Clause 52.06-8 must meet the following design standards unless agreed by the responsible authority in writing:

- Vehicular access to parking and service areas must be designed to minimise disruption to pedestrian movements and minimise their visual impact on architectural and streetscape qualities.
- Open lot car parks are discouraged on all principal frontages
- A car park should be designed to retain significant trees and promote tree planting and the shading of car spaces.

### Decision guidelines for car parking plans

In addition to the decision guidelines in Clause 52.06, the responsible authority must consider, as appropriate:

- Availability of off-site parking spaces available to the public and within safe and convenient walking distance to the site.
- The use or mix of uses in the building and on the land.
- Potential for shared parking.
- After hours use of the building or site.

### Background document

*Leongatha CBD Parking Strategy, 2013* (as amended).
PARTICULAR PROVISIONS

This section sets out Particular Provisions which apply to the matters specified.
SPECIFIC SITES AND EXCLUSIONS

Purpose

To recognise specific controls designed to achieve a particular land use and development outcome existing on the approval date.

To provide in extraordinary circumstances specific controls designed to achieve a particular land use and development outcome.

Use or development

Land identified in the schedule to this clause may be used or developed in accordance with the specific controls contained in the incorporated document corresponding to that land. The specific controls may:

- allow the land to be used or developed in a manner that would otherwise be prohibited or restricted;
- prohibit or restrict the use or development of the land beyond the controls that may otherwise apply;
- exclude any other control in this scheme.

Expiry of a specific control

If a specific control contained in an incorporated document identified in the schedule to this clause allows a particular use or development, that control will expire if any of the following circumstances applies:

- The development and use is not started within two years of the approval date or another date specified in the incorporated document.
- The development is not completed within one year of the date of commencement of works or another date specified in the incorporated document.

The responsible authority may extend the periods referred to if a request is made in writing before the expiry date or within three months afterwards.

Upon expiry of the specific control, the land may be used and developed only in accordance with the provisions of this scheme.
### Specific sites and exclusions

<table>
<thead>
<tr>
<th>Address of land</th>
<th>Title of incorporated document</th>
</tr>
</thead>
<tbody>
<tr>
<td>176 Simons Lane, Leongatha, being Lot 2 on Plan</td>
<td>176 Simons Lane, Leongatha (November 2013)</td>
</tr>
<tr>
<td>of Subdivision 416217F.</td>
<td></td>
</tr>
<tr>
<td>Tidal River, Wilson Promontory</td>
<td>Wilsons Promontory Cruises Facility (April 2017)</td>
</tr>
</tbody>
</table>
PROVISIONS THAT REQUIRE, ENABLE OR EXEMPT A PERMIT
EASEMENTS, RESTRICTIONS AND RESERVES

Purpose
To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.

Permit requirement
A permit is required before a person proceeds:

- Under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.
- Under Section 36 of the Subdivision Act 1988 to acquire or remove an easement or remove a right of way.

This does not apply:

- If the action is required or authorised by the schedule to this clause.
- In the circumstances set out in Section 6A(3) of the Planning and Environment Act 1987.
- If the person proceeds under Section 362A of the Land Act 1958.
- In the case of a person proceeding under Section 36 of the Subdivision Act 1988, if the council or a referral authority gives a written statement in accordance with Section 36(1)(a) or (b) of the Subdivision Act 1988.

In this clause, restriction has the same meaning as in the Subdivision Act 1988.

Decision guidelines
Before deciding on an application, in addition to the decision guidelines in clause 65, the responsible authority must consider the interests of affected people.

Note: Section 23 of the Subdivision Act 1988 provides that either the council or the person benefiting from the direction must lodge a certified plan at the Titles Office for registration.
### Under Section 23 of the Subdivision Act 1988

<table>
<thead>
<tr>
<th>Land</th>
<th>Easement or restriction</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crown Allot. 1 Sec. 30 Township of Leongatha</td>
<td>E-1 Pipeline in favour of South Gippsland Water</td>
<td>Vary the easement</td>
</tr>
<tr>
<td>Crown Allot. 2 Sec. 30 Township of Leongatha</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crown Allot. 3 Sec. 30 Township of Leongatha</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crown Allot. 3A Sec. 30 Township of Leongatha</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crown Allot. 4 Sec. 30 Township of Leongatha</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crown Allot. 5 Sec. 30 Township of Leongatha</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crown Allot. 6 Sec. 30 Township of Leongatha</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot 2 PS416217F</td>
<td>Covenant U899156A</td>
<td>Removal of restriction</td>
</tr>
</tbody>
</table>

### Under Section 24A of the Subdivision Act 1988

<table>
<thead>
<tr>
<th>Land</th>
<th>Person</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Under Section 36 of the Subdivision Act 1988

<table>
<thead>
<tr>
<th>Land</th>
<th>Easement or right of way</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SATELLITE DISH

Purpose
To provide an opportunity to consider the impact of a satellite dish attached to a building or structure listed in a schedule to the Heritage Overlay.
To provide an opportunity to consider the effect of a satellite dish on the amenity of residential areas.

Application
This clause applies to:
- A building or structure listed in a schedule to the Heritage Overlay.
- Land in a Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Low Density Residential Zone, Mixed Use Zone or Township Zone.

Permit requirement
A permit is required to use land or to construct or install or carry out works for a satellite dish (whether or not it forms part of a network) even if it is ancillary to another use on the land.
This does not apply to a satellite dish with a diameter:
- Less than 1.2 metres.
- Between 1.2 metres and 2.4 metres provided:
  - The dish is not visible from the street (other than a lane) or a public park,
  - The dish is setback from the side or rear boundary 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, and
  - The dish is setback at least 3 metres from the boundary where it is opposite an existing habitable room window.

Decision guidelines
Before deciding on an application, in addition to Clause 15.01-2S and the decision guidelines in clause 65, the responsible authority must consider the effect of the satellite dish on the visual amenity of nearby land.
SIGNS

Purpose

To regulate the development of land for signs and associated structures.
To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
To ensure signs do not contribute to excessive visual clutter or visual disorder.
To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

Application

This clause applies to the development of land for signs.

Requirements

Sign categories

Clauses 52.05-11 to 52.05-14 specify categories of sign control. The zone provisions specify which category of sign control applies to the zone.

Each category is divided into three sections.

If a sign can be interpreted in more than one way, the most restrictive requirement must be met.

Section 1

A sign in Section 1 of the category may be constructed or put up for display without a permit, but all the conditions opposite the sign must be met. If the conditions are not met, the sign is in Section 2.

Some overlays require a permit for Section 1 signs.

Section 2

A permit is required to construct or put up for display a sign in Section 2.

This does not apply to a sign specified in Clause 52.05-10.

All the conditions opposite the sign must be met. If the conditions are not met, the sign is prohibited.

Section 3

A sign in Section 3 is prohibited and must not be constructed or put up for display.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct or put up for display a sign in an industrial zone, commercial zone, Special Use Zone, Comprehensive Development Zone, Docklands Zone, Priority Development Zone or Activity Centre Zone if:</td>
<td>Clause 59.09</td>
</tr>
</tbody>
</table>
| The sign is not within 30 metres of land (not a road) which is in a residential zone. | }
Referral of applications

An application to construct or put up for display an animated or electronic sign within 60 metres of a freeway or arterial road declared under the *Road Management Act 2004* must be referred in accordance with section 55 of the Act to the referral authority specified in Clause 66.03 or a schedule to that clause.

Expiry of permits

A permit for a sign other than a major promotion sign expires on the date specified in the permit. If no date is specified, the expiry date is 15 years from the date of issue of the permit.

Existing signs

A sign that was lawfully displayed on the approval date or that was being constructed or put up for display on that date may be displayed or continue to be displayed and may be repaired and maintained.

The content of a lawfully displayed sign may be renewed or replaced. However, a permit is required if:

- The display area is to be increased.
- The renewal or replacement would result in a different type of sign.

A major promotion sign displayed in accordance with a permit granted between 19 September 1995 and 18 September 1997 may continue to be displayed:

- until 31 December 2008; or
- where a permit application seeking permission to display the sign is lodged before 31 December 2008, until the permit application is finally determined.

Application requirements

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

Site context

- A site context report, using a site plan, photographs or other methods to accurately describe:
  - The location of the proposed sign on the site or building and distance from property boundaries.
  - The location and size of existing signage on the site including details of any signs to be retained or removed.
  - The location and form of existing signage on abutting properties and in the locality.
  - The location of closest traffic control signs.
  - Identification of any view lines or vistas that could be affected by the proposed sign.
Sign details

- The location, dimensions, height above ground level and extent of projection of the proposed sign.
- The height, width, depth of the total sign structure including method of support and any associated structures such as safety devices and service platforms.
- Details of associated on-site works.
- Details of any form of illumination, including details of baffles and the times at which the sign would be illuminated.
- The colour, lettering style and materials of the proposed sign.
- The size of the display (total display area, including all sides of a multi-sided sign).
- The location of any logo box and proportion of display area occupied by such a logo box.
- For animated or electronic signs, a report addressing the decision guidelines at Clause 52.05-8 relating to road safety.
- Any landscaping details.

Signs with a display area of 18 square metres or more

- For a sign with a display area of 18 square metres or more:
  - A description of the existing character of the area including built form and landscapes.
  - The location of any other signs over 18 square metres, or scrolling, electronic or animated signs within 200 metres of the site.
  - Any existing identifiable advertising theme in the area.
  - Photo montages or a streetscape perspective of the proposed sign.
  - Level of illumination including:
    - Lux levels for any sign on or within 60 metres of a Road Zone or a residential zone or public land zone.
    - The dwell and change time for any non-static images.
  - The relationship to any significant or prominent views and vistas.

Exemption from notice and review

An application for a sign is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act provided the sign:

- Is to be constructed or displayed on land specified in the schedule to this clause.
- Meets any condition specified in the schedule to this clause.

Decision guidelines

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

All signs

- The character of the area including:
  - The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.
- The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.
- The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.
- The consistency with any identifiable outdoor advertising theme in the area.

Impacts on views and vistas:
- The potential to obscure or compromise important views from the public realm.
- The potential to dominate the skyline.
- The potential to impact on the quality of significant public views.
- The potential to impede views to existing signs.

The relationship to the streetscape, setting or landscape:
- The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.
- The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.
- The ability to screen unsightly built or other elements.
- The ability to reduce the number of signs by rationalising or simplifying signs.
- The ability to include landscaping to reduce the visual impact of parts of the sign structure.

The relationship to the site and building:
- The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.
- The extent to which the sign displays innovation relative to the host site and host building.
- The extent to which the sign requires the removal of vegetation or includes new landscaping.

The impact of structures associated with the sign:
- The extent to which associated structures integrate with the sign.
- The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.

The impact of any illumination:
- The impact of glare and illumination on the safety of pedestrians and vehicles.
- The impact of illumination on the amenity of nearby residents and the amenity of the area.
- The potential to control illumination temporally or in terms of intensity.

The impact of any logo box associated with the sign:
- The extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign.
- The suitability of the size of the logo box in relation to its identification purpose and the size of the sign.

The need for identification and the opportunities for adequate identification on the site or locality.

The impact on road safety. A sign is a safety hazard if the sign:
- Obstructs a driver’s line of sight at an intersection, curve or point of egress from an adjacent property.
- Obstructs a driver’s view of a traffic control device, or is likely to create a confusing or dominating background that may reduce the clarity or effectiveness of a traffic control device.
- Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.
- Is at a location where particular concentration is required, such as a high pedestrian volume intersection.
- Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.
- Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.
- Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.
- Is within 100 metres of a rural railway crossing.
- Has insufficient clearance from vehicles on the carriageway.
- Could mislead drivers or be mistaken as an instruction to drivers.

**Major promotion signs**

- The effect of the proposed major promotion sign on:
  - Significant streetscapes, buildings and skylines.
  - The visual appearance of a significant view corridor, viewline, gateway location or landmark site identified in a framework plan or local policy.
  - Residential areas and heritage places.
  - Open space and waterways.

- When determining the effect of a proposed major promotion sign, the following locational principles must be taken into account:
  - Major promotion signs are encouraged in commercial and industrial locations in a manner that complements or enhances the character of the area.
  - Major promotion signs are discouraged along forest and tourist roads, scenic routes or landscaped sections of freeways.
  - Major promotion signs are discouraged within open space reserves or corridors and around waterways.
  - Major promotion signs are discouraged where they will form a dominant visual element from residential areas, within a heritage place or where they will obstruct significant viewlines.
  - In areas with a strong built form character, major promotion signs are encouraged only where they are not a dominant element in the streetscape and except for transparent feature signs (such as neon signs), are discouraged from being erected on the roof of a building.
Mandatory conditions

All signs

A permit for a sign that includes an expiry date must include a condition that provides that on expiry of the permit the sign and structures built specifically to support and illuminate it must be removed.

Major promotion signs

A permit for a major promotion sign must include conditions that specify:

- That the sign must not:
  - Dazzle or distract drivers due to its colouring.
  - Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles.
  - Be able to be mistaken as an instruction to drivers.

- An expiry date that is 15 years from the date the permit is issued unless otherwise specified in this clause. This does not apply to a permit for major promotion sign for a special event or temporary building shrouding.

A permit for a major promotion sign may specify an expiry date other than 15 years, but the date must not be less than 10 years or more than 25 years from the date the permit is issued. Before deciding to alter the specified expiry date of 15 years, the responsible authority must consider, as appropriate:

- The purpose of the sign.
- The existing or desired character of the area.
- The Municipal Planning Strategy and the Planning Policy Framework in terms of the extent to which the proposed sign is consistent with any relevant policy direction and the extent to which the area may be expected to change over time.
- The extent to which the signage is physically and visually integrated into the architecture of the building.

Signs not requiring a permit

Despite any provision in a zone, overlay, or other particular provision of this scheme, a permit is not required to construct or put up for display any of the following signs:

- A sign identifying the functions or property of a government department, public authority or municipal council, but not a promotion sign displayed at the direction of any of these bodies.
- A sign controlling traffic on a public road, railway, tramway, water or in the air, provided it is displayed at the direction of a government department, public authority or municipal council.
- A sign at a hospital that gives direction to emergency facilities.
- A sign in a road reserve that gives direction or guidance about a tourist attraction, service or facility of interest to road users. The sign must be displayed to the satisfaction of the road authority.
- A sign required by statute or regulation, provided it is strictly in accordance with the requirement.
- A sign at a railway station or bus terminal that provides information or direction for people using the station or terminal.
- A sign on a showground, on a motor racing track or on a major sports and recreation facility, provided the sign’s display cannot be seen from nearby land.
A sign with a display area not exceeding 1 square metre to each premises that provides information about a place of worship. It must not be an animated or internally illuminated sign.

A sign inside a building that cannot generally be seen outside.

A sign with a display area not exceeding 2 square metres concerning construction work on the land. Only one sign may be displayed, it must not be an animated or internally illuminated sign and it must be removed when the work is completed.

A sign with a display area not exceeding 5 square metres publicising a local educational, cultural, political, religious, social or recreational event not held for commercial purposes. Only one sign may be displayed on the land, it must not be an animated or internally illuminated sign and it must not be displayed longer than 14 days after the event is held or 3 months, whichever is sooner. A sign publicising a local political event may include information about a candidate for an election.

A sign publicising a special event on the land or in the building on which it is displayed, provided no more than 8 signs are displayed in a calendar year and the total number of days the signs are displayed does not exceed 28 in that calendar year. The sign must be removed when the event is finished.

A sign with a display area not exceeding 2 square metres publicising the sale of goods or livestock on the land or in the building on which it is displayed, provided the land or building is not normally used for that purpose. Only one sign may be displayed, it must not be an animated or internally illuminated sign and it must not be displayed longer than 3 months without a permit.

A sign with an display area not exceeding 10 square metres publicising the sale or letting of the property on which it is displayed. Only one sign may be displayed, it must not be an animated sign and it must not be displayed longer than 7 days after the sale date. A permit may be granted for:

- The display area to exceed 10 square metres if the sign concerns more than 20 lots.
- The sign to be displayed on land excised from the subdivision and transferred to the municipal council.
- The sign to be displayed longer than 7 days after the sale date.

No permit is required to fly the Australian flag or to display the flag on a building, painted or otherwise represented, provided it is correctly dimensioned and coloured in accordance with the Flags Act 1953.

### Category 1 - Commercial areas

#### Minimum limitation

#### Purpose

To provide for identification and promotion signs and signs that add vitality and colour to commercial areas.

#### Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast sign</td>
<td>The total display area of all signs to each premises must not exceed 8 sqm. This does not include a sign with a display area not exceeding 1.5 sqm that is below a verandah or, if no verandah, that is less than 3.7 m above pavement level.</td>
</tr>
<tr>
<td>Business identification sign</td>
<td></td>
</tr>
<tr>
<td>Home based business sign</td>
<td></td>
</tr>
<tr>
<td>Promotion sign</td>
<td></td>
</tr>
<tr>
<td>Sign</td>
<td>Condition</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Direction sign</strong></td>
<td>None specified</td>
</tr>
<tr>
<td><strong>Internally illuminated sign</strong></td>
<td>The total display area to each premises must not exceed 1.5 sqm. No part of the sign may be above a verandah or, if no verandah, more than 3.7 m above pavement level. The sign must be more than 30 m from a residential zone or pedestrian or traffic lights.</td>
</tr>
</tbody>
</table>

**Section 2 - Permit required**

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any sign not in Section 1</td>
<td>None specified</td>
</tr>
</tbody>
</table>

**Section 3 - Prohibited**

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
<td>None specified</td>
</tr>
</tbody>
</table>

**Category 2 - Office and industrial**

Low limitation

**Purpose**

To provide for adequate identification signs and signs that are appropriate to office and industrial areas.

**Section 1 - Permit not required**

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast sign</td>
<td>The total display area of all signs to each premises must not exceed 8 sqm. This does not include a direction sign.</td>
</tr>
<tr>
<td>Business identification sign</td>
<td></td>
</tr>
<tr>
<td>Home based business sign</td>
<td></td>
</tr>
<tr>
<td>Pole sign</td>
<td></td>
</tr>
<tr>
<td>Direction sign</td>
<td>Only one to each premises.</td>
</tr>
<tr>
<td>Internally illuminated sign</td>
<td>The display area must not exceed 1.5 sqm. The sign must be more than 30 m from a residential zone or pedestrian or traffic lights.</td>
</tr>
</tbody>
</table>

**Section 2 - Permit required**

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any sign not in Section 1</td>
<td>None specified</td>
</tr>
</tbody>
</table>
### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
<td>None specified</td>
</tr>
</tbody>
</table>

### Category 3 - High amenity areas

**Medium limitation**

**Purpose**

To ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.

#### Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast sign</td>
<td>Only one to each premises.</td>
</tr>
<tr>
<td>Home based business sign</td>
<td>The display area must not exceed 0.2 sqm.</td>
</tr>
<tr>
<td>Direction sign</td>
<td>None specified</td>
</tr>
</tbody>
</table>

#### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Above-verandah sign</td>
<td>None specified</td>
</tr>
<tr>
<td>Business identification sign</td>
<td></td>
</tr>
<tr>
<td>Electronic sign</td>
<td>The display area must not exceed 3 sqm.</td>
</tr>
<tr>
<td>Floodlit sign</td>
<td>None specified</td>
</tr>
<tr>
<td>High-wall sign</td>
<td>Must be a business logo or street number.</td>
</tr>
<tr>
<td>Internally illuminated sign</td>
<td>None specified</td>
</tr>
<tr>
<td>Pole sign</td>
<td></td>
</tr>
<tr>
<td>Promotion sign</td>
<td>The display area must not exceed 3 sqm.</td>
</tr>
<tr>
<td>Reflective sign</td>
<td>None specified</td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any sign not in Sections 1 or 2</td>
<td>None specified</td>
</tr>
</tbody>
</table>

### Category 4 - Sensitive areas

**Maximum limitation**

**Purpose**

To provide for unobtrusive signs in areas requiring strong amenity control.
### Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast sign</td>
<td>Only one to each premises.</td>
</tr>
<tr>
<td>Home based business sign</td>
<td>The display area must not exceed 0.2 sqm.</td>
</tr>
<tr>
<td>Direction sign</td>
<td>None specified</td>
</tr>
</tbody>
</table>

### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business identification sign</td>
<td>The total display area to each premises must not exceed 3 sqm.</td>
</tr>
<tr>
<td>Floodlit sign</td>
<td>None specified</td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any sign not in Sections 1 or 2</td>
<td>None specified</td>
</tr>
</tbody>
</table>
## SCHEDULE TO CLAUSE 52.05 SIGNS

### Exemption from notice and review

<table>
<thead>
<tr>
<th>Land</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>
CAR PARKING

Purpose

To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.

To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.

To support sustainable transport alternatives to the motor car.

To promote the efficient use of car parking spaces through the consolidation of car parking facilities.

To ensure that car parking does not adversely affect the amenity of the locality.

To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Scope

Clause 52.06 applies to:

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

Clause 52.06 does not apply to:

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

Provision of car parking spaces

Before:

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

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

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

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

Permit requirement

A permit is required to:
Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.

Provide some or all of the car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay on another site.

Provide more than the maximum parking provision specified in a schedule to the Parking Overlay.

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

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

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

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

- The building is in the Commercial 1 Zone, Commercial 2 Zone, Commercial 3 Zone or Activity Centre Zone.
- The gross floor area of the building is not increased.
- The reduction does not exceed 10 car parking spaces.
- The building is not in a Parking Overlay with a schedule that allows a financial contribution to be paid in lieu of the provision of the required car parking spaces for the use.

VicSmart applications

Subject to Clause 71.06, an application under this clause to reduce the required number of car parking spaces by no more than 10 car parking spaces is a class of VicSmart application and must be assessed against Clause 59.10.

Exemption from notice and review

An application under Clause 52.06-3 is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if:

- the application is only for a permit under Clause 52.06-3; or
- the application is also for a permit under another provision of the planning scheme and in respect of all other permissions sought, the application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Number of car parking spaces required under Table 1

Table 1 of this clause sets out the car parking requirement that applies to a use listed in the Table. A car parking requirement in Table 1 may be calculated as either:

- a number of car parking spaces; or
- a percentage of the total site area that must be set aside for car parking.
A car parking requirement in Table 1 is calculated by multiplying the figure in Column A or Column B (whichever applies) by the measure (for example square metres, number of patrons or number of bedrooms) in Column C.

Column A applies unless Column B applies.

Column B applies if:

- any part of the land is identified as being within the Principal Public Transport Network Area as shown on the Principal Public Transport Network Area Maps (State Government of Victoria, August 2018); or
- a schedule to the Parking Overlay or another provision of the planning scheme specifies that Column B applies.

Where an existing use is increased by the measure specified in Column C of Table 1 for that use, the car parking requirement only applies to the increase, provided the existing number of car parking spaces currently being provided in connection with the existing use is not reduced.

If in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number.

Where the car parking requirement specified in Table 1 is calculated as a percentage of the total site area, the area to be provided for car parking includes an accessway that directly abuts any car parking spaces, but does not include any accessway or portion of an accessway that does not directly abut any car parking spaces.

The car parking requirement specified in Table 1 includes disabled car parking spaces. The proportion of spaces to be allocated as disabled spaces must be in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia.

The car parking requirement specified for a use listed in Table 1 does not apply if:

- a car parking requirement for the use is specified under another provision of the planning scheme; or
- a schedule to the Parking Overlay specifies the number of car parking spaces required for the use.

**Table 1: Car parking requirement**

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate Column A</th>
<th>Rate Column B</th>
<th>Car Parking Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement parlour</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Art &amp; craft centre</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Bar</td>
<td>0.4</td>
<td>3.5</td>
<td>To each patron permitted</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Space to each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Betting agency</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Bowling green</td>
<td>6</td>
<td>6</td>
<td>To each rink plus 50 per cent of the relevant requirement of any ancillary use</td>
</tr>
<tr>
<td>Child care centre</td>
<td>0.22</td>
<td>0.22</td>
<td>To each child</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td>0.3</td>
<td>0.3</td>
<td>To each patron permitted</td>
</tr>
<tr>
<td>Convenience restaurant</td>
<td>0.3</td>
<td>3.5</td>
<td>To each patron permitted</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Use</td>
<td>Rate Column A</td>
<td>Rate Column B</td>
<td>Car Parking Measure</td>
</tr>
<tr>
<td>---------------------------------------------------------------------</td>
<td>---------------</td>
<td>---------------</td>
<td>-------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Convenience shop if the leasable floor area exceeds 80 sq m</td>
<td>10</td>
<td>3.5</td>
<td>To each premises</td>
</tr>
<tr>
<td>Display home centre</td>
<td>5</td>
<td>2</td>
<td>To each dwelling for five or fewer contiguous dwellings, plus</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>3.5</td>
<td>To each additional contiguous dwelling</td>
</tr>
<tr>
<td>Dwelling</td>
<td>1</td>
<td>1</td>
<td>To each one or two bedroom dwelling, plus</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>2</td>
<td>To each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms) plus</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>0</td>
<td>For visitors to every 5 dwellings for developments of 5 or more dwellings</td>
</tr>
<tr>
<td>Education centre other than listed in this table</td>
<td>0.4</td>
<td>0.3</td>
<td>To each student that is part of the maximum number of students on the site at any time</td>
</tr>
<tr>
<td>Food and drink premises other than listed in this table</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Freezing and cool storage,</td>
<td>1.5</td>
<td>1</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Fuel depot</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Funeral Parlour</td>
<td>0.3</td>
<td>0.3</td>
<td>To each patron permitted</td>
</tr>
<tr>
<td>Gambling premises other than listed in this table</td>
<td>0.4</td>
<td>3.5</td>
<td>To each patron permitted</td>
</tr>
<tr>
<td>Golf course</td>
<td>4</td>
<td>4</td>
<td>To each hole plus 50 per cent of the relevant requirement of any ancillary uses.</td>
</tr>
<tr>
<td>Home based business</td>
<td>1</td>
<td>0</td>
<td>To each employee not a resident of the dwelling</td>
</tr>
<tr>
<td>Hotel</td>
<td>0.4</td>
<td>3.5</td>
<td>To each patron permitted</td>
</tr>
<tr>
<td>Industry other than listed in this table</td>
<td>2.9</td>
<td>1</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Landscape gardening supplies</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Mail centre</td>
<td>3.5</td>
<td>3</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Manufacturing sales</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Market</td>
<td>8</td>
<td>3.5</td>
<td>To each 100 sq m of site area</td>
</tr>
<tr>
<td>Materials recycling</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Medical centre</td>
<td>5</td>
<td>3</td>
<td>To the first person providing health services plus</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>3.5</td>
<td>To every other person providing health services</td>
</tr>
<tr>
<td>Milk depot</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Use</td>
<td>Rate Column A</td>
<td>Rate Column B</td>
<td>Car Parking Measure</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>---------------</td>
<td>---------------</td>
<td>-------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Motel</td>
<td>1</td>
<td>1</td>
<td>To each unit, and one to each manager dwelling, plus 50 per cent of the relevant requirement of any ancillary use</td>
</tr>
<tr>
<td>Motor repairs</td>
<td>3</td>
<td>3</td>
<td>To each 100 sq m of net floor area plus</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>1</td>
<td>for each vehicle being serviced, repaired or fitted with accessories, including vehicles waiting to be serviced, repaired, fitted with accessories or collected by owners</td>
</tr>
<tr>
<td>Office other than listed in this table</td>
<td>3.5</td>
<td>3</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Place of assembly other than listed in this table</td>
<td>0.3</td>
<td>0.3</td>
<td>To each patron permitted</td>
</tr>
<tr>
<td>Postal agency</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Primary produce sales</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Primary school</td>
<td>1</td>
<td>1</td>
<td>To each employee that is part of the maximum number of employees on the site at any time</td>
</tr>
<tr>
<td>Research and development centre</td>
<td>3.5</td>
<td>3</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Residential aged care facility</td>
<td>0.3</td>
<td>0.3</td>
<td>To each lodging room</td>
</tr>
<tr>
<td>Residential village</td>
<td>1</td>
<td>1</td>
<td>To each one or two bedroom dwelling plus</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>2</td>
<td>To each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms) plus</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>0</td>
<td>For visitors to every five dwellings for developments of five or more dwellings</td>
</tr>
<tr>
<td>Retirement village</td>
<td>1</td>
<td>1</td>
<td>To each one or two bedroom dwelling plus</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>2</td>
<td>To each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms) plus</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>0</td>
<td>For visitors to every five dwellings for developments of five or more dwellings</td>
</tr>
<tr>
<td>Restaurant</td>
<td>0.4</td>
<td></td>
<td>To each patron permitted</td>
</tr>
<tr>
<td></td>
<td>3.5</td>
<td></td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Restricted retail premises</td>
<td>3</td>
<td>2.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Rooming house</td>
<td>1</td>
<td>1</td>
<td>To each four bedrooms</td>
</tr>
<tr>
<td>Saleyard</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Secondary school</td>
<td>1.2</td>
<td>1.2</td>
<td>To each employee that is part of the maximum number of employees on the site at any time</td>
</tr>
<tr>
<td>Shop other than listed in this table</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Squash court – other than in conjunction with a dwelling</td>
<td>3</td>
<td>3</td>
<td>To each court plus 50 per cent of the relevant requirement of any ancillary use</td>
</tr>
<tr>
<td>Use</td>
<td>Rate Column A</td>
<td>Rate Column B</td>
<td>Car Parking Measure</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>--------------</td>
<td>--------------</td>
<td>------------------------------------------------------</td>
</tr>
<tr>
<td>Store other than listed in this table</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Supermarket</td>
<td>5</td>
<td>5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Swimming pool – other than in conjunction with a dwelling</td>
<td>5.6</td>
<td>5.6</td>
<td>To each 100 sq m of the site</td>
</tr>
<tr>
<td>Tennis court – other than in conjunction with a dwelling</td>
<td>4</td>
<td>4</td>
<td>To each court plus 50% of the requirement of any ancillary use</td>
</tr>
<tr>
<td>Trade supplies</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Veterinary centre</td>
<td>5</td>
<td></td>
<td>To the first person providing animal health services plus</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td></td>
<td>To every other person providing animal health services</td>
</tr>
<tr>
<td></td>
<td>3.5</td>
<td></td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Warehouse other than listed in this table</td>
<td>2</td>
<td>2</td>
<td>To each premises plus</td>
</tr>
<tr>
<td></td>
<td>1.5</td>
<td>1</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Winery</td>
<td>0.4</td>
<td></td>
<td>To each patron permitted</td>
</tr>
<tr>
<td></td>
<td>3.5</td>
<td></td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
</tbody>
</table>

**Number of car parking spaces required for other uses**

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

**Application requirements and decision guidelines for permit applications**

**For applications to reduce the car parking requirement**

An application to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be accompanied by a Car Parking Demand Assessment.

The Car Parking Demand Assessment must assess the car parking demand likely to be generated by the proposed:

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

The Car Parking Demand Assessment must address the following matters, to the satisfaction of the responsible authority:

- The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.
- The variation of car parking demand likely to be generated by the proposed use over time.
The short-stay and long-stay car parking demand likely to be generated by the proposed use.

- The availability of public transport in the locality of the land.
- The convenience of pedestrian and cyclist access to the land.
- The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.
- The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.
- Any empirical assessment or case study.

Before granting a permit to reduce the number of spaces, the responsible authority must consider the following, as appropriate:

- The Car Parking Demand Assessment.
- Any relevant local planning policy or incorporated plan.
- The availability of alternative car parking in the locality of the land, including:
  - Efficiencies gained from the consolidation of shared car parking spaces.
  - Public car parks intended to serve the land.
  - On street parking in non residential zones.
  - Streets in residential zones specifically managed for non-residential parking.
- On street parking in residential zones in the locality of the land that is intended to be for residential use.
- The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.
- Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.
- The future growth and development of any nearby activity centre.
- Any car parking deficiency associated with the existing use of the land.
- Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.
- Local traffic management in the locality of the land.
- The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.
- The need to create safe, functional and attractive parking areas.
- Access to or provision of alternative transport modes to and from the land.
- The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.
- The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.
- Any other matter specified in a schedule to the Parking Overlay.
- Any other relevant consideration.
For applications to allow some or all of the required car parking spaces to be provided on another site

Before granting a permit to allow some or all of the car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay to be provided on another site, the responsible authority must consider the following, as appropriate:

- The proximity of the car parking on the alternate site to the subject site.
- The likelihood of the long term provision and availability of the car parking spaces.
- Whether the location of the car parking spaces is consistent with any relevant local policy or incorporated plan.
- Any other matter specified in a schedule to the Parking Overlay.

For applications to provide more than the maximum parking provision specified in a schedule to the Parking Overlay

An application to provide more than the maximum parking provision specified in a schedule to the Parking Overlay must be accompanied by a Car Parking Demand Assessment.

The Car Parking Demand Assessment must assess the car parking demand likely to be generated by the proposed use or increase to the existing use.

The Car Parking Demand Assessment must address the following matters, to the satisfaction of the responsible authority:

- The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.
- The variation of car parking demand likely to be generated by the proposed use over time.
- The short-stay and long-stay car parking demand likely to be generated by the proposed use.
- The availability of public transport in the locality of the land.
- The convenience of pedestrian and cyclist access to the land.
- The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.
- The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.
- Any empirical assessment or case study.

Requirement for a car parking plan

Plans must be prepared to the satisfaction of the responsible authority before any of the following occurs:

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

The plans must show, as appropriate:

- All car parking spaces that are proposed to be provided (whether on the land or on other land).
- Access lanes, driveways and associated works.
- Allocation of car parking spaces to different uses or tenancies, if applicable.
- Any landscaping and water sensitive urban design treatments.
- Finished levels, if required by the responsible authority.
• Any other matter specified in a schedule to the Parking Overlay.

Plans must be provided to the responsible authority under Clause 52.06-8 wherever Clause 52.06 applies, whether or not a permit application is being made under Clause 52.06-3 or any other provision of the planning scheme.

Where an application is being made for a permit under Clause 52.06-3 or another provision of the planning scheme, the information required under Clause 52.06-8 may be included in other plans submitted with the application.

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

### Design standards for car parking

Plans prepared in accordance with Clause 52.06-8 must meet the design standards of Clause 52.06-9, unless the responsible authority agrees otherwise.

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

#### Design standard 1 – Accessways

Accessways must:

• Be at least 3 metres wide.

• Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide.

• Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre.

• Provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres.

• If the accessway serves four or more car spaces or connects to a road in a Road Zone, the accessway must be designed so that cars can exit the site in a forward direction.

• Provide a passing area at the entrance at least 6.1 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Road Zone.

• Have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.

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

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

#### Design standard 2 – Car parking spaces

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

<table>
<thead>
<tr>
<th>Angle of car parking spaces to access way</th>
<th>Accessway width</th>
<th>Car space width</th>
<th>Car space length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parallel</td>
<td>3.6 m</td>
<td>2.3 m</td>
<td>6.7 m</td>
</tr>
<tr>
<td>45º</td>
<td>3.5 m</td>
<td>2.6 m</td>
<td>4.9 m</td>
</tr>
</tbody>
</table>

Table 2: Minimum dimensions of car parking spaces and accessways
### Table 1: Dimensions of Car Parking Spaces

<table>
<thead>
<tr>
<th>Angle of car parking spaces to access way</th>
<th>Accessway width</th>
<th>Car space width</th>
<th>Car space length</th>
</tr>
</thead>
<tbody>
<tr>
<td>60°</td>
<td>4.9 m</td>
<td>2.6 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td>90°</td>
<td>6.4 m</td>
<td>2.6 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td></td>
<td>5.8 m</td>
<td>2.8 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td></td>
<td>5.2 m</td>
<td>3.0 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td></td>
<td>4.8 m</td>
<td>3.2 m</td>
<td>4.9 m</td>
</tr>
</tbody>
</table>

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

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

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

**Diagram 1: Clearance to car parking spaces**

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

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

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

Disabled car parking spaces must be designed in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia. Disabled car parking spaces may encroach into an accessway width specified in Table 2 by 500 mm.
Design standard 3: Gradients

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

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

Table 3: Ramp gradients

<table>
<thead>
<tr>
<th>Type of car park</th>
<th>Length of ramp</th>
<th>Maximum grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public car parks</td>
<td>20 metres or less</td>
<td>1:5 (20%)</td>
</tr>
<tr>
<td></td>
<td>longer than 20 metres</td>
<td>1:6 (16.7%)</td>
</tr>
<tr>
<td>Private or residential car parks</td>
<td>20 metres or less</td>
<td>1:4 (25%)</td>
</tr>
<tr>
<td></td>
<td>longer than 20 metres</td>
<td>1:5 (20%)</td>
</tr>
</tbody>
</table>

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

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

Design standard 4: Mechanical parking

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

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

Design standard 5: Urban design

Ground level car parking, garage doors and accessways must not visually dominate public space. Car parking within buildings (including visible portions of partly submerged basements) must be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.

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

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

Design standard 6: Safety

Car parking must be well lit and clearly signed.

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

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

Pedestrian routes through car parking areas and building entries and other destination points must be clearly marked and separated from traffic in high activity parking areas.
Design standard 7: Landscaping

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

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

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

Decision guidelines

Before deciding that a plan prepared under Clause 52.06-8 is satisfactory the responsible authority must consider, as appropriate:

- The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.
- The ease and safety with which vehicles access and circulate within the parking area.
- The provision for pedestrian movement within and around the parking area.
- The provision of parking facilities for cyclists and disabled people.
- The protection and enhancement of the streetscape.
- The provisions of landscaping for screening and shade.
- The measures proposed to enhance the security of people using the parking area particularly at night.
- The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.
- The workability and allocation of spaces of any mechanical parking arrangement.
- The design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters.
- The type and size of vehicle likely to use the parking area.
- Whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation.
- The need for the required car parking spaces to adjoin the premises used by the occupier/s, if the land is used by more than one occupier.
- Whether the layout of car spaces and accessways are consistent with Australian Standards AS2890.1-2004 (off street) and AS2890.6-2009 (disabled).
- The relevant standards of Clauses 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 for residential developments with accessways longer than 60 metres or serving 16 or more dwellings.
- Any other matter specified in a schedule to the Parking Overlay.

Construction of car parking

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

- constructed and available for use in accordance with the plan approved by the responsible authority; and
- formed to such levels and drained so that they can be used in accordance with the plan; and
- treated with an all-weather seal or some other durable surface; and
- line-marked or provided with some other adequate means of showing the car parking spaces, before any of the following occurs:
  - the new use commences; or
  - the floor area or site area of the existing use is increased; or
  - the existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.
[NO CONTENT]
EARTH AND ENERGY RESOURCES INDUSTRY

Purpose
To encourage land to be used and developed for exploration and extraction of earth and energy resources in accordance with acceptable environmental standards.

To ensure that mineral extraction, geothermal energy extraction, greenhouse gas sequestration and petroleum extraction are not prohibited land uses.

To ensure that planning controls for the use and development of land for the exploration and extraction of earth and energy resources are consistent with other legislation governing these land uses.

Permit requirement
A permit is required to use and develop land for earth and energy resources industry unless the table to this clause specifically states that a permit is not required.

Table of exemptions

<table>
<thead>
<tr>
<th>No permit is required to use or develop land for earth and energy resources industry if the following conditions are met:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mineral exploration</td>
</tr>
<tr>
<td>Mineral extraction</td>
</tr>
<tr>
<td>Stone exploration</td>
</tr>
<tr>
<td>Stone extraction</td>
</tr>
<tr>
<td>Geothermal energy exploration</td>
</tr>
<tr>
<td>Geothermal energy extraction</td>
</tr>
<tr>
<td>Petroleum exploration</td>
</tr>
<tr>
<td>Petroleum extraction</td>
</tr>
</tbody>
</table>

Application requirements for mineral extraction
An application to use and develop land for mineral extraction must be accompanied by:

- A copy of a work plan or a variation to an approved work plan that has received statutory endorsement under section 77TD of the Mineral Resources (Sustainable Development) Act 1990.

- The written notice of statutory endorsement under section 77TD(1) of the Mineral Resources (Sustainable Development) Act 1990.

- Any conditions specified under section 77TD(3) of the Mineral Resources (Sustainable Development) Act 1990.
Referral requirements for mineral extraction

Before deciding on any applications to use and develop land for mineral extraction the Responsible Authority must refer the application to the referral authorities specified under section 55 of the Planning and Environment Act 1987.

Unless the referral authority is the Roads Corporation, the referral requirements of Clause 52.08-2 do not apply to an application to use and develop land for mineral extraction if a copy of the work plan or a variation to an approved work plan was previously referred to the referral authority listed in Clause 66 under section 77TE of the Mineral Resources (Sustainable Development) Act 1990.
STONE EXTRACTION AND EXTRACTIVE INDUSTRY INTEREST AREAS

Purpose
To ensure that use and development of land for stone extraction does not adversely affect the environment or amenity of the area during or after extraction.
To ensure that excavated areas can be appropriately rehabilitated.
To ensure that sand and stone resources, which may be required by the community for future use, are protected from inappropriate development.

Application
These provisions apply to planning permit applications for:
- The use and development of land for stone extraction.
- The use and development of land within an extractive industry interest area.
- The use and development of land within 500 metres of stone extraction.

Permit exemptions for stone extraction
A permit to use and develop land for stone extraction will not be required if the conditions in the table to Clause 52.08-1 are met.

Application requirements
An application to use and develop land for stone extraction must be accompanied by:
- A copy of a work plan or a variation to an approved work plan that has received statutory endorsement under section 77TD of the Mineral Resources (Sustainable Development) Act 1990.
- The written notice of statutory endorsement under section 77TD(1) of the Mineral Resources (Sustainable Development) Act 1990.
- Any conditions specified under section 77TD(3) of the Mineral Resources (Sustainable Development) Act 1990.

These requirements do not apply to an application to use and develop land for stone extraction which is exempt from:
- The requirement to obtain a work plan under Section 77G of the Mineral Resources (Sustainable Development) Act 1990, or
- The provisions of the Mineral Resources (Sustainable Development) Act 1990 under Section 5AA of that Act.

Referral requirements
Before deciding on any applications to use and develop land for stone extraction the responsible authority must refer the application to the referral authorities specified under section 55 of the Planning and Environment Act 1987.

Unless the referral authority is the Roads Corporation, the referral requirements of Clause 52.09-4 do not apply to an application to use and develop land for stone extraction if a copy of the work plan or a variation to an approved work plan was previously referred to the referral authority listed in Clause 66 under section 77TE of the Mineral Resources (Sustainable Development) Act 1990.
Decision guidelines

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

- The effect of the proposed stone extraction on any native flora and fauna on and near the land.
- The impact of the stone extraction operations on sites of cultural and historic significance, including any effects on Aboriginal places.
- The effect of the stone extraction operation on the natural and cultural landscape of the surrounding land and the locality generally.
- The ability of the stone extraction operation to contain any resultant industrial emissions within the boundaries of the subject land in accordance with the Regulations associated with the Mineral Resources (Sustainable Development) Act 1990 and other relevant regulations.
- The effect of vehicular traffic, noise, blasting, dust and vibration on the amenity of the surrounding area.
- The ability to rehabilitate the affected land to a form or for a use which is compatible with the natural systems or visual appearance of the surrounding area.
- The ability to rehabilitate the land so it can be used for a purpose or purposes beneficial to the community.
- The effect of the proposed stone extraction on groundwater and quality and the impact on any affected water uses.
- The impact of the proposed stone extraction on surface drainage and surface water quality.
- Any proposed provisions, conditions or requirements in a work plan that has received statutory endorsement issued under the Mineral Resources (Sustainable Development) Act 1990.

Permit conditions for stone extraction

A permit for the use and development of land for stone extraction must not include conditions which require the use to cease by a specified date unless either:

- The subject land is situated in or adjoins land which is being developed or is proposed to be developed for urban purposes.
- Such condition is suggested by the applicant.

A permit for the use and development of land for stone extraction must include conditions which are consistent with the requirements specified in Clause 52.09-7.

Requirements for the use and development of land for stone extraction

Boundary setback

Except with a permit, no alteration may be made to the natural condition or topography of the land within 20 metres of the boundary of the land. This does not apply to driveways, drains, bund walls or landscaping.

Screen planting

Shrubs and trees must be planted and maintained to screen activity on the site to the satisfaction of the responsible authority.

Parking areas

Parking areas must be provided for employees’ cars and all vehicles used on the site to the satisfaction of the responsible authority.
Notice of an application

Notice of the kinds of application listed below must be given under section 52(1)(c) of the Act to the person or body specified as a person or body to be notified in Clause 66.05:

- An application to use or subdivide land or construct a building for Accommodation, Child care centre, Education centre or Hospital:
  - Within an Extractive Industry Interest Area.
  - On land which is within 500 metres of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

- An application to construct a building or construct or carry out works on land for which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

These requirements do not apply to an extension to buildings or works.
HOME BASED BUSINESS

Purpose
To ensure that the amenity of the neighbourhood is not adversely affected by a business conducted in or from a dwelling.

Requirements to be met
A home based business must meet the following requirements:

- The person conducting the home based business must use the dwelling as their principal place of residence.
- No more than two persons who does not live in the dwelling may work in the home based business at any one time.
- The net floor area used in conducting the business including the storage of any materials or goods must not exceed 100 square metres or one-third of the net floor area of the dwelling, whichever is the lesser. The net floor area includes out-buildings and works normal to a dwelling.
- The business must not impose a load on any utility greater than normally required for domestic use.
- The business must not adversely affect the amenity of the neighbourhood in any way including:
  - The appearance of any building, works or materials used.
  - The parking of motor vehicles.
  - The transporting of materials or goods to or from the dwelling.
  - The hours of operation.
  - Electrical interference.
  - The storage of chemicals, gasses or other hazardous materials.
  - Emissions from the site.
- No motor vehicle may be adjusted, modified, serviced or repaired for gain.
- Only one commercial vehicle (a commercial goods vehicle, commercial passenger vehicle or tow truck within the meaning of the Transport Act 1983), not exceeding 2 tonnes capacity and with or without a trailer registered to a resident of the dwelling may be present at any time. The vehicle must not be fuelled or repaired on the site.
- No goods other than goods manufactured or serviced in the home based business may be offered for sale. This requirement does not apply to goods offered for sale online.
- Materials used or goods manufactured, serviced or repaired in the home based business must be stored within a building.
- No goods manufactured, serviced or repaired may be displayed so that they are visible from outside the site.
- Any goods offered for sale online must not be collected from the dwelling.

Permit requirement
Despite the requirements of Clause 52.11-1, a permit may be granted for a home occupation:

- Which allows no more than three people who do not live in the dwelling to work in the occupation at any one time; or
- Which has a floor area not exceeding 200 square metres or one-third of the net floor area of the dwelling, whichever is the lesser.
Which allows no more than one additional commercial vehicle (a commercial goods vehicle, commercial passenger vehicle or tow truck within the meaning of the Transport Act 1983), not exceeding two tonnes capacity and with or without a trailer registered to a resident of the dwelling, to be present at any time.

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

- Whether there is a need for additional parking or loading facilities.
- The effect of any vehicle parking, storage or washing facilities on the amenity and character of the street.
- Whether the site is suitable for the particular home based business and is compatible with the surrounding use and development.
- Whether there is a need for landscaping to screen any outbuildings or car parking or loading areas or any other area relating to the home based business.
**BUSHFIRE PROTECTION: EXEMPTIONS**

### Exemption to create defendable 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:

- The removal, destruction or lopping of any vegetation within 10 metres of an existing building used for accommodation that was:
  - constructed before 10 September 2009; or
  - approved by a permit issued under this scheme before 10 September 2009; or
  - approved by a building permit issued under the *Building Act 1993* 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.

This does not apply to land covered by the Banyule, Bayside, Boroondara, Brimbank, Darebin, Glen Eira, Greater Dandenong, Hobsons Bay, Kingston, Knox, Maribyrnong, Maroondah, Melbourne, Monash, Moonee Valley, Moreland, Port of Melbourne, Port Phillip, Stonnington, Whitehorse and Yarra planning schemes unless the land is included in a Bushfire Management Overlay or is specified in a schedule to this clause.

- The removal, destruction or lopping of any vegetation, except trees, within 30 metres of an existing building used for accommodation that was:
  - constructed before 10 September 2009; or
  - approved by a permit issued under this scheme before 10 September 2009; or
  - approved by a building permit issued under the *Building Act 1993* 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.

This does not apply to land covered by the Banyule, Bayside, Boroondara, Brimbank, Darebin, Glen Eira, Greater Dandenong, Hobsons Bay, Kingston, Knox, Maribyrnong, Maroondah, Melbourne, Monash, Moonee Valley, Moreland, Port of Melbourne, Port Phillip, Stonnington, Whitehorse and Yarra planning schemes unless the land is specified in a schedule to this clause.

- The removal, destruction or lopping of any vegetation, except trees, within 50 metres of an existing building used for accommodation where land is within the Bushfire Management Overlay and where the existing building was:
  - constructed before 10 September 2009 or lawfully erected before 18 November 2011 without the need for a planning permit; or
  - approved by a permit issued under this scheme before 10 September 2009 and erected before 18 November 2011; or
  - approved by a building permit issued under the *Building Act 1993* before 10 September 2009 and erected before 18 November 2011; 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.
52.12-2  Exemption for vegetation removal along a fenceline

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:

- The removal, destruction or lopping of any vegetation for a combined maximum width of 4 metres either side of an existing fence on a boundary between properties in different ownership that was constructed before 10 September 2009.

This does not apply to land covered by the Banyule, Bayside, Boroondara, Brimbank, Darebin, Glen Eira, Greater Dandenong, Hobsons Bay, Kingston, Knox, Maribyrnong, Maroondah, Melbourne, Monash, Moonee Valley, Moreland, Port of Melbourne, Port Phillip, Stonnington, Whitehorse and Yarra planning schemes unless the land is included in a Bushfire Management Overlay.

52.12-3  Exemption for buildings and works associated with a community fire refuge

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works does not apply to modifying an existing building to create a community fire refuge in accordance with Ministerial Direction No. 4, Construction Requirements for a Community Fire Refuge (1 August 2012).

52.12-4  Exemption for buildings and works associated with a private bushfire shelter

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works does not apply to buildings and works associated with a private bushfire shelter (a Class 10c building within the meaning of the Building Regulations 2006), provided the total area of all buildings and works does not exceed 30 square metres.

This clause does not apply to land in the Urban Floodway Zone, Erosion Management Overlay, Floodway Overlay, Land Subject to Inundation Overlay, Special Building Overlay or Heritage Overlay.

52.12-5  Exemption to create defendable space for a dwelling approved under Clause 44.06 of this planning scheme

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 the removal, destruction or lopping of vegetation to construct a dwelling and create its defendable space if all of the following requirements are met:

- Land is in the Bushfire Management Overlay.
- Land is in the General Residential Zone, Residential Growth Zone, Neighbourhood Residential Zone, Urban Growth Zone, Low Density Residential Zone, Township Zone, Rural Living Zone, Farming Zone or Rural Activity Zone.
- The removal, destruction or lopping of vegetation:
  - Does not exceed the distance specified in Table 1 to Clause 53.02-3 of this planning scheme, based on the bushfire attack level determined by a relevant building surveyor in deciding an application for a building permit under the Building Act 1993 for a dwelling or alteration or extension to the dwelling; or
- Is required to be undertaken by a condition in a planning permit issued after 31 July 2014 under Clause 44.06 of this scheme for a dwelling or an alteration or extension to the dwelling.
SCHEDULE TO CLAUSE 52.12 BUSHFIRE PROTECTION: EXEMPTIONS

Exemptions for vegetation removal

| Land | None specified |
2009 BUSHFIRE - RECOVERY EXEMPTIONS

Purpose
To support recovery operations following the 2009 Victorian bushfires.

Scope
This clause applies to a use or development specified in Clause 52.13-3 carried out for the purposes of recovery from a bushfire that occurred after 1 January 2009.

Exemptions from planning scheme requirements
Any requirement of the scheme to obtain a permit or any provision in the scheme which prohibits the use or development of land or requires the use or development of land to be carried out in a particular manner does not apply to a use or development specified in Clause 52.13-3 provided the following requirements are met:

- Works must only be constructed or carried out for bushfire recovery or in association with the construction of a building under this provision to be used for temporary accommodation.
- A building constructed under this provision must only be used:
  - To provide temporary accommodation for a person or persons whose normal place of residence was damaged or destroyed by bushfire; or
  - For a use that is directly associated with bushfire recovery.
- A building constructed under this provision to be used for temporary accommodation must be located on the same lot as a building used for accommodation that was damaged or destroyed by bushfire unless the building is being constructed by or on behalf of a municipality, the Victorian Bushfire Reconstruction and Recovery Authority or other public authority.
- The construction of a building or the construction or carrying out of works must be completed prior to 31 March 2011.
- Native vegetation must only be removed, destroyed or lopped:
  - To provide access to, make safe or remove building and demolition rubble from a property; or
  - To enable emergency and bushfire recovery works undertaken by or on behalf of a municipality, the Victorian Bushfire Reconstruction and Recovery Authority, other public authority or a utility service provider in the exercise of any power conferred on them under any Act.
- Native vegetation must not be removed, destroyed or lopped after 31 March 2011.
- Any sign displayed must be directly associated with bushfire recovery.
- Any sign displayed must be removed prior to 31 March 2011.

Use and development
The requirements of Clause 52.13-2 apply to the following types of development:

- Demolition or removal of a building.
- Construction of a building.
- Construction or carrying out of works.
- Removal, destruction or lopping of vegetation.
- Display of a sign.
The requirements of Clause 52.13-2 apply to the following uses:

- Temporary accommodation.
- Any use directly associated with bushfire recovery.

### 52.13-4 Land in a Heritage Overlay

For land within a Heritage Overlay, in addition to the requirements specified in Clause 52.13-2, the written authorisation of the responsible authority must be obtained prior to:

- Demolishing or removing a building;
- Externally altering a building by structural work;
- Internally altering a building if the schedule to the Heritage Overlay identifies the heritage place as one where internal alteration controls apply;
- Carrying out works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials; or
- Removing, destroying or lopping a tree if the schedule to the Heritage Overlay identifies the heritage place as one where tree controls apply.

### 52.13-5 Land in a Land Management Overlay

For land within a Floodway Overlay, Land Subject to Inundation Overlay or Special Building Overlay, in addition to the requirements specified in Clause 52.13-2, the written authorisation of the responsible authority must be obtained prior to constructing a building or constructing and carrying out works.

For land within an Erosion Management Overlay, in addition to the requirements specified in Clause 52.13-2, the written authorisation of the responsible authority must be obtained prior to:

- Constructing a building or constructing and carrying out works; or
- Removing, destroying or lopping vegetation.

### 52.13-6 Land in an Environmental Audit Overlay

For land within an Environmental Audit Overlay, in addition to the requirements specified in Clause 52.13-2, the written authorisation of the responsible authority must be obtained prior to commencing a sensitive use (residential use, child care centre, preschool centre or primary school).

### 52.13-7 Cessation of use

A use must not continue after 30 September 2019 unless in accordance with the requirements of this scheme.

A building must not be used after 30 September 2019 unless in accordance with the requirements of this scheme.

### Decision guidelines

Before deciding on an application to allow the retention or continuing use of a building, in addition to the decision guidelines in Clause 65 and any other requirements of the Act, the responsible authority must consider the extent to which compliance can be reasonably achieved with all requirements of this scheme.
2009 BUSHFIRE - REPLACEMENT BUILDINGS

Purpose
To support the rebuilding of dwellings, dependent persons’ units and buildings used for agriculture damaged or destroyed by the 2009 Victorian bushfires.

Scope
This clause applies to:

- The construction of a building or the construction and carrying out of works, associated with rebuilding:
  - a dwelling or dependent person’s unit; or
  - a building used for agriculture,
    that was damaged or destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009.
- The use of land for:
  - a dwelling or dependent person’s unit that is rebuilt in accordance with this clause; or
  - agriculture to the extent that the use relates to a building that was destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009 and that use cannot continue unless that building is rebuilt.
- The removal, destruction or lopping of vegetation to enable the construction, use and maintenance of a building rebuilt in accordance with this Clause.

This clause does not apply to land in a Heritage Overlay.

For the avoidance of doubt, any planning permit exemption provided by the scheme continues to apply to the use and development specified in this Clause.

If any use or development is within the scope of both this Clause 52.14 and Clause 52.13, then this Clause 52.14 prevails over Clause 52.13 in the event of any inconsistency.

Exemption from planning scheme requirements
Any requirement of the scheme to obtain a permit or any provision in the scheme which prohibits the use or development of land or requires the use or development of land to be carried out in a particular manner does not apply to the use and development specified in Clause 52.14-1 provided the following requirements are met:

Site plan
Before the commencement of construction of a building or the construction or carrying out of works, a site plan must be provided to and approved by the responsible authority. The site plan must show:

- The boundaries of the property.
- The location of any damaged or destroyed dwelling, dependent person’s unit or building used for agriculture.
- The proposed location of the replacement dwelling, dependent person’s unit or building used for agriculture.
- The existing and proposed access to the lot.
• Vegetation to be removed destroyed or lopped to enable rebuilding including construction of vehicle access, water storage and waste water treatment.

• For replacement dwellings and dependent persons’ units on land in a Farming Zone, Rural Conservation Zone, Rural Activity Zone, Green Wedge Zone, Green Wedge A Zone or the Rural Living Zone:
  - The location and dimensions of vehicle access.
  - The location and storage of water for potable and fire fighting purposes if the dwelling or dependent person’s unit cannot be connected to a reticulated potable water supply.
  - The location of the waste water treatment system if waste water is to be retained and treated on site.

The site plan must be submitted to the responsible authority by 30 September 2017.

Commencement of development

• The development must commence within two years after the approval of a site plan by the responsible authority and must be completed within two years after the development commences. The responsible authority may allow an extension of time on the request of the owner or the occupier of the land to which the approved site plan applies, provided that request is made before the expiry of the applicable period or within three months of the expiry of the applicable period.

Compliance with site plan

• The development must comply with the approved site plan.

Use and development conditions

• The land must not be used for more than the number of dwellings or dependent persons’ units that were damaged or destroyed.

• The removal, destruction or lopping of vegetation to enable the maintenance of a building must not exceed 10 metres beyond the building.

• For land in the Farming Zone, Rural Conservation Zone, Rural Activity Zone, Green Wedge Zone, Green Wedge A Zone or the Rural Living Zone:
  - Access to the dwelling or dependent person’s unit must be provided via an all weather road with dimensions adequate to accommodate emergency vehicles.
  - The dwelling or dependent person’s unit must be connected to a reticulated sewerage system or if not available, the waste water must be managed to the satisfaction of the responsible authority.
  - The dwelling or dependent person’s unit must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
  - The dwelling or dependent person’s unit must be connected to a reticulated electricity supply or have an alternative energy source.

• A building must be constructed of materials that are non-reflective and of muted tones in the following locations:
  - Land in an Environmental Significance Overlay, Design and Development Overlay or Significant Landscape Overlay.
  - Land in a Green Wedge Zone, Green Wedge A Zone or Rural Conservation Zone in the municipal districts of the Shire of Yarra Ranges and the Shire of Nillumbik.
- For land in a Restructure Overlay, a building must be consistent with any Restructure Plan.
- For land adjacent to a Road Zone, Category 1, or Land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road, access must not be created or altered.

**52.14-3**

**Land in an Erosion Management Overlay**

For land in an Erosion Management Overlay in the municipal district of the Shire of Yarra Ranges, in addition to the requirements specified in Clause 52.14-2, the written authorisation of the responsible authority must be obtained prior to:

- Constructing a building or constructing and carrying out works; or
- Removing, destroying or lopping vegetation.

**52.14-4**

**Land in a Floodway Overlay, Land Subject to Inundation Overlay or Special Building Overlay**

For land in a Floodway Overlay, Land Subject to Inundation Overlay or Special Building Overlay, in addition to the requirements specified in Clause 52.14-2, the written authorisation of the relevant floodplain management authority must be obtained prior to the commencement of construction of a building or the construction or carrying out of works.

**52.14-5**

**Decision guidelines**

Before deciding on approval of the site plan, in addition to the decision guidelines in Clause 65 and any other requirements of the Act, the responsible authority must consider, as appropriate:

- The extent to which the siting of the building and associated development can reasonably achieve compliance with other relevant requirements of this scheme.
- The extent to which the replacement dwelling or dependent person’s unit can be located on the land to assist the minimisation of risk to life and property from bushfire.
HELIPORT AND HELICOPTER LANDING SITE

Purpose
To ensure the amenity impacts of a heliport and a helicopter landing site on surrounding areas is considered.

Permit requirement
A permit is required to use or develop any land for a heliport or a helicopter landing site even if it is ancillary to another use on the land, unless the table to this Clause specifically states that a permit is not required.

Table of exemptions for use

<table>
<thead>
<tr>
<th>No permit is required to use land for a helicopter landing site if any of the following apply:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Emergency services</strong></td>
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<tr>
<td><strong>Agriculture</strong></td>
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<tr>
<td><strong>Public land management</strong></td>
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<td><strong>General</strong></td>
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</tbody>
</table>

Application requirements
An application to use or develop land for a heliport or a helicopter landing site must be accompanied by the following information, as appropriate:

- A site plan, including:
  - Site boundaries and dimensions.
  - The current land use.
  - The existing siting and layout of buildings and works.
  - The proposed siting and layout of buildings and works.
  - Existing vegetation and proposed vegetation removal.
- Vehicle and pedestrian access.

An application to use land for a heliport or a helicopter landing site must be accompanied by the following information:

- A location plan, including:
  - The siting and use of buildings on adjacent properties.
  - The direction and distance to any building used for a sensitive use (accommodation, child care centre, education centre and hospital) that is not associated with the helicopter operation and is located within 500 metres of the proposed heliport or helicopter landing site.

- A written report which:
  - Demonstrates a suitable separation distance between the landing point of a heliport or helicopter landing site and any building used for a sensitive use that is not associated with the helicopter operation by either:
    - Locating the proposed heliport or helicopter landing site at least 150 metres for helicopters of less than 2 tonnes all-up weight, or 250 metres for helicopters of less than 15 tonnes all-up weight, or
    - Providing an acoustic report by a suitably qualified consultant.
  - Includes details of the proposed frequency of flight movements.
  - Includes the proposed hours of operation.

**Decision guidelines**

Before deciding on an application to use land for a heliport or a helicopter landing site, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Whether the proposal achieves a suitable separation distance from a nearby sensitive use, having regard to the Noise Control Guidelines (Environment Protection Authority, 2008).
- The effect of the proposal on nearby sensitive uses in terms of the proposed frequency of flight movements and hours of operation.
NATIVE VEGETATION PRECINCT PLAN

Purpose

To provide for the protection, management and removal of native vegetation through the use of a native vegetation precinct plan incorporated into this scheme.

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.

Application

This clause applies to land if a native vegetation precinct plan corresponding to that land is incorporated into this scheme and listed in the schedule to this clause.

Native vegetation precinct plans

A native vegetation precinct plan is a plan relating to native vegetation within a defined area which is incorporated into this scheme and listed in the schedule to this clause.

A native vegetation precinct plan may form part of a more general strategic or precinct structure plan.

A native vegetation precinct plan must include the information and provide for the matters set out in section 10.1 of the Guidelines.

Permit requirement

A permit is required to remove, destroy or lop any native vegetation, including dead native vegetation. This does not apply:

- If the removal, destruction or lopping of native vegetation is in accordance with a native vegetation precinct plan incorporated into this scheme. Any conditions or requirements specified in the plan must be met.
- To the removal, destruction or lopping of native vegetation specified in the table to Clause 52.16-8, unless a native vegetation precinct plan specifies otherwise.

Application requirements

An application to remove, destroy or lop native vegetation must comply with the application requirements specified in the Guidelines.

Decision guidelines

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

If a permit is required to remove, destroy or lop native vegetation, the biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset in accordance with the Guidelines. The conditions on the permit for the removal, destruction or lopping of native vegetation must specify the offset requirement and timing to secure the offset.

**Transitional provisions**

The requirements of this clause in force immediately before the commencement of Amendment VC138 continue to apply to an application for:

- A permit lodged before that date.
- An amendment to a permit if:
  - the original permit application was lodged before that date; or
  - the original permit application was one that benefited from the following transitional provision.
- A permit lodged within 12 months after that date, if the Secretary to the Department of Environment, Land Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987) has stated in writing that a report about the proposed removal, destruction or lopping of native vegetation has been generated by the Department of Environment, Land, Water and Planning’s native vegetation information systems within 12 months before that date.

**Table of exemptions**

<table>
<thead>
<tr>
<th>The requirement to obtain a permit does not apply to:</th>
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</thead>
<tbody>
<tr>
<td><strong>Conservation work</strong></td>
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<td><strong>Crown land</strong></td>
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<td><strong>Emergency works</strong></td>
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<td><strong>Fire protection</strong></td>
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</tbody>
</table>
The requirement to obtain a permit does not apply to:

- 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 Conservation, Forests and Lands Act 1987);
- in accordance with a fire prevention notice issued under either:
  - section 65 of the Forests Act 1958; or
- 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 Electricity Safety Act 1998;
- 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 written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forest and Lands Act 1987). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the Road Management Act 2004.

Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.

<table>
<thead>
<tr>
<th>Geothermal energy exploration and extraction</th>
<th>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the Geothermal Energy Resources Act 2005.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greenhouse gas sequestration and exploration</td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the Greenhouse Gas Geoscientific Sequestration Act 2008.</td>
</tr>
<tr>
<td>Land management or directions notice</td>
<td>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 Catchment and Land Protection Act 1994.</td>
</tr>
<tr>
<td>Land use conditions</td>
<td>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 Catchment and Land Protection Act 1994.</td>
</tr>
</tbody>
</table>
| 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 Mineral Resources (Sustainable Development) Act 1990:
  - that is low impact exploration within the meaning of Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990; or
  - in accordance with a work plan approved under Part 3 of the Mineral Resources (Sustainable Development) Act 1990. 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. |
| Pest animal burrows                        | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows in accordance with the written agreement of an officer of the department responsible for administering the Flora and Fauna Guarantee Act 1988. |
| Planted vegetation                         | Native vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding for Crop raising or Grazing animal production. 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. |
| Railways                                   | 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 written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987). |
The requirement to obtain a permit does not apply to:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Regrowth</strong></td>
<td>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:</td>
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<td>- bracken (<em>Pteridium esculentum</em>); or</td>
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<td>- 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.</td>
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<td>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.</td>
</tr>
<tr>
<td><strong>Road safety</strong></td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or 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 <em>Conservation, Forests and Lands Act 1987</em>).</td>
</tr>
<tr>
<td><strong>Stone exploration</strong></td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration. 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:</td>
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<td>- 1 hectare of native vegetation which does not include a tree.</td>
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<td>- 15 native trees with trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.</td>
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<tr>
<td></td>
<td>- 5 native trees with trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.</td>
</tr>
<tr>
<td></td>
<td>This exemption does not apply to costeasing and bulk sampling activities.</td>
</tr>
<tr>
<td><strong>Stone extraction</strong></td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone extraction in accordance with a work plan approved under the <em>Mineral Resources (Sustainable Development) Act 1990</em> and authorised by a work authority under that Act.</td>
</tr>
<tr>
<td><strong>Surveying</strong></td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licensed surveyor (within the meaning of section 3 of the <em>Surveying Act 2004</em>) using hand-held tools to establish a sightline for the measurement of land.</td>
</tr>
<tr>
<td><strong>Traditional owners</strong></td>
<td>Native vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:</td>
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<td>- a natural resource agreement under Part 6 of the <em>Traditional Owner Settlement Act 2010</em>; or</td>
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<td>- an authorisation order made under sections 82 or 84 of the <em>Traditional Owner Settlement Act 2010</em> as those sections were in force immediately before the commencement of section 24 of the <em>Traditional Owner Settlement Amendment Act in 2016</em> (1 May 2017).</td>
</tr>
<tr>
<td><strong>Utility installations</strong></td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary:</td>
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<td>- to maintain the safe and efficient function of a Minor utility installation; or</td>
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<td></td>
<td>- 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 <em>Conservation, Forests and Lands Act 1987</em>).</td>
</tr>
</tbody>
</table>
## Native vegetation precinct plan

<table>
<thead>
<tr>
<th>Name of plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
</tr>
</tbody>
</table>
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 permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply:

- If the table to Clause 52.17-7 specifically states that a permit is not required.
- If a native vegetation precinct plan corresponding to the land is incorporated into this scheme and listed in the schedule to Clause 52.16.
- To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.

Application requirements

An application to remove, destroy or lop native vegetation must comply with the application requirements specified in the Guidelines.

Property vegetation plans

A permit granted to remove, destroy or lop native vegetation in accordance with a property vegetation plan must include the following condition:

“This permit will expire if one of the following circumstances applies:

- The removal, destruction or lopping of native vegetation does not start within two years of the date of this permit.
- The removal, destruction or lopping of native vegetation is not completed within ten years of the date of this permit.”

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.

Offset requirements

If a permit is required to remove, destroy or lop native vegetation, the biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset, in accordance with the Guidelines. The conditions on the permit for the removal, destruction or lopping of native vegetation must specify the offset requirement and the timing to secure the offset.
Transitional provisions

The requirements of this clause in force immediately before the commencement of Amendment VC138 continue to apply to an application for:

- A permit lodged before that date.
- An amendment to a permit if:
  - the original permit application was lodged before that date; or
  - the original permit application was one that benefited from the following transitional provision.
- A permit lodged within 12 months after that date, if the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987) has stated in writing that a report about the proposed removal, destruction or lopping of native vegetation has been generated by the Department of Environment, Land, Water and Planning’s native vegetation information systems within 12 months before that date.

Table of exemptions

<table>
<thead>
<tr>
<th>The requirement to obtain a permit does not apply to:</th>
<th></th>
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<tbody>
<tr>
<td><strong>Conservation work</strong></td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of conservation work:</td>
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<td>- which provides an overall improvement for biodiversity; and</td>
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<td>- with written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).</td>
</tr>
<tr>
<td><strong>Crown land</strong></td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to manage Crown land:</td>
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<tr>
<td></td>
<td>- by or on behalf of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987), or Parks Victoria, and in accordance with the Procedure for the removal, destruction or lopping of native vegetation on Crown land; or</td>
</tr>
<tr>
<td></td>
<td>- with written permission from the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).</td>
</tr>
<tr>
<td><strong>Dead native vegetation</strong></td>
<td>Native vegetation that is dead.</td>
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<td></td>
<td>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.</td>
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<tr>
<td><strong>Emergency works</strong></td>
<td>Native vegetation that is to be removed, destroyed, or lopped:</td>
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<td>- in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access associated with emergency works; or</td>
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<td>- 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.</td>
</tr>
</tbody>
</table>
The requirement to obtain a permit does not apply to:

**Existing buildings**
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.

This exemption does not apply to:
- 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**
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.

This exemption does not apply to:
- 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.

**Fences**
Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable:
- the operation or maintenance of an existing fence; or
- the construction of a boundary fence between properties in different ownership.

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.

**Fire protection**
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:
- fire fighting;
- planned burning;
- making or maintenance of a fuelbreak or firefighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;
- 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 Conservation, Forests and Lands Act 1987);
- in accordance with a fire prevention notice issued under either:
  - Section 65 of the Forests Act 1958; or
  - Section 41 of the Country Fire Authority Act 1958.
- 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 Electricity Safety Act 1998;
### The requirement to obtain a permit does not apply to:

- 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 *Conservation, Forests and Lands Act 1987*). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the *Road Management Act 2004*.

*Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.*

| 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 *Geothermal Energy Resources Act 2005*. |
| Grasses | Native grass that is to be mowed or slashed for maintenance only, provided that the grass is: |
| | - 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: |
| | - 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 *Greenhouse Gas Geological Sequestration Act 2008*. |
| 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 *Code of Practice for Timber Production 2014* and are: |
| | - undertaken on public land under a licence or permit issued under section 52 of the *Forests Act 1958*; or |
| | - authorised in accordance with Part 5 of the *Sustainable Forests (Timber) Act 2004*. |
| 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 *Catchment and Land Protection Act 1994*. |
| 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 *Catchment and Land Protection Act 1994*. |
| 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: |
| | - the pruning or lopping of the trunk of a native tree; or |
| | - native vegetation on a roadside or railway reservation. |
The requirement to obtain a permit does not apply to:

### 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 *Mineral Resources (Sustainable Development) Act 1990*:

- that is low impact exploration within the meaning of Schedule 4A of the *Mineral Resources (Sustainable Development) Act 1990*; or
- in accordance with a work plan approved under Part 3 of the *Mineral Resources (Sustainable Development) Act 1990*.

*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.*

### 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:

- 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 the construction or operation of a pivot irrigation system or horticultural trellising.

### 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:

- 300 square metres of native vegetation which does not include a tree.
- 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.

This exemption does not apply to native vegetation removed, destroyed or lopped to enable the construction of a swimming pool, tennis court or horse ménage.

### Personal use

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.

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.

This exemption does not apply to:

- contiguous land in one ownership that has an area of less than 10 hectares;
The requirement to obtain a permit does not apply to:

- 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

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:

- in accordance with written agreement of an officer of the department responsible for administering the *Flora and Fauna Guarantee Act 1988*; 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:
  - 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

Native vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding.

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.

### Railways

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 *Conservation, Forests and Lands Act 1987*).

### Regrowth

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:

- less than 10 years old; or
- bracken (*Pteridium esculentum*); 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 *Conservation, Forests and Lands Act 1987*), and is:
  - 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.

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.
<table>
<thead>
<tr>
<th>The requirement to obtain a permit does not apply to:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Road safety</strong></td>
</tr>
<tr>
<td>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 Conservation, Forests and Lands Act 1987).</td>
</tr>
</tbody>
</table>

| **Site area**                                       |
| 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 Conservation, Forests and Lands Act 1987). |

| **Stock movements on roads**                        |
| 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 Conservation, Forests and Lands Act 1987). |

| **Stone exploration**                               |
| Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration. |
| 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: |
| - 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. |

| **Utility installations**                            |
| Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone extraction in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority under that Act. |

| **Traditional owners**                              |
| Native vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with: |
| - a natural resource agreement under Part 6 of the Traditional Owner Settlement Act 2010; or |
| - an authorisation order made under sections 82 or 84 of the Traditional Owner Settlement Act 2010 as those sections were in force immediately before the commencement of section 24 of the Traditional Owner Settlement Amendment Act in 2016 (1 May 2017). |

| **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 Surveying Act 2004) using hand-held tools to establish a sightline for the measurement of land. |

| **Utility installations**                            |
| Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function a Minor utility installation; or |
The requirement to obtain a permit does not apply to:

- 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 Conservation, Forests and Lands Act 1987).

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 Road Management Act 2004.

Note: Under the Road Management Act 2004 the written consent of the coordinating road authority is required to conduct any works, including removing a tree or other vegetation, in, on, under or over a road.

Weeds

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.

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:

- 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.
## SCHEDULE TO CLAUSE 52.17 NATIVE VEGETATION

### Scheduled area

<table>
<thead>
<tr>
<th>Area</th>
<th>Description of native vegetation for which no permit is required to remove, destroy or lop</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murray Goulburn factory 1 Yarragon Road, Leongatha&lt;br&gt;Crown Allot. 1 Sec. 30 Township of Leongatha; Crown Allot. 2 Sec. 30 Township of Leongatha; Crown Allot. 3 Sec. 30 Township of Leongatha; Crown Allot. 3A Sec. 30 Township of Leongatha; Crown Allot. 4 Sec. 30 Township of Leongatha; Crown Allot. 5 Sec. 30 Township of Leongatha; Crown Allot. 6 Sec. 30 Township of Leongatha.</td>
<td>Eucalyptus Strzelecki (Strzelecki Gum)</td>
</tr>
<tr>
<td>Land associated with the construction of the South Gippsland Highway realignment between Bates Avenue and east of Ritchie’s Reserve, Korumburra, as shown on Map 1 (Vegetation Removal Exemption Plan) of this schedule.</td>
<td>All native vegetation</td>
</tr>
</tbody>
</table>

### Scheduled weed

<table>
<thead>
<tr>
<th>Area</th>
<th>Description of weed</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified.</td>
<td></td>
</tr>
</tbody>
</table>
TELECOMMUNICATIONS FACILITY

Purpose
To ensure that telecommunications infrastructure and services are provided in an efficient and cost effective manner to meet community needs.
To facilitate an effective statewide telecommunications network in a manner consistent with orderly and proper planning.
To encourage the provision of telecommunications facilities with minimal impact on the amenity of the area.

Permit requirement
A permit is required to construct a building or construct or carry out works for a Telecommunications facility. This does not apply to buildings and works for:

- A low-impact facility as described in the Telecommunications (Low-impact) Facilities Determination 1997 (Cth).
- The inspection and maintenance of a Telecommunications facility as defined in the Telecommunications Act 1997 (Cth).
- A facility authorised by a Facilities Installation Permit issued under the Telecommunications Act 1997 (Cth).
- A temporary defence facility.
- The connection of a building, structure, caravan or mobile home to a Telecommunications line forming part of a Telecommunications network.
- A Telecommunications facility that complies with the requirements of section 5 of A Code of Practice for Telecommunications Facilities in Victoria, July 2004.
- An activity authorised under clause 6(2) of Division 3 of Schedule 3 of the Telecommunications Act 1997 (Cth).
- An activity carried out by a body listed in sections 46 to 51 (inclusive) of the Telecommunications Act 1997 (Cth) pursuant to legislation applying to that body.

Land in public ownership
An application affecting land in a public land zone must be accompanied by written confirmation from the public land manager that the public land manager consents generally or conditionally:
- To the application being made; or
- To the application being made and to the proposed development.
This requirement does not apply if the applicant is the public land manager.

Exemption from notice and review
An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act unless:
- The Telecommunications facility is a radio communications dish greater than 1.2 metres in diameter; or
- The Telecommunications facility is a Telecommunications tower (other than a low-impact facility described in the Telecommunications (Low-impact Facilities) Determination 1997 (Cth)); or
The land is located in an Environmental Significance Overlay, a Vegetation Protection Overlay, a Significant Landscape Overlay, a Heritage Overlay, a Design and Development Overlay or an Erosion Management Overlay; or

The land is public land not in a public land zone and the responsible authority is not the public land manager.

An application under any provision of this scheme to use or develop land for a Telecommunications facility is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the Telecommunications facility is funded, or partly funded, by:

- The Commonwealth through the Mobile Black Spot Program; or
- The State of Victoria.

**Application requirements**

An application must be accompanied by the following information as appropriate to the proposal and the location:

- A site analysis and design response explaining how the proposed facility addresses the principles for the design, siting, construction and operation of telecommunications facilities and the requirements in *A Code of Practice for Telecommunications Facilities in Victoria, July 2004*.
- Site boundaries and dimensions.
- The purpose and location of all buildings and works required in the construction of the facility.
- The location of all existing buildings and works to be retained and demolished.
- The location of all proposed buildings and works including dimensions, elevations, materials, colours and finishes.
- The location and use of all buildings on adjoining properties.
- The location of all adjoining streets and access ways.
- Australian Height Datum levels.
- Natural drainage lines, watercourses, coastal dunes, beach systems and wetlands.
- Proposals for the rehabilitation of the land on which development is to occur.
- Roads and parking areas.
- Materials, landscaping, external lighting, colour and reflectivity.

**Decision guidelines**

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

- The principles for the design, siting, construction and operation of a Telecommunications facility set out in *A Code of Practice for Telecommunications Facilities in Victoria, July 2004*.
- The effect of the proposal on adjacent land.
- If the Telecommunications facility is located in an Environmental Significance Overlay, a Vegetation Protection Overlay, a Significant Landscape Overlay, a Heritage Overlay, a Design and Development Overlay or an Erosion Management Overlay, the decision guidelines in those overlays and the schedules to those overlays.
52.20  [NO CONTENT]

31/07/2018
VC148
PRIVATE TENNIS COURT

Purpose

To ensure that tennis courts used in association with a dwelling are sited and constructed to minimise the effects of the development on nearby properties.

To ensure that the use of tennis courts in association with a dwelling does not cause unreasonable disturbance to adjoining residents or adversely affect the residential amenity of adjoining areas.

Application

This clause applies to any private tennis court which is used in association with a dwelling.

Permit requirement

A permit is not required under any provision of this scheme to construct, use or illuminate a private tennis court if the performance requirements specified in the Code of Practice - Private Tennis Court Development Revision 1 March 1999 are met.

A permit is required to construct, use or illuminate a private tennis court:

- If any of the performance requirements specified in the Code of Practice - Private Tennis Court Development Revision 1 March 1999 are not met.

- If the land is in an Environmental Significance Overlay, a Vegetation Protection Overlay, a Significant Landscape Overlay, a Heritage Overlay, an Urban Floodway Zone, a Floodway Overlay or a Land Subject to Inundation Overlay and a permit is required for any of the following:
  - To construct a building or construct or carry out works.
  - To remove, destroy, prune or lop a tree or vegetation.

Application requirements

Unless the circumstances do not require, an application under this clause must be accompanied by the following information:

- A copy of title of the land.
- A layout plan to a scale of not less than 1:200.
- The location of dwellings on adjoining land within 10 metres of the court site showing habitable room windows.
- Existing and proposed site levels.
- Location of vegetation to be removed.
- Proposed landscaping.
- Illumination levels and the position and height of light poles and fencing.
- Description of fencing material.
- The location of easements.
- Volume of excavated material to be brought to or removed from the site.
- Means of access to the site.
- Construction method and timing.
52.21-4 Notice provisions

An application for a permit to construct, use or illuminate a private tennis court under any provision of this scheme is exempt from the notice requirements of section 52(1)(a), (b) and (d) of the Act. In accordance with section 52(1)(c) of the Act notice of an application to construct, use or illuminate a private tennis court under any provision of this scheme must be given by ordinary post to the owners and occupiers of adjoining and opposite properties.

52.21-5 Decision guidelines

Before deciding on an application under this Clause, in addition to the decision guidelines in Clause 65, the responsible authority must consider the relevant objectives and considerations specified in the Code of Practice - Private Tennis Court Development Revision 1 March 1999.
COMMUNITY CARE ACCOMMODATION

Purpose

To facilitate the establishment of community care accommodation.

To support the confidentiality of community care accommodation.

Application

This clause applies to the use and development of land for community care accommodation.

Use exemption

Any requirement in the Activity Centre Zone, Capital City Zone, Commercial 1 Zone, General Residential Zone, Low Density Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone, Rural Living Zone or Township Zone to obtain a permit to use land for community care accommodation does not apply if all of the following requirements are met:

- Any condition opposite the use ‘community care accommodation’ in the table of uses in the zone or schedule to the zone is met.
- The use is funded by, or conducted by or on behalf of, a government department or public authority, including a public authority established for a public purpose under a Commonwealth Act.
- No more than 20 clients are accommodated. This does not include staff.
- No more than 5 persons at any one time who are not residents may access support services provided on the land.

Buildings and works exemption

Any requirement in the General Residential Zone, Low Density Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone, Rural Living Zone or Township Zone to obtain a permit to construct a building or construct or carry out works for community care accommodation does not apply if all of the following requirements are met:

- The development is funded by, or carried out by or on behalf of, a government department or public authority, including a public authority established for a public purpose under a Commonwealth Act.
- If the development is in the General Residential Zone or Neighbourhood Residential Zone, a garden area is provided in accordance with the minimum garden area requirement specified in the zone.
- If the development is in the General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone, standards B6, B17, B18, B19, B20, B21 and B22 of Clause 55 are met.

Exemption from notice and review

An application under any provision of this planning scheme to use land or construct a building or construct or carry out works for community care accommodation is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the application is made by or on behalf of a government department or public authority, including a public authority established for a public purpose under a Commonwealth Act.
ROOMING HOUSE

Purpose
To facilitate the establishment of domestic-scale rooming houses.

Application
This clause applies to use and development of land for a rooming house.

Use exemption
Any requirement in the Activity Centre Zone, Capital City Zone, Commercial 1 Zone, General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone to obtain a permit to use land for a rooming house does not apply if all of the following requirements are met:

- Any condition opposite the use ‘rooming house’ in the table of uses in the zone or schedule to the zone is met.
- The total floor area of all buildings on the land does not exceed 300 square metres, excluding outbuildings.
- No more than 12 persons are accommodated.
- No more than 9 bedrooms are provided.

Buildings and works exemption
Any requirement in the General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone to obtain a permit to construct a building or construct or carry out works for a rooming house does not apply if all of the following requirements are met:

- No more than 9 bedrooms are developed on the land.
- Bedrooms can only be accessed from within the building.
- The total floor area of all buildings on the land does not exceed 300 square metres, excluding outbuildings.
- If the development is in the General Residential Zone or Neighbourhood Residential Zone, a garden area is provided in accordance with the minimum garden area requirement specified in the zone.
- Shared entry facilities and common areas, including a kitchen and living area, are provided.
CREMATORIUM

Purpose

To ensure that crematoria in cemeteries are developed and used in an appropriate manner.

Permit required

A permit is required to develop and use a crematorium on land that is used for cemetery purposes. This does not apply to land in the Springvale Crematorium.

Decision guidelines

Before deciding on an application to use and develop land for a crematorium, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- The provision of landscaping and screen planting.
- The location and design of the buildings to be constructed.
- The effect on traffic movement generated by the use.
- The provision of parking facilities.
LICENCED PREMISES

Purpose
To ensure that licensed premises are situated in appropriate locations.
To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

Scope
These provisions apply to premises licensed, or to be licensed, under the Liquor Control Reform Act 1998.

Permit required
A permit is required to use land to sell or consume liquor if any of the following apply:
- A licence is required under the Liquor Control Reform Act 1998.
- A different licence or category of licence is required from that which is in force.
- The hours of trading allowed under a licence are to be extended.
- The number of patrons allowed under a licence is to be increased.
- The area that liquor is allowed to be consumed or supplied under a licence is to be increased.
This does not apply:
- To a limited licence.
- To a licence to manufacture liquor.
- If the schedule to this clause specifies that a permit is not required to use land to sell or consume liquor under a particular type of licence.
- To a variation that reduces the hours of trading allowed under a licence.
- To a variation that reduces the number of patrons allowed under a licence.
- To a variation that reduces the area within which liquor is allowed to be consumed or supplied under a licence.
- To a variation of licence at the initiative of the Victorian Commission for Gambling and Liquor Regulation, pursuant to Section 58 of the Liquor Control Reform Act 1998.
- To a variation of licence for a variation prescribed in Part 6, Regulation 31 of the Liquor Control Reform Regulations 2009.
- If a different licence or category of licence is required solely as a result of changes to licence categories.
- To a licence to sell only packaged liquor for consumption elsewhere issued before 8 April 2011.
The schedule to this clause may specify that a permit may not be granted to use land to sell or consume liquor under a particular type of licence.

Referral of applications
An application must be referred and notice of the application must be given in accordance with Clause 66 of this scheme.

Decision guidelines
Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:
The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.

The impact of the hours of operation on the amenity of the surrounding area.

The impact of the number of patrons on the amenity of the surrounding area.

The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.
SCHEDULE TO CLAUSE 52.27 LICENSED PREMISES

1.0 Permit not required

<table>
<thead>
<tr>
<th>Land</th>
<th>Type of licence</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>

2.0 Permit may not be granted

<table>
<thead>
<tr>
<th>Land</th>
<th>Type of licence</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>
GAMING

Purpose
To ensure that gaming machines are situated in appropriate locations and premises.
To ensure the social and economic impacts of the location of gaming machines are considered.
To prohibit gaming machines in specified shopping complexes and strip shopping centres.

Gaming objectives
A schedule to this clause may specify objectives to be achieved in relation to the installation or use of a gaming machine.

Permit requirement
A permit is required to install or use a gaming machine.
This does not apply in either of the following circumstances:
- Clause 52.28-4 or Clause 52.28-5 specifically prohibit a gaming machine.
- the gaming machine is in an approved venue under the Gambling Regulation Act 2003 on 18 October 2006 and the maximum number of gaming machines for the approved venue on 18 October 2006 is not exceeded.

Prohibition of a gaming machine in a shopping complex
Installation or use of a gaming machine is prohibited on land specified in a schedule to this clause.
This does not apply to a gaming machine in an approved venue under the Gambling Regulation Act 2003 on 18 October 2006; and the maximum number of gaming machines for the approved venue on 18 October 2006 is not exceeded.

Prohibition of a gaming machine in a strip shopping centre
Installation or use of a gaming machine is prohibited in a strip shopping centre if:
- the strip shopping centre is specified in the schedule to this clause.
- the schedule provides that a gaming machine is prohibited in all strip shopping centres on land covered by this planning scheme.
This does not apply to a gaming machine in an approved venue under the Gambling Regulation Act 2003 on 18 October 2006; and the maximum number of gaming machines for the approved venue on 18 October 2006 is not exceeded.

A strip shopping centre is an area that meets all of the following requirements:
- it is zoned for commercial use;
- it consists of at least two separate buildings on at least two separate and adjoining lots;
- it is an area in which a significant proportion of the buildings are shops;
- it is an area in which a significant proportion of the lots abut a road accessible to the public generally;
but it does not include the Capital City Zone in the Melbourne Planning Scheme.

Locations for gaming machines
A schedule to this clause may specify guidelines relating to locations for gaming venues and machines.
Venues for gaming machines

A schedule to this clause may specify guidelines relating to venues for gaming machines.

Application requirements

An application must be accompanied by any information specified in a schedule to this overlay.

Decision guidelines

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

- The compatibility of the proposal with adjoining and nearby land uses.
- The capability of the site to accommodate the proposal.
- Whether the gaming premises provides a full range of hotel facilities or services to patrons or a full range of club facilities or services to members and patrons.
- Any other matters specified in the schedule to this clause.
SCHEDULE TO CLAUSE 52.28 GAMING

1.0

Objectives (22)

None specified.

2.0

Prohibition of a gaming machine in a shopping complex

Installation or use of a gaming machine as specified in Clause 52.28-4 is prohibited on land described in Table 1 below.

Table 1

<table>
<thead>
<tr>
<th>Name of shopping complex and locality</th>
<th>Land description</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td>None specified</td>
</tr>
</tbody>
</table>

3.0

Prohibition of a gaming machine in a strip shopping centre

A gaming machine as specified in Clause 52.28-5 is prohibited in all strip shopping centres on land covered by this planning scheme as specified in Table 2 below.

Table 2

<table>
<thead>
<tr>
<th>Name of strip shopping centre and locality</th>
<th>Land description</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td>None specified</td>
</tr>
</tbody>
</table>

4.0

Locations for gaming machines

None specified.

5.0

Venues for gaming machines

None specified.

6.0

Application requirements (2)

None specified.

7.0

Decision guidelines (2)

None specified.
LAND ADJACENT TO A ROAD ZONE, CATEGORY 1, OR A PUBLIC ACQUISITION OVERLAY FOR A CATEGORY 1 ROAD

Purpose
To ensure appropriate access to identified roads.
To ensure appropriate subdivision of land adjacent to identified roads.

Application
This clause applies to land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road.

Permit requirement
A permit is required to:

- Create or alter access to:
  - A road in a Road Zone, Category 1.
  - Land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road.

- Subdivide land adjacent to:
  - A road in a Road Zone, Category 1.
  - Land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road.

Permit not required
A permit is not required to:

- Realign a boundary.

- Subdivide an existing building, provided the building is already connected to services and no new access is required.

- Subdivide land into two lots, provided no new access is required.

Referral of applications
An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or arterial road under the Road Management Act 2004, land owned by the Roads Corporation for the purpose of a road, or land in a Public Acquisition Overlay if the Roads Corporation is the acquiring authority for the land, must be referred to the Roads Corporation under section 55 of the Act.

Any other application must be referred to the owner of, or the acquiring authority for, the adjacent land in the Road Zone, Category 1, or the Public Acquisition Overlay.

Exemption from notice and review
An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

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

- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.
- Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the *Road Management Act 2004* regarding access between a controlled access road and adjacent land.
WIND ENERGY FACILITY

Purpose
To facilitate the establishment and expansion of wind energy facilities, in appropriate locations, with minimal impact on the amenity of the area.

Application
This clause applies to land used and developed or proposed to be used and developed for a Wind energy facility.

Use and development of land
A permit is required to use and develop land for a Wind energy facility.

The use and development of land for a Wind energy facility is prohibited at a location listed in the table to this clause unless the condition opposite the location specified in the table is met.

Table to Clause 52.32-2

<table>
<thead>
<tr>
<th>Location</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>On land where any turbine (measured from the centre of the tower at ground level) that forms part of the facility is located within one kilometre of an existing dwelling. This does not apply to a Wind energy facility that is located on land in a residential zone, an industrial zone, a commercial zone or a special purpose zone.</td>
<td>Must meet the requirements of clause 52.32-3.</td>
</tr>
<tr>
<td>Land described in a schedule to the National Parks Act 1975</td>
<td>Must be principally used to supply electricity to a facility used in conjunction with conservation, recreation, administration or accommodation use of the land.</td>
</tr>
<tr>
<td>Land declared a Ramsar wetland as defined under section 17 of the Environment Protection and Biodiversity Conservation Act 1999 (Cwth)</td>
<td></td>
</tr>
<tr>
<td>Land listed in a schedule to Clause 52.32-2</td>
<td>Must be on land in a residential zone, industrial zone, commercial zone or special purpose zone and must be integrated as part of the development of the land.</td>
</tr>
</tbody>
</table>

Turbine within one kilometre of a dwelling
An application that includes a proposed turbine within one kilometre of an existing dwelling must be accompanied by:

- A plan showing all dwellings within one kilometre of a proposed turbine (measured from the centre of the tower at ground level).
- Evidence of the written consent of any owner as at the date of that application of an existing dwelling located within one kilometre of a proposed turbine (measured from the centre of the tower at ground level) that forms part of a Wind energy facility. This does not apply to an application to amend such a permit under section 72 or section 97I of the Act unless the amendment of the permit would:
  - increase the number of turbines; or
change the location of a turbine so that the centre of the tower (at ground level) is located closer to an existing dwelling (within one kilometre of a permitted turbine) than the centre of the tower (at ground level) of the closest permitted turbine to that dwelling.

This does not apply to a Wind energy facility that is located on land in a residential zone, an industrial zone, a commercial zone or a special purpose zone.

**Application requirements**

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

**Site and context analysis**

A site and context analysis may use a site plan, photographs or other techniques to accurately describe the site and surrounding area and must include the following information:

- In relation to the site:
  - Site shape, dimensions and size
  - Orientation and contours
  - Current land use
  - The existing use and siting of buildings or works on the land
  - Existing vegetation types, condition and coverage
  - The landscape of the site
  - Sites of cultural heritage significance
  - Wind characteristics
  - Any other notable features, constraints or other characteristics of the site.

- In relation to the surrounding area:
  - Existing land uses
  - Above-ground utilities
  - Access to infrastructure
  - Direction and distances to nearby dwellings, townships, urban areas, significant conservation and recreation areas, water features, tourist routes and walking tracks, major roads, airports, aerodromes and existing and proposed wind energy facilities
  - The siting and use of buildings on adjacent properties
  - Views to and from the site, including views from existing dwellings and key vantage points including major roads, walking tracks, tourist routes and regional population growth corridors
  - Sites of flora and fauna listed under the Flora and Fauna Guarantee Act 1988 and Environment Protection and Biodiversity Conservation Act 1999 (Cwth), including significant habitat corridors, and movement corridors for these fauna
  - Sites of cultural heritage significance
  - National Parks, State Parks, Coastal Reserves and other land subject to the National Parks Act 1975
  - Land declared a Ramsar wetland as defined under section 17 of the Environment Protection and Biodiversity Conservation Act 1999 (Cwth)
- Location of any land included in the schedule to clause 52.32-2 of the planning scheme
- Any other notable features or characteristics of the area
- Bushfire risks.

**Design response**

- Detailed plans of the proposed development.
- Plans and elevations of transmission infrastructure and electricity utility works required to connect the facility to the electricity network, and access road options.
- Accurate visual simulations illustrating the development in the context of the surrounding area and from key public view points.
- A rehabilitation plan for the site.
- A written report(s), including:
  - A description of the proposal.
  - An explanation of how the proposed design derives from and responds to the site analysis.
  - A description of how the proposal responds to any significant landscape features for the area identified in the planning scheme.
  - An assessment of:
    - the visual impact of the proposal on the surrounding landscape.
    - the visual impact on abutting land that is described in a schedule to the *National Parks Act 1975* and Ramsar wetlands and coastal areas.
    - the impact of the proposal on any species (including birds and bats) listed under the *Flora and Fauna Guarantee Act 1988* or the *Environment Protection and Biodiversity Conservation Act 1999* (Cwth).
    - the noise impacts of the proposal prepared in accordance with the New Zealand Standard NZS6808:2010, Acoustics – Wind Farm Noise, including an assessment of whether a high amenity noise limit is applicable, as assessed under Section 5.3 of the Standard.
    - the impacts upon Aboriginal or non-Aboriginal cultural heritage.
  - A statement of why the site is suitable for the wind energy facility.
  - An environmental management plan including any rehabilitation and monitoring requirements.

If in the opinion of the responsible authority a requirement of the site and context analysis or design response is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

An application must be accompanied by the following information:

**Mandatory noise assessment**

- A pre-construction (predictive) noise assessment report demonstrating that the proposal can comply with the New Zealand Standard NZS6808:2010, Acoustics – Wind Farm Noise, including an assessment of whether a high amenity noise limit is applicable under Section 5.3 of the Standard.
- An environmental audit report of the pre-construction (predictive) noise assessment report prepared under Part IXD, Section 53V of the *Environment Protection Act 1970* by an environmental auditor appointed under Part IXD of the *Environment Protection Act 1970*. The environmental audit report must verify that the acoustic assessment undertaken for the purpose
of the pre-construction (predictive) noise assessment report has been conducted in accordance with the New Zealand Standard NZS6808:2010, Acoustics – Wind Farm Noise.

### Mandatory condition

A permit to use or develop land for a wind energy facility must include the following conditions:

- A post-construction noise assessment report prepared in accordance with the New Zealand Standard NZS6808:2010, Acoustics – Wind Farm Noise demonstrating whether the wind energy facility complies with the Standard, must be submitted to the Responsible Authority. If the wind energy facility is constructed in stages, additional post-construction noise assessment reports for each stage must be submitted to the Responsible Authority.

- Each post-construction noise assessment report must be accompanied by an environmental audit report prepared under Part IXD, Section 53V of the Environment Protection Act 1970 by an environmental auditor appointed under Part IXD of the Environment Protection Act 1970. The environmental audit report must verify that the acoustic assessment undertaken for the purpose of the post-construction noise assessment report has been conducted in accordance with the New Zealand Standard NZS6808:2010, Acoustics – Wind Farm Noise.

### Decision guidelines

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


- The effect of the proposal on the surrounding area in terms of noise, blade glint, shadow flicker and electromagnetic interference.

- The impact of the development on significant views, including visual corridors and sightlines.

- The impact of the facility on the natural environment and natural systems.

- The impact of the facility on cultural heritage.

- The impact of the facility on aircraft safety.


### Anemometer

Despite anything to the contrary in this scheme a permit may be granted to use and develop land for the purpose of wind measurement by an anemometer for a period of more than three years.

### Application to amend a permit under section 72 of the Act

An application to amend a permit made under section 72 of the Act is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the amendment of the permit does not:

- increase the number of turbines; or

- change the location of a turbine so that the centre of the tower (at ground level) is located closer to an existing dwelling (within one kilometre of a permitted turbine) than the centre of the tower (at ground level) of the closest permitted turbine to that dwelling.
Application to amend a permit under section 97I of the Act

An application to amend a referred wind energy facility permit made under section 97I of the Act is wholly exempt from the requirements of section 97E(1) of the Act if the application does not seek to:

- increase the total number of turbines; or
- increase the maximum height of any turbine; or
- change the location of a turbine so that the centre of the tower (at ground level) is located closer to an existing dwelling (within one kilometre of a permitted turbine) than the centre of the tower (at ground level) of the closest permitted turbine to that dwelling.

The requirements of section 97E(1) of the Act are modified so as to require referral of objections and submissions to an advisory committee established under section 151 of the Act if an application to amend a referred wind energy facility permit made under section 97I of the Act does not seek to:

- increase the total number of turbines by more than 15%; or
- increase the maximum height of any turbine by more than 20%; or
- change the location of a turbine so that the centre of the tower (at ground level) is located closer to an existing dwelling (within one kilometre of a permitted turbine) than the centre of the tower (at ground level) of the closest permitted turbine to that dwelling.
SCHEDULE TO CLAUSE 52.32 WIND ENERGY FACILITY

1.0

Wind energy facility prohibition

Land where a Wind energy facility is prohibited

All land within five kilometres of the high water mark of the coast west of Wilson's Promontory.
POST BOXES AND DRY STONE WALLS

Purpose
To conserve historic post boxes and dry stone walls.

Permit requirement
A permit is required to demolish or remove a post box constructed before 1930.
A permit is required to demolish, remove or alter a dry stone wall constructed before 1940 on land specified in the schedule to this provision. This does not apply to:

- Dry stone structures other than walls and fences.
- The demolition or removal of a section of a dry stone wall to install a gate.
- The reconstruction of damaged or collapsing walls which are undertaken to the same specifications and using the same materials as the existing walls.

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

- The significance of the post box or dry stone wall.
- Any applicable heritage study, statement of significance and conservation policy.
- Whether the proposal will adversely affect the significance of the post box or dry stone wall.
- Whether the proposal will adversely affect the significance, character or appearance of the area.
SCHEDULE TO CLAUSE 52.33 POST BOXES AND DRY STONE WALLS

1.0 Permit requirement for dry stone walls

<table>
<thead>
<tr>
<th>Land</th>
<th>None specified</th>
</tr>
</thead>
</table>
BICYCLE FACILITIES

Purpose
To encourage cycling as a mode of transport.
To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

Provision of bicycle facilities
A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.
Where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use.

Permit requirement
A permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6.

Exemption from notice and review
An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

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

- Whether the proposed number, location and design of bicycle facilities meets the purpose of this clause.
- The location of the proposed land use and the distance a cyclist would need to travel to reach the land.
- The users of the land and their opportunities for bicycle travel.
- Whether showers and change rooms provided on the land for users other than cyclists are available to cyclists.
- The opportunities for sharing of bicycle facilities by multiple uses, either because of variation of bicycle parking demand over time or because of efficiencies gained from the consolidation of shared bicycle facilities.
- Any relevant bicycle parking strategy or equivalent.

Required bicycle facilities
Tables 1, 2 and 3 to this clause set out the number and type of bicycle facilities required. Bicycle facilities are required if the use is listed in column 1 of the table. The number of bicycle facilities required for a use is the sum of columns 2 and 3 of the tables.
If in calculating the number of bicycle facilities the result is not a whole number, the required number of bicycle facilities is the nearest whole number. If the fraction is one-half, the requirement is the next whole number.
A bicycle space for an employee or resident must be provided either in a bicycle locker or at a bicycle rail in a lockable compound.
A bicycle space for a visitor, shopper or student must be provided at a bicycle rail.

### Table 1 to Clause 52.34-5 Bicycle spaces

<table>
<thead>
<tr>
<th>Use</th>
<th>Employee/Resident</th>
<th>Visitor/Shopper/Student</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement parlour</td>
<td>None</td>
<td>2 plus 1 to each 50 sq m of net floor area</td>
</tr>
<tr>
<td>Convenience restaurant</td>
<td>1 to each 25 sq m of floor area available to the public</td>
<td>2</td>
</tr>
<tr>
<td>Dwelling</td>
<td>In developments of four or more storeys, 1 to each 5 dwellings</td>
<td>In developments of four or more storeys, 1 to each 10 dwellings</td>
</tr>
<tr>
<td>Education centre (excluding Child care centre) other than specified in this table</td>
<td>1 to each 20 employees</td>
<td>1 to each 20 full-time students</td>
</tr>
<tr>
<td>Hospital</td>
<td>1 to each 15 beds</td>
<td>1 to each 30 beds</td>
</tr>
<tr>
<td>Hotel</td>
<td>1 to each 25 sq m of bar floor area available to the public plus 1 to each 100 sq m of lounge floor area available to the public</td>
<td>1 to each 25 sq m of bar floor area available to the public plus 1 to each 100 sq m of lounge floor area available to the public</td>
</tr>
<tr>
<td>Industry other than specified in this table</td>
<td>1 to each 1000 sq m of net floor area</td>
<td>None</td>
</tr>
<tr>
<td>Library</td>
<td>1 to each 500 sq m of net floor area</td>
<td>4 plus 2 to each 200 sq m of net floor area</td>
</tr>
<tr>
<td>Major sports and recreation facility</td>
<td>1 to each 1500 spectator places</td>
<td>1 to each 250 spectator places</td>
</tr>
<tr>
<td>Market</td>
<td>1 to each 50 stalls</td>
<td>1 to each 10 stalls</td>
</tr>
<tr>
<td>Medical centre</td>
<td>1 to each 8 practitioners</td>
<td>1 to each 4 practitioners</td>
</tr>
<tr>
<td>Minor sports and recreation facility</td>
<td>1 per 4 employees</td>
<td>1 to each 200 sq m of net floor area</td>
</tr>
<tr>
<td>Motel</td>
<td>1 to each 40 rooms</td>
<td>None</td>
</tr>
<tr>
<td>Office other than specified in this table</td>
<td>1 to each 300 sq m of net floor area if the net floor area exceeds 1000 sq m</td>
<td>1 to each 1000 sq m of net floor area if the net floor area exceeds 1000 sq m</td>
</tr>
<tr>
<td>Place of assembly other than specified in this table</td>
<td>1 to each 1500 sq m of net floor area</td>
<td>2 plus 1 to each 1500 sq m of net floor area</td>
</tr>
<tr>
<td>Primary school</td>
<td>1 to each 20 employees</td>
<td>1 to each 5 pupils over year 4</td>
</tr>
<tr>
<td>Residential building other than specified in this table</td>
<td>In developments of four or more storeys, 1 to each 10 lodging rooms</td>
<td>In developments of four or more storeys, 1 to each 10 lodging rooms</td>
</tr>
<tr>
<td>Restaurant</td>
<td>1 to each 100 sq m of floor area available to the public</td>
<td>2 plus 1 to each 200 sq m of floor area available to the public if the floor area available to the public exceeds 400 sq m.</td>
</tr>
<tr>
<td>Retail premises other than specified in this table</td>
<td>1 to each 300 sq m of leasable floor area</td>
<td>1 to each 500 sq m of leasable floor area</td>
</tr>
<tr>
<td>Secondary school</td>
<td>1 to each 20 employees</td>
<td>1 to each 5 pupils</td>
</tr>
<tr>
<td>Service industry</td>
<td>1 to each 800 sq m of net floor area</td>
<td>None</td>
</tr>
<tr>
<td>Shop</td>
<td>1 to each 600 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres</td>
<td>1 to each 500 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres</td>
</tr>
</tbody>
</table>
Table 2 to Clause 52.34-5 Showers

<table>
<thead>
<tr>
<th>USE</th>
<th>Employee/Resident</th>
<th>Visitor/Shopper/Student</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use listed in Table 1</td>
<td>If 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.</td>
<td>None</td>
</tr>
</tbody>
</table>

Table 3 to Clause 52.34-5 – Change rooms

<table>
<thead>
<tr>
<th>USE</th>
<th>Employee/Resident</th>
<th>Visitor/Shopper/Student</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use listed in Table 1</td>
<td>1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room.</td>
<td>None</td>
</tr>
</tbody>
</table>

Design of bicycle spaces

Bicycle spaces should:

- Provide a space for a bicycle of minimum dimensions of 1.7 metres in length, 1.2 metres in height and 0.7 metres in width at the handlebars.
- Be located to allow a bicycle to be ridden to within 30 metres of the bicycle parking space.
- Be located to provide convenient access from surrounding bicycle routes and main building entrances.
- Not interfere with reasonable access to doorways, loading areas, access covers, furniture, services and infrastructure.
- Not cause a hazard.
- Be adequately lit during periods of use.

Bicycle rails

A bicycle rail must:

- Be securely fixed to a wall or to the floor or ground.
- Be in a highly visible location for bicycle security (when not in a compound).
- Be of a shape that allows a cyclist to easily lock the bicycle frame and wheels.
- Be located to allow easy access to park, lock and remove the bicycle.

Bicycle compounds and lockers

A bicycle compound or a bicycle locker must:

- Be located to provide convenient access to other bicycle facilities including showers and change rooms.
- Be fully enclosed.
- Be able to be locked.
- If outside, provide weather protection for the bicycle.

A bicycle locker must provide a bicycle parking space for at least one bicycle.

A bicycle compound must:
- Include wall or floor rails for bicycle parking.
- Provide an internal access path of at least 1.5 metres in width.

**Bicycle signage**

If bicycle facilities are required by this clause, bicycle signage that directs the cyclists to the bicycle facilities must be provided to the satisfaction of the responsible authority.

Bicycle signage should:

- Be at least 0.3 metres wide and 0.45 metres high.
- Display a white bicycle on a blue background on the top half of the sign.
- Display information about the direction of facilities on the bottom half of the sign.
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). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988.

Exemption from public open space requirement specified in the scheme

A subdivision is exempt from a public open space requirement specified in this scheme if:

- It is one of the following classes of subdivision:
  - Class 1: The subdivision of a building used for residential purposes provided each lot contains part of the building. The building must have been constructed or used for residential purposes immediately before 30 October 1989 or a planning permit must have been issued for the building to be constructed or used for residential purposes immediately before that date.
  - Class 2: The subdivision of a commercial or industrial building provided each lot contains part of the building.

- It is for the purpose of excising land to be transferred to a public authority, council or a Minister for a utility installation.

- It subdivides land into two lots and the council considers it unlikely that each lot will be further subdivided.

Exemption from public open space requirement under section 18(8)(a) of the Subdivision Act 1988

For the purposes of section 18(8)(a) of the Subdivision Act 1988, the following classes of subdivision are exempt from the public open space requirement:

- Class 1: The subdivision of a building used for residential purposes provided each lot contains part of the building. The building must have been constructed or used for residential purposes immediately before 30 October 1989 or a planning permit must have been issued for the building to be constructed or used for residential purposes immediately before that date.

- Class 2: The subdivision of a commercial or industrial building provided each lot contains part of the building.

Note: Check section 18A of the Subdivision Act 1988 for other requirements that apply to a public open space requirement specified in the planning scheme.
## SCHEDULE TO CLAUSE 53.01 PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION

### 1.0 Subdivision and public open space contribution

<table>
<thead>
<tr>
<th>Type or location of subdivision</th>
<th>Amount of contribution for public open space</th>
</tr>
</thead>
<tbody>
<tr>
<td>All residential, commercial or industrial land</td>
<td>A minimum of 5%</td>
</tr>
<tr>
<td>Any subdivision that does not qualify for exemption under cl 53.01</td>
<td>A minimum of 5%</td>
</tr>
</tbody>
</table>
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.

Application

This clause applies to an application under Clause 44.06 - Bushfire Management Overlay, unless the application meets all of the requirements specified in a schedule to Clause 44.06.

Clause 53.02-3 applies to an application to construct a single dwelling or construct or carry out works associated with a single dwelling if all of the following requirements are met:

- The land is zoned Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Urban Growth Zone, Low Density Residential Zone, Township Zone or Rural Living Zone.

- There is only one dwelling on the lot.

- The application meets all of the approved measures contained in Clause 53.02-3.

Clause 53.02-4 applies to all other applications.

Operation

The provisions of this clause contain:

- Objectives. An objective describes the outcome that must be achieved in a completed development.

- Approved measures (AM). An approved measure meets the objective.

- Alternative measures (AltM). An alternative measure may be considered where the responsible authority is satisfied that the objective can be met. The responsible authority may consider other unspecified alternative measures.

- Decision guidelines. The decision guidelines set out the matters that the responsible authority must consider before deciding on an application, including whether any proposed alternative measure is appropriate.

A schedule to Clause 44.06 may specify substitute approved measures, additional alternative measures and additional or substitute decision guidelines.

A substitute approved measure specified in a schedule to Clause 44.06 substitutes the applicable approved measure contained in this clause.

Dwellings in existing settlements – Bushfire protection objective

To specify bushfire design and construction measures for a single dwelling or alteration and extension to an existing dwelling that reduces the risk to life and property to an acceptable level.
Approved measures

<table>
<thead>
<tr>
<th>Measure</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM 1.1</td>
<td>A building is sited to ensure the site best achieves the following:</td>
</tr>
<tr>
<td></td>
<td>- The maximum separation distance between the building and the bushfire hazard.</td>
</tr>
<tr>
<td></td>
<td>- The building is in close proximity to a public road.</td>
</tr>
<tr>
<td></td>
<td>- Access can be provided to the building for emergency service vehicles.</td>
</tr>
<tr>
<td>AM 1.2</td>
<td>A building provides the defendable space in accordance with Table 1 Columns A, B, C, D or E and Table 6 to Clause 53.02-5. Adjoining land may be included as defendable space where there is a reasonable assurance that the land will remain or continue to be managed in that condition as part of the defendable space.</td>
</tr>
<tr>
<td></td>
<td>A building is constructed to the bushfire attack level:</td>
</tr>
<tr>
<td></td>
<td>- That corresponds to the defendable space provided in accordance with Table 1 to Clause 53.02-5, or</td>
</tr>
<tr>
<td></td>
<td>- The next lower bushfire attack level that corresponds to the defendable space provided in accordance with Table 1 to Clause 53.02-5 where all of the following apply:</td>
</tr>
<tr>
<td></td>
<td>- A private bushfire shelter (a Class 10c building within the meaning of the Building Regulations 2006) is constructed on the same land as the dwelling.</td>
</tr>
<tr>
<td></td>
<td>- A minimum bushfire attack level of BAL12.5 is provided in all circumstances.</td>
</tr>
<tr>
<td>AM 1.3</td>
<td>A building is provided with:</td>
</tr>
<tr>
<td></td>
<td>- A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 53.02-5. The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.</td>
</tr>
<tr>
<td></td>
<td>- Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.</td>
</tr>
</tbody>
</table>

53.02-3.1 Decision guidelines

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

- The bushfire hazard site assessment and the bushfire management statement submitted with the application.
- Whether all of the approved measures have been incorporated into the application.

53.02-4 Bushfire protection objectives

53.02-4.1 Landscape, siting and design objectives

Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.

Development is sited to minimise the risk from bushfire.

Development is sited to provide safe access for vehicles, including emergency vehicles.

Building design minimises vulnerability to bushfire attack.
Approved measures

<table>
<thead>
<tr>
<th>Measure</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM 2.1</td>
<td>The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.</td>
</tr>
<tr>
<td>AM 2.2</td>
<td>A building is sited to ensure the site best achieves the following:</td>
</tr>
<tr>
<td></td>
<td>• The maximum separation distance between the building and the bushfire hazard.</td>
</tr>
<tr>
<td></td>
<td>• The building is in close proximity to a public road.</td>
</tr>
<tr>
<td></td>
<td>• Access can be provided to the building for emergency service vehicles.</td>
</tr>
<tr>
<td>AM 2.3</td>
<td>A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building.</td>
</tr>
</tbody>
</table>

53.02-4.2
Defendable space and construction objective

Defendable space and building construction mitigate the effect of flame contact, radiant heat and embers on buildings.

Approved measures

<table>
<thead>
<tr>
<th>Measure</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM 3.1</td>
<td>A building used for a dwelling (including an extension or alteration to a dwelling), a dependent person’s unit, industry, office or retail premises is provided with defendable space in accordance with:</td>
</tr>
<tr>
<td></td>
<td>• Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land; or</td>
</tr>
<tr>
<td></td>
<td>• If there are significant siting constraints, Table 2 Column D and Table 6 to Clause 53.02-5. The building is constructed to the bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5.</td>
</tr>
<tr>
<td>AM 3.2</td>
<td>A building used for accommodation (other than a dwelling or dependent person’s unit), a child care centre, an education centre, a hospital, leisure and recreation or a place of assembly is:</td>
</tr>
<tr>
<td></td>
<td>• Provided with defendable space in accordance with Table 3 and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land.</td>
</tr>
<tr>
<td></td>
<td>• Constructed to a bushfire attack level of BAL12.5.</td>
</tr>
</tbody>
</table>

Alternative measures

<table>
<thead>
<tr>
<th>Measure</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>AltM 3.3</td>
<td>Adjoining land may be included as defendable space where there is a reasonable assurance that the land will remain or continue to be managed in that condition as part of the defendable space.</td>
</tr>
<tr>
<td>AltM 3.4</td>
<td>Defendable space and the bushfire attack level is determined using Method 2 of AS3959:2009 Construction of buildings in bushfire prone areas (Standards Australia) subject to any guidance published by the relevant fire authority.</td>
</tr>
</tbody>
</table>
### AltM 3.5

A building used for a dwelling (including an extension or alteration to a dwelling) may provide defendable space to the property boundary where it can be demonstrated that:

- The lot has access to urban, township or other areas where:
  - Protection can be provided from the impact of extreme bushfire behaviour.
  - Fuel is managed in a minimum fuel condition.
  - There is sufficient distance or shielding to protect people from direct flame contact or harmful levels of radiant heat.
- Less defendable space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment.
- The dwelling is constructed to a bushfire attack level of BAL FZ.

This alternative measure only applies where the requirements of **AM 3.1** cannot be met.

### AltM 3.6

A building used for accommodation (other than a dwelling or dependent person’s unit), child care centre, education centre, hospital, leisure and recreation or place of assembly may provide defendable space in accordance with Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 where it can be demonstrated that:

- An integrated approach to risk management has been adopted that considers:
  - The characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency.
  - The intended frequency and nature of occupation.
  - The effectiveness of proposed emergency management arrangements, including a mechanism to secure implementation.
- Less defendable space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment.

---

### 53.02-4.3 Water supply and access objectives

A static water supply is provided to assist in protecting property.

Vehicle access is designed and constructed to enhance safety in the event of a bushfire.

#### Approved measures

<table>
<thead>
<tr>
<th>Measure</th>
<th>Requirement</th>
</tr>
</thead>
</table>
| **AM 4.1** | A building used for a dwelling (including an extension or alteration to a dwelling), a dependent person’s unit, industry, office or retail premises is provided with:
- A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 53.02-5.
- Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5. The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies. |
| **AM 4.2** | A building used for accommodation (other than a dwelling or dependent person’s unit), child care centre, education centre, hospital, leisure and recreation or place of assembly is provided with: |
Measure | Requirement
--- | ---
**AM 5.1** | An application to subdivide land, other than where **AM 5.2** applies, demonstrates that each proposed lot is capable of meeting:
- The defendable space in accordance with Table 2 Columns A, B or C and Table 6 to Clause 53.02-5.
- The approved measures in Clause 53.02-4.1 and Clause 53.02-4.3.

**AM 5.2** | An application to subdivide land zoned for residential or rural residential purposes must be accompanied by a plan that shows:
- Each lot satisfies the approved measure in **AM 2.1**.
- A building envelope for a single dwelling on each lot that complies with **AM 2.2** and provides defendable space in accordance with:
  - Columns A or B of Table 2 to Clause 53.02-5 for a subdivision that creates 10 or more lots; or
  - Columns A, B or C of Table 2 to Clause 53.02-5 for a subdivision that creates less than 10 lots.

The bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5 must be noted on the building envelope.
- Defendable space wholly contained within the boundaries of the proposed subdivision.
- Defendable space may be shared between lots within the subdivision. Defendable space for a lot may utilise communal areas, such as roads, where that land can meet the requirements for defendable space.
- Vegetation management requirements in accordance with Table 6 to implement and maintain the defendable space required under this approved measure.
- Water supply and vehicle access that complies with **AM 4.1**.

**AM 5.3** | An application to subdivide land to create 10 or more lots provides a perimeter road adjoining the hazardous vegetation to support fire fighting.

---

**53.02-4.4 Subdivision objectives**

To provide lots that are capable of being developed in accordance with the objectives of Clause 53.02.

To specify at the subdivision stage bushfire protection measures to develop a lot with a single dwelling on land zoned for residential or rural residential purposes.
RequirementMeasure

A subdivision manages the bushfire risk to future development from existing or proposed landscaping, public open space and communal areas.

Alternative measure

<table>
<thead>
<tr>
<th>Measure</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>AltM 5.5</td>
<td>A building envelope for a subdivision that creates 10 or more lots required under AM 5.2 may show defendable space in accordance with Table 2 Column C and Table 6 to Clause 53.02-5 where it can be demonstrated that:</td>
</tr>
<tr>
<td></td>
<td>• All other requirements of AM 5.2 have been met.</td>
</tr>
<tr>
<td></td>
<td>• Less defendable space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment.</td>
</tr>
</tbody>
</table>

53.02-4.5 Decision guidelines

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

• The Municipal Planning Strategy and the Planning Policy Framework.

• The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement submitted with the application.

• The impact of any State, regional or local bushfire management and prevention actions occurring around the site and in the wider area on the bushfire hazard and the level of risk to the proposed development.

• Whether the proposed development meets the objectives of Clause 53.02-4 regardless of other measures which may be available, including private bushfire shelters, community shelters and the presence of places of last resort.

• Whether the proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land.

• Whether the use of an alternative measure meets the relevant objective having regard to the bushfire hazard and the nature of any constraint that prevents the applicable approved measure from being implemented.

• If one or more of the objectives in Clause 53.02-4 will not be achieved in the completed development, whether the development will, taking all relevant factors into account, reduce the bushfire risk to a level that warrants it proceeding.

• Whether the risk arising from the broader landscape can be mitigated to an acceptable level or warrants the development not proceeding.
### Table 1: Defendable space and construction

<table>
<thead>
<tr>
<th>Slope Type</th>
<th>Vegetation Type</th>
<th>Defendable space distance from building facade (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Column A</td>
<td>Column B</td>
</tr>
<tr>
<td>All upslopes and flat land (0 degrees)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forest</td>
<td>48</td>
<td>35</td>
</tr>
<tr>
<td>Woodland</td>
<td>33</td>
<td>24</td>
</tr>
<tr>
<td>Scrub</td>
<td>27</td>
<td>19</td>
</tr>
<tr>
<td>Shrubland</td>
<td>19</td>
<td>13</td>
</tr>
<tr>
<td>Mallee/ Mulga</td>
<td>17</td>
<td>12</td>
</tr>
<tr>
<td>Rainforest</td>
<td>23</td>
<td>16</td>
</tr>
<tr>
<td>Grassland</td>
<td>19</td>
<td>13</td>
</tr>
<tr>
<td>Downslope &gt;0 to 5 degrees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forest</td>
<td>57</td>
<td>43</td>
</tr>
<tr>
<td>Woodland</td>
<td>41</td>
<td>29</td>
</tr>
<tr>
<td>Scrub</td>
<td>31</td>
<td>22</td>
</tr>
<tr>
<td>Shrubland</td>
<td>22</td>
<td>15</td>
</tr>
<tr>
<td>Mallee/ Mulga</td>
<td>20</td>
<td>13</td>
</tr>
<tr>
<td>Rainforest</td>
<td>29</td>
<td>20</td>
</tr>
<tr>
<td>Grassland</td>
<td>22</td>
<td>15</td>
</tr>
<tr>
<td>Downslope &gt;5 to 10 degrees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forest</td>
<td>69</td>
<td>53</td>
</tr>
<tr>
<td>Woodland</td>
<td>50</td>
<td>37</td>
</tr>
<tr>
<td>Scrub</td>
<td>35</td>
<td>24</td>
</tr>
<tr>
<td>Shrubland</td>
<td>25</td>
<td>17</td>
</tr>
<tr>
<td>Mallee/ Mulga</td>
<td>23</td>
<td>15</td>
</tr>
<tr>
<td>Rainforest</td>
<td>36</td>
<td>26</td>
</tr>
<tr>
<td>Grassland</td>
<td>25</td>
<td>17</td>
</tr>
<tr>
<td>Downslope &gt;10 to 15 degrees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forest</td>
<td>82</td>
<td>64</td>
</tr>
<tr>
<td>Woodland</td>
<td>60</td>
<td>45</td>
</tr>
<tr>
<td>Scrub</td>
<td>39</td>
<td>28</td>
</tr>
<tr>
<td>Shrubland</td>
<td>28</td>
<td>19</td>
</tr>
</tbody>
</table>
Defendable space and the bushfire attack level is determined using Method 2 of AS3959:2009 Construction of buildings in bushfire prone areas (Standards Australia) subject to any guidance published by the relevant fire authority.

Defendable space is to be provided for a distance of 50 metres, or the property boundary whichever is the lesser, for buildings constructed to all bushfire attack levels. The minimum construction standard is BAL 12.5.

**Note 1:** Slope and vegetation type is determined through the bushfire hazard site assessment.

**Note 2:** Modified vegetation is vegetation that doesn’t fit into the vegetation classifications in AS3959:2009 Construction of buildings in bushfire prone areas (the standard) because it:
- has been modified, altered or is managed due to urban development, or gardening,
- has different fuel loads from those assumed in the standard,
- has limited or no understorey vegetation, or
- is not low-threat or low-risk vegetation as defined in the standard.

### Table 2 Defendable space and construction

<table>
<thead>
<tr>
<th>Slope</th>
<th>Vegetation</th>
<th>Defendable space distance from building facade (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Column A</td>
</tr>
<tr>
<td>All upslopes and flat land</td>
<td>Forest</td>
<td>48</td>
</tr>
<tr>
<td></td>
<td>Woodland</td>
<td>33</td>
</tr>
</tbody>
</table>

SOUTH GIPPSLAND PLANNING SCHEME
<table>
<thead>
<tr>
<th>Slope</th>
<th>Vegetation</th>
<th>Defendable space distance from building facade (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Column A</td>
</tr>
<tr>
<td>Downslope &gt;0 to 5 degrees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forest</td>
<td></td>
<td>57</td>
</tr>
<tr>
<td>Woodland</td>
<td></td>
<td>41</td>
</tr>
<tr>
<td>Scrub</td>
<td></td>
<td>31</td>
</tr>
<tr>
<td>Shrubland</td>
<td></td>
<td>22</td>
</tr>
<tr>
<td>Mallee/ Mulga</td>
<td></td>
<td>20</td>
</tr>
<tr>
<td>Rainforest</td>
<td></td>
<td>29</td>
</tr>
<tr>
<td>Grassland</td>
<td></td>
<td>22</td>
</tr>
<tr>
<td>Downslope &gt;5 to 10 degrees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forest</td>
<td></td>
<td>69</td>
</tr>
<tr>
<td>Woodland</td>
<td></td>
<td>50</td>
</tr>
<tr>
<td>Scrub</td>
<td></td>
<td>35</td>
</tr>
<tr>
<td>Shrubland</td>
<td></td>
<td>25</td>
</tr>
<tr>
<td>Mallee/ Mulga</td>
<td></td>
<td>23</td>
</tr>
<tr>
<td>Rainforest</td>
<td></td>
<td>36</td>
</tr>
<tr>
<td>Grassland</td>
<td></td>
<td>25</td>
</tr>
<tr>
<td>Downslope &gt;10 to 15 degrees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forest</td>
<td></td>
<td>82</td>
</tr>
<tr>
<td>Woodland</td>
<td></td>
<td>60</td>
</tr>
<tr>
<td>Scrub</td>
<td></td>
<td>39</td>
</tr>
<tr>
<td>Shrubland</td>
<td></td>
<td>28</td>
</tr>
<tr>
<td>Mallee/ Mulga</td>
<td></td>
<td>26</td>
</tr>
<tr>
<td>Rainforest</td>
<td></td>
<td>45</td>
</tr>
<tr>
<td>Grassland</td>
<td></td>
<td>28</td>
</tr>
<tr>
<td>Downslope &gt;15 to 20 degrees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forest</td>
<td></td>
<td>98</td>
</tr>
<tr>
<td>Woodland</td>
<td></td>
<td>73</td>
</tr>
</tbody>
</table>
Defendable space and the bushfire attack level is determined using Method 2 of AS3959:2009 Construction of buildings in bushfire prone areas (Standards Australia) subject to any guidance published by the relevant fire authority.

Defendable space is to be provided for a distance of 50 metres, or the property boundary whichever is the lesser, for buildings constructed to all bushfire attack levels. The minimum construction standard is BAL 12.5.

Modified vegetation is vegetation that doesn’t fit into the vegetation classifications in AS3959:2009 Construction of buildings in bushfire prone areas (the standard) because it:
- has been modified, altered or is managed due to urban development, or gardening,
- has different fuel loads from those assumed in the standard,
- has limited or no understorey vegetation, or
- is not low-threat or low-risk vegetation as defined in the standard.

### Table 3 Defendable space

<table>
<thead>
<tr>
<th>Vegetation class</th>
<th>Upslope and flat land (0 degrees)</th>
<th>Downslope (degrees)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>&gt;0-5</td>
<td>&gt;5-10</td>
</tr>
<tr>
<td>Forest</td>
<td>60</td>
<td>70</td>
</tr>
<tr>
<td>Woodland</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>Shrubland</td>
<td>25</td>
<td>28</td>
</tr>
<tr>
<td>Scrub</td>
<td>35</td>
<td>40</td>
</tr>
<tr>
<td>Mallee/Mulga</td>
<td>23</td>
<td>26</td>
</tr>
<tr>
<td>Rainforest</td>
<td>30</td>
<td>36</td>
</tr>
</tbody>
</table>
Table 4 Water supply requirements

Capacity, fittings and access

<table>
<thead>
<tr>
<th>Lot sizes (square meters)</th>
<th>Hydrant available</th>
<th>Capacity (litres)</th>
<th>Fire authority fittings and access required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 500</td>
<td>Not applicable</td>
<td>2,500</td>
<td>No</td>
</tr>
<tr>
<td>500-1,000</td>
<td>Yes</td>
<td>5,000</td>
<td>No</td>
</tr>
<tr>
<td>500-1,000</td>
<td>No</td>
<td>10,000</td>
<td>Yes</td>
</tr>
<tr>
<td>1,001 and above</td>
<td>Not applicable</td>
<td>10,000</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Note 1: A hydrant is available if it is located within 120 metres of the rear of the building.

Fire authority requirements

Unless otherwise agreed in writing by the relevant fire authority, the water supply must:

- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use.

Where a 10,000 litre water supply is required, fire authority fittings and access must be provided as follows:

- Be readily identifiable from the building or appropriate identification signs to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).

Table 5 Vehicle access design and construction

Vehicle access (or part thereof) of a length specified in Column A implements the design and construction requirements specified in Column B.

<table>
<thead>
<tr>
<th>Column A</th>
<th>Column B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Length of access is less</td>
<td>There are no design and construction requirements if fire authority access to the water supply is not required under AM4.1.</td>
</tr>
<tr>
<td>30 metres</td>
<td></td>
</tr>
</tbody>
</table>
### Column A | Column B
---|---
Length of access is less than 30 metres | Where fire authority access to the water supply is required under AM4.1 fire authority vehicles should be able to get within 4 metres of the water supply outlet.

Length of access is greater than 30 metres | The following design and construction requirements apply:
- All-weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

Length of access is greater than 100 metres | A turning area for fire fighting vehicles must be provided close to the building by one of the following:
- A turning circle with a minimum radius of eight metres.
- A driveway encircling the dwelling.
- The provision of other vehicle turning heads — such as a T or Y head — which meet the specification of Austroad Design for an 8.8 metre Service Vehicle.

Length of access is greater than 200 metres | - Passing bays must be provided at least every 200 metres.
- Passing bays must be a minimum of 20 metres long with a minimum trafficable width of 6 metres.

**Note 1:** The length of access should be measured from a public road to either the building or the water supply outlet, whichever is longer.

### Table 6 Vegetation management requirement

**Vegetation management requirement**

Defendable space is provided and is managed in accordance with the following requirements:
- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
Vegetation management requirement

- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Unless specified in a schedule or otherwise agreed in writing to the satisfaction of the relevant fire authority.

Table 7 Outbuilding construction requirement

<table>
<thead>
<tr>
<th>Building construction condition</th>
</tr>
</thead>
</table>

The proposed outbuilding is separated from the adjacent building by a wall that extends to the underside of a non-combustible roof covering and:

- has a FRL of not less than 60/60/60 for loadbearing walls and -/60/60 for non-load bearing walls when tested from the attached structure side, or
- is of masonry, earth wall or masonry-veneer construction with the masonry leaf of not less than 90 millimetres in thickness.

Any openings in the wall shall be protected in accordance with the following:

i. Doorways – by FLR -/60/30 self-closing fire doors
ii. Windows – by FRL -/60/- fire windows permanently fixed in the closed position
iii. Other openings – by construction with a FRL of not less than -/60/-

Note: Control and construction joints, subfloor vents, weepholes and penetrations for pipes and conduits need not comply with item iii.

Note 1: These conditions are required for some non habitable outbuildings ancillary to a dwelling that do not require referral to the relevant fire authority. Applications for non habitable outbuildings can also use the bushfire protection measures in Clause 53.02 however referral to the relevant fire authority will be required.
53.03 BROTHELS

Purpose
To provide consistent planning controls for the establishment and expansion of brothels throughout
Victoria coordinated with the provisions of the Sex Work Act 1994.

53.03-1 Permit requirement
A permit for a brothel must include a condition that specifies that the use or development must
not commence until a licence is granted under the Sex Work Act 1994.

53.03-2 Decision guidelines
Responsible authorities should consider the matters set out in section 73 of the Sex Work Act 1994
before deciding an application to use or develop land for a brothel.

Responsible authorities should refuse a permit to use or develop land for a brothel in accordance
with the restrictions contained in section 74 of the Sex Work Act 1994, unless section 76(2) of Sex
Work Act 1994 applies.

If the effect of:

- A request to amend a permit in accordance with section 87 or section 87A of the Planning and
  Environment Act 1987, or

- An application to amend a permit in accordance with Part 4 Division 1A of the Planning and
  Environment Act 1987, or

- A request to amend plans, drawings or other documents under a permit in accordance with:
  - Section 216 of the Planning and Environment Act 1987, or
  - Any condition in a planning permit which allows such an amendment

is to expand or extend the use or development of a brothel, the application or request should be
determined as if it were an application for a permit for use or development of land for the purposes
of the operation of a brothel in accordance with Part 4 of the Sex Work Act 1994.
CONVENIENCE RESTAURANT AND TAKE-AWAY FOOD PREMISES

Application

These requirements only apply to land in a residential zone.

Decision guidelines

Before deciding on an application to use land for a convenience restaurant or take-away food premises or to construct a building or construct or carry out works associated with a convenience restaurant or take-away food premises, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Any policy in this scheme relating to convenience restaurants or take-away food premises.
- Whether the location is appropriate for a convenience restaurant or take-away food premises having regard to:
  - Amenity of the neighbourhood.
  - Proximity of the land to non-residential uses and zones.
  - Effect of the use on heritage and environment features.
  - Capacity of the land to contain significant off-site effects.
  - Access to land in a Road Zone.
  - The suitability of the land for a residential use.
- The effect on the amenity or character of the street or neighbourhood having regard to:
  - Massing and proportions of any building.
  - Ground floor height above ground level.
  - Ceiling heights.
  - Roof form and pitch.
  - Facade articulation.
  - Window and door proportions.
  - Building features including verandas, towers, eaves, parapets and decorative elements.
  - Building materials, patterns textures and colours.
- Whether the site layout and the design of buildings, noise attenuation measures, landscaping, car parking, vehicle access lanes, loading bays, rubbish bins, plant and equipment, lights, signs, drive through facilities and playgrounds are designed to prevent significant loss of amenity to adjoining land due to noise, emission of noise, emission of light or glare, loss of privacy, litter or odour.
- Whether any special measure may be necessary to protect the amenity of adjoining land in residential use, including buffer planting, noise attenuation measures and litter collection arrangements.
- The adequacy of traffic measures to:
  - Provide safe pedestrian movement.
  - Achieve safe, efficient vehicle movement on site and access to and egress from the land.
  - Avoid disruption to traffic flow on land in a Road Zone.
  - Prevent inappropriate use of local residential streets.
- The adequacy of car parking, loading and drive through queuing spacing to accommodate customers at peak periods and employee requirements on the land.
FREeway SERVICE CENTRE

PurposE
To ensure that freeway service centres are appropriately designed and located.
To ensure that access to a freeway service centre from a freeway is designed to the requirements of the Roads Corporation.
To ensure that freeway service centres with access to a rural freeway provide only essential services and facilities which encourage drivers to stop and take an effective break at appropriate intervals in the interests of driver safety.
To ensure that any new freeway service centre meets an identifiable need to provide essential services and facilities along a freeway where those services and facilities are not readily available.
To ensure that the use of land for a freeway service centre does not adversely affect the amenity of surrounding land uses.

Requirements to be met

Facilities and services
A freeway service centre must provide only essential services and facilities. These essential services and facilities must be available at all times. Essential services and facilities that a freeway service centre must include are:

- Designated parking areas.
- Undercover fuel sales area for petrol, diesel and LPG.
- An area of not more than 240 square metres for the sale of food, drinks and other convenience goods.
- An indoor sit-down eating area.
- A safe play area for children.
- Public toilets.
- A public telephone.

A freeway service centre with access to a rural freeway must also provide local and regional tourist information.
A freeway service centre must not include:

- Mechanical repairs (other than the emergency repair of vehicles).
- Retail facilities of more than 240 square metres.
- Video hire.
- Post office services or facilities.
- Entertainment facilities, amusement machines or gaming machines.
- The sale, distribution or consumption of alcohol unless associated with a residential hotel/motel.
- Car or truck wash facilities.

A freeway service centre with access to a rural freeway must not include overnight accommodation (other than for a caretaker or site manager).

Access to freeway service centres
No vehicular access between a freeway service centre with access to a metropolitan freeway and the local road network may be permitted.
An application to use or develop land for a freeway service centre must be referred to the Roads Corporation in accordance with section 55 of the Act.

A permit must not be granted for a freeway service centre until approval for access to the freeway has been given by the Roads Corporation.

In accordance with section 62(1)(a) of the Act, a permit granted for a freeway service centre must include the condition:

“This permit will expire if one of the following circumstances applies:

- The development is not commenced within two years of the date of this permit.
- The development is not completed within four years of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.”

**Metropolitan freeway service centre adjoining a residential zone**

If the site for a freeway service centre with access to a metropolitan freeway adjoins a residential zone:

- A landscape buffer at least 3 metres wide must be provided on the site along the common boundary and must be planted and maintained to the satisfaction of the responsible authority.
- Except for the landscape buffer strip, all of the site not occupied by buildings must be sealed to prevent dust.
- External lights must be directed away from the residential zone to prevent light spill and glare.

**Decision guidelines**

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

LIVE MUSIC AND ENTERTAINMENT NOISE

Purpose
To recognise that live music is an important part of the State’s culture and economy.
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.

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 1.0 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 2.0 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.

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 State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N2).
- 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 (Schedule B1 of SEPP N2 does not apply).
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.

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.
SCHEDULE TO CLAUSE 53.06 LIVE MUSIC AND ENTERTAINMENT NOISE

1.0 Areas to which Clause 53.06 does not apply

<table>
<thead>
<tr>
<th>Name of area</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>

2.0 Other venues to which Clause 53.06 applies

<table>
<thead>
<tr>
<th>Name of venue</th>
<th>Address</th>
<th>Condition or limitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SHIPPING CONTAINER STORAGE

Application

This clause applies to all land except land which is in a Special Use Zone established for the purpose of port and port-related activities, or is in a Port Zone.

Decision guidelines

Before deciding on an application to use land for shipping container storage, or construct a building or carry out works associated with shipping container storage, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Whether the location is appropriate for shipping container storage having regard to:
  - The zoning of the land.
  - Amenity of the neighbourhood.
  - Proximity of the land to residential uses and zones or other sensitive uses.
  - Access to a road in a Road Zone.
  - Access to rail facilities.
  - Capacity and suitability of the road network to accommodate the type and volume of vehicle traffic generated by the use.
  - Capacity of the site to accommodate the proposed use.

- The effect on the environment and the amenity and character of the neighbourhood having regard to:
  - Existing and planned use of land in the neighbourhood.
  - Location, height and setback of shipping container stacks, particularly near road boundaries.
  - Location of facilities for the cleaning, repair, servicing, painting or fumigation of shipping containers.
  - Hours of operation.
  - Design, construction and maintenance of external storage and vehicle movement areas.
  - Treatment and disposal of wastewater.

- Whether the site layout and the design of buildings, landscaping, vehicle access lanes, loading bays, wash bays, lighting and fencing are designed to avoid or minimise any significant off-site impacts due to the emission of noise, light, glare, dust, fumes or drainage.

- Whether any special measure may be necessary to protect the environment and the amenity of nearby sensitive uses, including noise attenuation measures, dust minimisation measures and waste storage arrangements.

- The need for landscaping and fencing to screen or soften the appearance of shipping container storage areas, particularly near road boundaries.

- The adequacy and effect of the landscaping on the appearance of the site, taking into account the streetscape character, the size of the site, and the height, mass and scale of shipping container stacks on the site.

- The adequacy of traffic measures to:
  - Achieve safe, efficient vehicle movement on site and access to and egress from the land.
  - Prevent inappropriate use of local residential streets.
- The adequacy of truck parking, loading and truck queuing spacing to accommodate truck movements at peak periods and employee requirements on the land.
CATTLE FEEDLOT

Purpose
To facilitate the establishment and expansion of cattle feedlots in Victoria in a manner which is consistent with orderly and proper planning and the protection of the environment.

Requirements to be met
All use and development of cattle feedlots must comply with the Victorian Code for Cattle Feedlots - August 1995.

The Code must be complied with to the satisfaction of the responsible authority.
POULTRY FARM

Purpose

To facilitate the establishment and expansion of poultry farms, including broiler farms, in a manner that is consistent with orderly and proper planning and the protection of the environment.

Application

This clause applies to permit applications to use land or construct a building or carry out works for a poultry farm, including to increase the farm capacity of an existing poultry farm.

Permit not required – Outdoor range area for existing broiler farm

Any requirement of this scheme relating to the use of land or to the construction of a building or the construction or carrying out of works does not apply to the use and development of land for an outdoor range area in association with an existing broiler farm provided the following requirements are met:

- There are no more than 150,000 chickens permitted on the land at any time.
- The number of chickens on the land is not increased.

This exemption does not apply to the requirements of any overlay that applies to the land.

Requirement – Broiler farm

An application to use land or construct a building or carry out works for a broiler farm must comply with the Victorian Code for Broiler Farms 2009 (plus 2018 amendments).

This requirement does not apply if:

- There are no more than 10,000 chickens permitted on the land at any time; or
- The number of chickens on the land is not increased.

Exemption from notice and review

The following applications are exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act:

- An application to use land or construct a building or carry out works for a new broiler farm, or to increase the farm capacity of an existing broiler farm, if the application meets the requirements of a “Class A Broiler Farm”, as specified in the Victorian Code for Broiler Farms 2009 (plus 2018 amendments).

- An application to use land or construct a building or carry out works for a poultry farm for the production of chicken meat or chicken eggs, if the application meets the following requirements:
  - The number of chickens does not exceed 5,000 for egg production or 10,000 for meat production.
  - The outdoor stocking density does not exceed 1,500 chickens per hectare.
  - A Nutrient Management Plan demonstrates chickens are kept outdoors on paddocks with:
    - A minimum of 50% ground cover; and
    - Mobile housing and feeding infrastructure that is relocated at least every two weeks.
  - An area used as a poultry range, including associated buildings and works, meets the setback requirements specified in Table 1.
Table 1 Minimum setbacks

<table>
<thead>
<tr>
<th>Chicken numbers</th>
<th>Minimum distance to a building used for a sensitive use (accommodation, child care centre, education centre and hospital)</th>
<th>Minimum distance to land in a residential zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,000 chickens or less</td>
<td>50 metres</td>
<td>200 metres</td>
</tr>
<tr>
<td>More than 1,000 chickens</td>
<td>100 metres</td>
<td>400 metres</td>
</tr>
</tbody>
</table>

Notice of an application

Notice of an application to use or develop land to establish a new broiler farm, or to increase the farm capacity of an existing broiler farm, that meets the requirements of a Special Class Broiler Farm or Farm Cluster as specified in the *Victorian Code for Broiler Farms 2009 (plus 2018 amendments)*, must be given under Section 52(1)(c) of the Act to the person or body specified as a person or body to be notified in Clause 66.05.

Decision guidelines

Before deciding on an application to use land or construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The purpose of the relevant zone.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The need to protect amenity of existing uses on adjoining land.
- The impact of the use of the land on the surrounding area, including from the emission of noise, light, vibration, odour, dust, or waste products.
- The impact of the proposal on any wetlands, waterways or water bodies.
- The likely environmental impact on the natural physical features and biodiversity of the land, including consideration of any Nutrient Management Plan submitted with the application.
- Whether the development will support and enhance agricultural production.
- The requirements of the *Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines* (June 2018).
USES WITH ADVERSE AMENITY POTENTIAL

Purpose
To define those types of industries and warehouses which if not appropriately designed and located may cause offence or unacceptable risk to the neighbourhood.

Threshold Distance
The threshold distance referred to in the table to this clause is the minimum distance from any part of the land of the proposed use or buildings and works to land (not a road) in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

**NOTE 1 of the table:** The threshold distance is variable, dependent on the processes to be used and the materials to be processed or stored.

**NOTE 2 of the table:** An assessment of risk to the safety of people located off the land may be required.

Table to Clause 53.10-1

<table>
<thead>
<tr>
<th>Type of Production, Use Or Storage (Purpose)</th>
<th>Threshold Distance (metres)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Basic Metal Products</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Production of non-ferrous metals as:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• aluminium by electrolysis</td>
<td>2,000</td>
<td></td>
</tr>
<tr>
<td>• other non-ferrous metals in amounts:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- up to 100 tonnes a year</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>- between 100 &amp; 2,000 tonnes a year</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>- exceeding 2,000 tonnes a year</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>Works producing iron or steel products in amounts:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• up to 1,000,000 tonnes a year</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>• exceeding 1,000,000 tonnes a year</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td><strong>Chemical, Petroleum &amp; Coal Products</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ammunition, explosives and fireworks production:</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Biocides production and storage:</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>Briquette production:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Chemical Fertiliser production:</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Chemical products other than those listed within this group:</td>
<td>300</td>
<td>Note 2</td>
</tr>
<tr>
<td>Cosmetics and toilet preparations production:</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Type of Production, Use Or Storage (Purpose)</td>
<td>Threshold Distance (metres)</td>
<td>Notes</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Formaldehyde production:</td>
<td>300</td>
<td>Note 2</td>
</tr>
<tr>
<td>Industrial gases production:</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Inks production:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Inorganic industrial chemicals production other than those listed within this group:</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Organic industrial chemicals production other than those listed within this group:</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Other petroleum or coal production:</td>
<td>500</td>
<td>Note 2</td>
</tr>
<tr>
<td>Paints and inks:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• manufacture</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>• blending and mixing only</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Petroleum refinery:</td>
<td>2,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Pharmaceutical and veterinary production:</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>Polyester resins production</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Soap and other detergents production:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Synthetic resins &amp; rubber production other than those listed within this group:</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
</tbody>
</table>

**Fabricated Metal Products**

| Abrasive blast cleaning:                                                             |                             | Note 1|
| Boiler makers                                                                        | 100                         |       |
| Structural or sheet metal production:                                               | 500                         |       |
| Works producing iron or steel products in amounts:                                  |                             |       |
| • up to 1,000,000 tonnes per year                                                   | 100                         |       |
| • exceeding 1,000,000 tonnes per year                                               | 1,000                       |       |

**Food, Beverages & Tobacco**

<p>| Abattoir:                                                                            | 500                         |       |
| Bakery (other than one ancillary to a shop):                                         | 100                         |       |</p>
<table>
<thead>
<tr>
<th>Type of Production, Use Or Storage (Purpose)</th>
<th>Threshold Distance (metres)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flour mill:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Food or beverage production other than those listed within this group:</td>
<td>Note 1</td>
<td></td>
</tr>
<tr>
<td>Freezing and cool storage</td>
<td>150</td>
<td></td>
</tr>
<tr>
<td>Maltworks:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Manufacture of milk products:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Milk depot</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Poultry processing works:</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Production of vegetable oils and fats using solvents:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Seafood processor:</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>Smallgoods production:</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Tobacco and cigarette production:</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td><strong>Miscellaneous Manufacturing</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fibreglass production:</td>
<td>200</td>
<td></td>
</tr>
<tr>
<td>Leather and artificial leather goods production:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Leather tanning and dressing:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Printing and coating works with heated curing ovens:</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>Rendering and casings works:</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>Rubber production, using either organic solvents or carbon black:</td>
<td>300</td>
<td>Note 2</td>
</tr>
<tr>
<td><strong>Non-metallic Mineral Products</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bitumen batching plant:</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>Cement production in amounts:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• up to 5,000 tonnes a year</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>• between 5,000 &amp; 150,000 tonnes a year</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>• exceeding 150,000 tonnes a year</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>Type of Production, Use Or Storage (Purpose)</td>
<td>Threshold Distance (metres)</td>
<td>Notes</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------------------------------</td>
<td>----------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Clay bricks, tiles and pipe refractories, with a design production rate exceeding 10,000 tonnes a year:</td>
<td>200</td>
<td></td>
</tr>
<tr>
<td>Concrete article or stone article production:</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Concrete batching plant:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Glass and glass production including glass wool:</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>Plaster or plaster articles production:</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Rock wool manufacture:</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td><strong>Other Premises</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Panel beating:</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Rural industry handling, processing or packing agricultural produce:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td><strong>Paper &amp; Paper Products:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paper or paper pulp production:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• involving combustion of sulphur or sulphur containing materials</td>
<td>5,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>• from semi-processed materials</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>• from prepared cellulose &amp; rags</td>
<td>200</td>
<td></td>
</tr>
<tr>
<td>• by other methods than above</td>
<td></td>
<td>Note 1</td>
</tr>
<tr>
<td><strong>Recreation, Personal &amp; Other Services</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dry cleaning for commercial and institutional customers, or in bulk quantities:</td>
<td>100</td>
<td>Note 2</td>
</tr>
<tr>
<td>Laundry for commercial and institutional customers, or in bulk quantities:</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td><strong>Recycling and Resource Recovery</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advanced resource recovery technology facility</td>
<td></td>
<td>Note 1</td>
</tr>
<tr>
<td>Combustion, treatment or bio-reaction of waste to produce energy</td>
<td></td>
<td>Note 1</td>
</tr>
<tr>
<td>Commercial and Industrial materials recycling</td>
<td></td>
<td>Note 1</td>
</tr>
<tr>
<td>Type of Production, Use Or Storage (Purpose)</td>
<td>Threshold Distance (metres)</td>
<td>Notes</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Composting and other organic materials recycling.</td>
<td></td>
<td>Note 1</td>
</tr>
<tr>
<td>Construction and demolition materials recycling</td>
<td></td>
<td>Note 1</td>
</tr>
<tr>
<td>Other resource recovery or recycling operations</td>
<td></td>
<td>Note 1</td>
</tr>
<tr>
<td>Refuse and used material storage, sorting and recovery in a transfer station:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Accepting organic wastes</td>
<td></td>
<td>Note 1</td>
</tr>
<tr>
<td>• Other</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Sanitary and garbage disposal in landfill</td>
<td></td>
<td>Note 1</td>
</tr>
<tr>
<td>Soil conditioning or blending</td>
<td></td>
<td>Note 1</td>
</tr>
<tr>
<td>Used metals treatment or processing</td>
<td></td>
<td>Note 1</td>
</tr>
<tr>
<td>Used paper and cardboard treatment or processing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use distances in Paper &amp; Paper Products</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Used plastics treatment or processing</td>
<td></td>
<td>Note 1</td>
</tr>
<tr>
<td><strong>Textiles</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carpet backing with latex:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Dyeing or finishing of cotton, linen and woollen yarns and textiles:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Production of artificial fibres &amp; textiles:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• cellulose nitrate or viscose fibre, cellophane or artificial rubber</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>• other synthetic fibres and textiles</td>
<td>500</td>
<td>Note 2</td>
</tr>
<tr>
<td>Rope, cordage and twine production:</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Treatment or production of textiles:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• using carbon disulphide</td>
<td>500</td>
<td>Note 2</td>
</tr>
<tr>
<td>• using other substances</td>
<td></td>
<td>Note 1</td>
</tr>
<tr>
<td>Wool scouring:</td>
<td>200</td>
<td></td>
</tr>
<tr>
<td><strong>Transport and Storage</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Depot for refuse collection vehicles</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Type of Production, Use Or Storage (Purpose)</td>
<td>Threshold Distance (metres)</td>
<td>Notes</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------------------------------</td>
<td>----------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Grain elevators:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Storage of bulk volatile organic compounds in quantities greater than 1,000 tonnes:</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Storage of petroleum products and crude oil in tanks exceeding 2,000 tonnes capacity:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• with fixed roofs</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>• with floating roofs</td>
<td>100</td>
<td>Note 2</td>
</tr>
<tr>
<td>Storage of wet-salted or unprocessed hides:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Temporary storage of industrial wastes:</td>
<td>300</td>
<td>Note 2</td>
</tr>
<tr>
<td>Treatment of aqueous waste:</td>
<td>200</td>
<td>Note 2</td>
</tr>
<tr>
<td>Waste incinerator for:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Woodwaste</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>• Plastic or rubber waste</td>
<td>200</td>
<td>Note 2</td>
</tr>
<tr>
<td>• Chemical, biomedical or organic waste</td>
<td></td>
<td>Notes 1, 2</td>
</tr>
<tr>
<td><strong>Wood, Wood Products &amp; Furniture</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Charcoal production:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• by the retort process</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>• other than by the retort process</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>Joinery:</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Sawmill:</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>Wood preservation plant:</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Wood-fibre or wood-chip products:</td>
<td>1,500</td>
<td></td>
</tr>
</tbody>
</table>
TIMBER PRODUCTION

Timber production on Crown land

Any requirement of this scheme which:

- requires timber production to be conducted in a particular way
- requires that a permit be obtained to use or develop land for timber production or to carry out timber production in a particular way
- requires that some aspect of timber production be carried out to the satisfaction of the responsible authority

does not apply to timber production on unalienated land of the Crown managed and controlled by the Minister responsible for administering the Forests Act 1958 and the Sustainable Forests (Timber) Act 2004, or the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forest and Lands Act 1987), whether or not occupied under a licence or other right. All requirements of this scheme apply to Crown land which has been leased.

Timber production to comply with the Code of Practice for Timber Production

All timber production activities (except agroforestry (the simultaneous and substantial production of forest and other agricultural products from the same land unit), windbreaks and commercial plantations of 5 hectares or less) must comply with the Code of Practice for Timber Production (Department of Environment and Primary Industries, 2014). In accordance with Section 6(4A) of the Planning and Environment Act 1987, this applies whether the use of land for timber production is commenced before or after the coming into effect of this requirement.

The Code must be complied with to the satisfaction of the responsible authority.

A permit may require that matters required by the Code must be done to the satisfaction of the responsible authority or a Minister, public authority or referral authority, and may require the responsible authority to seek comments from any other person or authority before making a decision.

Road repairs

After a Timber Harvesting Plan is lodged with the responsible authority under the Code and before the commencement of harvesting operations, the responsible authority, in consultation with the forest owner or manager, must establish the condition of any roads which are proposed to be used as a cartage route.

The forest owner or manager must advise the responsible authority when harvesting operations are complete. After receiving this advice, the responsible authority, in consultation with the forest owner or manager, must establish the condition of any roads which were used as a cartage route.

It is the responsibility of the forest owner or manager to restore any roads which were used as a cartage route to the same condition that they were in before the commencement of harvesting operations to the extent of any damage caused as a result of the harvesting operations.

The cartage of timber associated with harvesting operations is extraordinary traffic for the purpose of Section 112 of the Road Management Act 2004.

Decision guidelines

Before deciding on an application to use or develop land for timber production, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- The need to encourage plantation establishment and timber production in locations where it is of significance to national, state and regional economies, and in areas affected by salinity and other forms of land degradation.
The role of native forest and plantations in:
- Protecting water quality.
- Conserving flora and fauna.
- Preventing land degradation, including soil erosion, salinisation and water logging.
- Preventing adverse effects on groundwater recharge.

- The preservation of and impact on the natural environment, cultural heritage and visual amenity.
- Whether it is appropriate to require environmental protection standards greater than those in the Code.
RACING DOG HUSBANDRY

Purpose
To ensure the use and development of land for racing dog husbandry is consistent with orderly and proper planning.

Requirement
An application to use land, or construct a building or construct or carry out works, for racing dog husbandry under a provision of a rural zone must comply with Planning requirements for racing dog keeping and training (Department of Environment, Land, Water and Planning, August 2017).

This requirement does not apply to an application to construct a building or construct or carry out works associated with a use that is a Section 1 use in the Table of uses of the zone.

Exemption from notice and review
An application to which the requirement in Clause 53.12-1 applies is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the approved measures specified in Planning requirements for racing dog keeping and training (Department of Environment, Land, Water and Planning, August 2017) are met.
RENEWABLE ENERGY FACILITY (OTHER THAN WIND ENERGY FACILITY AND GEOTHERMAL ENERGY EXTRACTION)

Purpose
To facilitate the establishment and expansion of renewable energy facilities, in appropriate locations, with minimal impact on the amenity of the area.

Application
This clause applies to land used and developed or proposed to be used and developed for a renewable energy facility.

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

- A site and context analysis, including:
  - A site plan, photographs or other techniques to accurately describe the site and the surrounding area.
  - A location plan showing the full site area, local electricity grid, access roads to the site and direction and distance to nearby accommodation, hospital or education centre.

- A design response, including:
  - Detailed plans of the proposed development including, the layout and height of the facility and associated building and works, materials, reflectivity, colour, lighting, landscaping, the electricity distribution starting point (where the electricity will enter the distribution system), access roads and parking areas.
  - Accurate visual simulations illustrating the development in the context of the surrounding area and from key public view points.
  - The extent of vegetation removal and a rehabilitation plan for the site.
  - Written report and assessment, including:
    - An explanation of how the proposed design derives from and responds to the site analysis.
    - A description of the proposal, including the types of process to be utilised, materials to be stored and the treatment of waste.
    - Whether a Works Approval or Licence is required from the Environment Protection Authority.
    - The potential amenity impacts such as noise, glint, light spill, emissions to air, land or water, vibration, smell and electromagnetic interference.
    - The effect of traffic to be generated on roads.
    - The impact upon Aboriginal or non-Aboriginal cultural heritage.
    - A statement of why the site is suitable for a renewable energy facility including, a calculation of the greenhouse benefits.
    - An environmental management plan including, a construction management plan, any rehabilitation and monitoring.
Decision guidelines

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

- The effect of the proposal on the surrounding area in terms of noise, glint, light spill, vibration, smell and electromagnetic interference
- The impact of the proposal on significant views, including visual corridors and sightlines.
- The impact of the proposal on the natural environment and natural systems.
- Whether the proposal will require traffic management measures.
RESOURCE RECOVERY

Purpose
To facilitate the establishment and expansion of a Transfer station and/or a Materials recycling facility in appropriate locations with minimal impact on the environment and amenity of the area.

Application
This clause applies to all land used and developed or proposed to be used and developed for:

- A Transfer station;
- A Materials recycling facility.

Application requirements
An application must be accompanied by the following information:

- A location plan showing the site and surrounding uses including distances to nearby sensitive uses such as residential, hospital or education uses.
- A detailed site plan showing the layout and height of buildings and works, materials, reflectivity, colour, lighting, landscaping, access roads and parking areas.
- Plans or other media showing anticipated views of the facility from sensitive use locations.
- A written report(s) including:
  - Identification of the purpose of the use.
  - A description of the proposal including the materials to be processed, the types of processes to be used and any materials to be stored and handled.
  - Proposed hours of operation.
  - Likely traffic generation including heavy vehicles.
  - Consideration of whether a works approval or licence is required from the Environment Protection Authority.
- An assessment of:
  - Potential amenity impacts such as noise, odour, emissions to air, land or water, vibration, dust, light spill, visual impact.
  - The impact of traffic generation on local roads.

Decision Guidelines
Before deciding on an application, in addition to the Decision Guidelines of Clause 65, the responsible authority must consider:

- The contribution of the proposal to achieving resource recovery targets established by the Victorian Government.
- The impact of the proposal on the amenity of the surrounding area.
- The Statewide Waste and Resource Recovery Infrastructure Plan (Sustainability Victoria, 2015).
- Relevant guidelines applicable to the application including the guideline for *Designing, Constructing and Operating Composting Facilities* (Environmental Protection Authority, 2015), the *Guide to Best Practice for Organics Recovery* (Sustainability Victoria, 2009) and the *Guide to Best Practice at Resource Recovery Centres* (Sustainability Victoria, 2009).
STATEMENT OF UNDERLYING PROVISIONS

Purpose
To specify the planning scheme provisions which would have applied to land reserved for a public purpose pursuant to section 6(2)(i) of the Planning and Environment Act 1987 if the land had not been reserved for that purpose.

Application
In relation to any land identified in the schedule to this clause, the provisions of the planning scheme which would have applied to that land if it had not been reserved for a public purpose are the provisions which are contained in the relevant incorporated document, also identified in the schedule to this clause.

The incorporated document may contain some or all of the provisions which would have applied to the relevant land under this scheme if the land had not been reserved for a public purpose.

The incorporated document may also contain a statement or explanation of the strategic basis for those provisions. Alternatively, the incorporated document may make reference to a separate document, not forming part of the incorporated document, which contains a statement or explanation of the strategic basis for those provisions.
SCHEDULE TO CLAUSE 53.15 STATEMENT OF UNDERLYING PROVISIONS

Incorporated statement

<table>
<thead>
<tr>
<th>Land</th>
<th>Incorporated Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>
PIG FARM

Purpose
To facilitate the establishment and expansion of pig farms in a manner that is consistent with orderly and proper planning and the protection of the environment.

Application
This clause applies to permit applications to use land or construct a building or construct or carry out works for a pig farm, including to increase the farm capacity of an existing pig farm.

Exemption from notice and review
An application to use land or construct a building or construct or carry out works for a pig farm is exempt from the notice requirements of section 52 (1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the following requirements are met:

- The number of pigs does not exceed 150 sows or 1,000 Standard Pig Units as calculated in Table 1.
- The outdoor stocking density does not exceed 12 Standard Pig Units per hectare as calculated in Table 1.
- A Nutrient Management Plan demonstrates pigs are kept outdoors on paddocks with:
  - A minimum of 50% ground cover; and
  - Mobile housing and feeding infrastructure that is relocated at least every three months.
- Any area used as a pig range, including associated buildings and works, is setback a minimum distance of:
  - 100 metres from a building used for a sensitive use (accommodation, a child care centre, an education centre or a hospital), and
  - 400 metres from land in a residential zone.

Table 1 Standard Pig Unit conversion factors

<table>
<thead>
<tr>
<th>Pig Class</th>
<th>Mass Range (kg)</th>
<th>Age Range (weeks)</th>
<th>SPU Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gilt</td>
<td>100 – 160</td>
<td>24 – 30</td>
<td>1.8</td>
</tr>
<tr>
<td>Boar</td>
<td>100 – 300</td>
<td>24 – 128</td>
<td>1.6</td>
</tr>
<tr>
<td>Gestating sow</td>
<td>160 – 230</td>
<td>-</td>
<td>1.6</td>
</tr>
<tr>
<td>Lactating sow</td>
<td>160 – 230</td>
<td>-</td>
<td>2.5</td>
</tr>
<tr>
<td>Sucker</td>
<td>1.4 – 8</td>
<td>0 – 4</td>
<td>0.1</td>
</tr>
<tr>
<td>Weaner</td>
<td>8 – 25</td>
<td>4 – 10</td>
<td>0.5</td>
</tr>
<tr>
<td>Grower</td>
<td>24 – 55</td>
<td>10 – 16</td>
<td>1.0</td>
</tr>
<tr>
<td>Finisher</td>
<td>55 – 100</td>
<td>16 – 24</td>
<td>1.6</td>
</tr>
</tbody>
</table>
### Decision guidelines

Before deciding on an application to use land or construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The purpose of the relevant zone.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The need to protect amenity of existing uses on adjoining land.
- The impact of the use of the land on the surrounding area, including from the emission of noise, light, vibration, odour, dust, or waste products.
- The impact of the proposal on any wetlands, waterways or water bodies.
- The likely environmental impact on the natural physical features and biodiversity of the land, including consideration of any Nutrient Management Plan submitted with the application.
- Whether the development will support and enhance agricultural production.
- The requirements of the *Victorian Low Density Mobile Outdoor Pig Farm Planning Permit Guidelines* (June 2018).

---

<table>
<thead>
<tr>
<th>Pig Class</th>
<th>Mass Range (kg)</th>
<th>Age Range (weeks)</th>
<th>SPU Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heavy Finisher</td>
<td>100 – 130</td>
<td>24 -30</td>
<td>1.8</td>
</tr>
</tbody>
</table>

Note: Adapted from the National Environmental Guidelines for Piggeries 2010
RESIDENTIAL AGED CARE FACILITY

Purpose
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.

Application
This clause applies to an application to construct a building or construct or carry out works for a residential aged care facility in the General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

Application requirements
An application must be accompanied by:
- A site and context description.
- A design response.
- A landscape plan.

Site and context description
The site and context description may use a site plan, photographs or other techniques and must include:
- Site shape, size, orientation and easements.
- Levels of the site and the difference in levels between the site and surrounding properties.
- The location of existing buildings on the site and on adjacent properties, including the location and height of walls built to the boundary of the site.
- The use of adjacent buildings and land.
- The location of secluded private open space and habitable room windows of adjacent properties which have an outlook to the site within 9 metres.
- Solar access to the site and to adjacent properties.
- Any contaminated soils and filled areas, where known.
- Location of significant trees existing on the site and any significant trees removed from the site in the 12 months prior to the application being made, where known.
- Street frontage features such as poles, street trees and kerb crossovers.
- Any other notable features or characteristics of the site.

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

Design response
The design response must explain how the proposed design:
- Responds to the site and context description.
- Meets the requirements of this clause.
Landscape plan
The landscape plan must include:

- Landscaping of communal open space for the enjoyment of residents and staff.
- Landscaping along the boundaries of the site.
- On-site management of run-off from paved areas.
- Retaining significant trees where possible.

Development requirements

Operation
If there is any inconsistency between a requirement in this clause and a requirement in another provision of this planning scheme, this clause prevails.

Building height
In the Neighbourhood Residential Zone, General Residential Zone and Township Zone the maximum building height must not exceed 16 metres.

In the Mixed Use Zone and Residential Growth Zone the maximum building height should not exceed 16 metres.

Street setback
Walls of buildings should be set back from streets the distance specified in the table:

<table>
<thead>
<tr>
<th>Development context</th>
<th>Minimum setback from front street (metres)</th>
<th>Minimum setback from a side street (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</td>
<td>The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser. This does not include a porte cochère.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.</td>
<td>The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. This does not include a porte cochère.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.</td>
<td>6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>The site is on a corner.</td>
<td>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. This does not include a porte cochère.</td>
<td>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting</td>
</tr>
</tbody>
</table>

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### Development context

<table>
<thead>
<tr>
<th>Minimum setback from front street (metres)</th>
<th>Minimum setback from a side street (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td>
<td>allotment facing the side street or 4 metres, whichever is the lesser.</td>
</tr>
</tbody>
</table>

Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.

---

### Side and rear setbacks

A new building not on or within 200mm of a boundary should be set back from side or rear boundaries by 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Screens, sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.
Walls on boundaries

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary for a length of more than:

- 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
- Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports; whichever is the greater.

A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

Daylight to existing windows

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.
Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

**North-facing windows**

If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be set back from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.
Overshadowing open space

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

Solar panel overshadowing

Buildings should be sited and designed to ensure that the capacity of existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced.

Overlooking

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.
- Have sill heights of at least 1.2 metres above floor level.
- Have fixed, obscure glazing in any part of the window below 1.2 metres above floor level.
- Have permanently fixed external screens to at least 1.2 metres above floor level and be no more than 25 per cent transparent.

Obscure glazing in any part of the window below 1.2 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:
- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

**Noise impacts**

Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.

**Daylight to new windows**

A window in a habitable room should be located to face:
- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A verandah provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

**Site coverage**

The site area covered by buildings should not exceed 80 percent.

**Access**

Access ways should be designed to:
- Provide direct access to on-site designated areas for car and bicycle parking.
- Provide direct access to the building for emergency vehicles.
- Provide access for service and delivery vehicles to on-site loading bays and storage areas.
- Ensure vehicles can enter and exit a development in a forward direction.
provide a carriageway width of at least 5.5 metres and an internal radius of at least 4 metres at a change of direction.

- The number and location of access points from streets to the site and the design of crossovers must be to the requirements of the relevant road authority.

- Shared access ways or car parks should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced by 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the access way.

**Building entry**

The main pedestrian entry to a building should:

- Have convenient access from a street.
- Be sheltered from the weather.
- Have convenient access from on-site car parking.
- Have a designated vehicle standing area suitable for use by a community bus and a disabled parking area should be provided in an area that is convenient for the drop-off and pick-up of residents.

**Communal open space**

Accessible and useable communal open space should be provided for residents and staff.

**Front fence**

A front fence within 3 metres of a street should not exceed:

- 2 metres in height in streets in a Road Category 1; and
- 1.5 metres in height on all other streets.

**Decision guidelines**

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

- How the proposed development responds to the site and context description.
- Where the requirements of this clause are not met, the impact on the amenity of the adjoining dwellings.
- The proposed amenity for future residents of the residential aged care facility.
- The effect of overshadowing on an appropriately located existing rooftop solar energy facility on an adjoining lot.
STORMWATER MANAGEMENT IN URBAN DEVELOPMENT

Purpose
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.

Application
This clause applies to an application under a provision of a zone to subdivide land, construct a building, or construct or carry out works, other than the following applications:

- An application under a provision of the Farming Zone, Green Wedge Zone, Green Wedge A Zone, Low Density Residential Zone, Public Conservation and Resource Zone, Road Zone, Rural Activity Zone, Rural Conservation Zone, Rural Living Zone, Urban Floodway Zone or Urban Growth Zone.
- A VicSmart application.
- An application to subdivide land in a residential zone for residential purposes.
- An application to construct or extend a dwelling, fence or residential building in a residential zone.
- An application for development associated with the use of land for agriculture or earth and energy resources industry.
- An application to construct a building or construct or carry out works associated with one dwelling on a lot.
- An application to alter, extend or make structural changes to an existing building provided the gross floor area of the building is not increased by more than 50 square metres.
- An application to construct a building with a gross floor area not exceeding 50 square metres.
- An application to construct or carry out works with an area not exceeding 50 square metres.
- An application to subdivide land into lots each containing an existing building or car parking space.
- An application to construct a building or to construct or carry out works on a lot if all of the following requirements are met:
  - The lot was created in accordance with a permit granted under this planning scheme.
  - The application for that permit was assessed against the requirements of this clause.
- An application for land affected by a development plan or incorporated plan that was approved or incorporated in this planning scheme before the approval date of Amendment VC154.
- An application lodged before the approval date of Amendment VC154.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC154.

Operation
The provisions of this clause contain:

- Objectives. An objective describes the desired outcome to be achieved in the completed development.
- Standards. A standard contains the requirements to meet the objective.
A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative solution meets the objective, the alternative solution may be considered.

53.18-3

Requirements

An application to subdivide land:
- Must meet all of the objectives of Clauses 53.18-4 and 53.18-6.
- Should meet all of the standards of Clauses 53.18-4 and 53.18-6.

An application to construct a building or construct or carry out works:
- Must meet all of the objectives of Clauses 53.18-5 and 53.18-6.
- Should meet all of the standards of Clauses 53.18-5 and 53.18-6.

An application must be accompanied by details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.

53.18-4

Stormwater management objectives for subdivision

To minimise damage to properties and inconvenience to the public from stormwater.

To ensure that the street operates adequately during major storm events and provides for public safety.

To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.

To encourage stormwater management that maximises the retention and reuse of stormwater.

To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.

Standard W1

The stormwater management system should be:
- Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.
- Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed.
- Designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).
- Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.
- Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.

For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:
- Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.
- Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.
For storm events greater than 20% AEP and up to and including 1% AEP standard:

- Provision must be made for the safe and effective passage of stormwater flows.
- All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.
- Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria \( da \times V_{ave} < 0.35 \text{ m}^2/\text{s} \) (where, \( da = \) average depth in metres and \( V_{ave} = \) average velocity in metres per second).

The design of the local drainage network should:

- Ensure stormwater is retarded to a standard required by the responsible drainage authority.
- Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, stormwater should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.
- Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner.
- Include water sensitive urban design features to manage stormwater in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.

Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.

**Stormwater management objectives for buildings and works**

To encourage stormwater management that maximises the retention and reuse of stormwater.

To encourage development that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.

To ensure that industrial and commercial chemical pollutants and other toxicants do not enter the stormwater system.

**Standard W2**

The stormwater management system should be designed to:

- Minimise the impact of chemical pollutants and other toxicants including by, but not limited to, bunding and covering or roofing of storage, loading and work areas.
- Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

**Site management objectives**

To protect drainage infrastructure and receiving waters from sedimentation and contamination.

To protect the site and surrounding area from environmental degradation prior to and during construction of subdivision works.
Standard W3
An application should describe how the site will be managed prior to and during the construction period and may set out requirements for managing:

- Erosion and sediment.
- Stormwater.
- Litter, concrete and other construction wastes.
- Chemical contamination.

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

- Any relevant water and stormwater management objective, policy or statement set out in this planning scheme.
- The capacity of the site to incorporate stormwater retention and reuse and other water sensitive urban design features.
- Whether the development has utilised alternative water sources and/or incorporated water sensitive urban design.
- Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.
- The capacity of the drainage network to accommodate additional stormwater.
- Whether the stormwater treatment areas can be effectively maintained.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.
ONE DWELLING ON A LOT

Purpose

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.

Application

These provisions apply to an application to construct a building or construct or carry out works associated with one dwelling on a lot under the provisions of:

- A Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone.
- A Neighbourhood Character Overlay if the land is in a Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone.

Operation

The provisions of this clause contain:

- Objectives. An objective describes the desired outcome to be achieved in the completed development.

- Standards. A standard contains the requirements to meet the objective.
  A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

- Decision guidelines. The decision guidelines set out the matters that the responsible authority must consider before deciding if an application meets the objectives.

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 specifies a requirement of a standard different from a requirement set out in this clause, the requirement in the zone or a schedule to the zone applies.

If the land is included in a Neighbourhood Character Overlay and a schedule to the overlay specifies a requirement of a standard different from a requirement set out in this clause or a requirement in the zone or a schedule to the zone, the requirement in the schedule to the overlay applies.

If the land is included in an overlay, other than a Neighbourhood Character Overlay, and a schedule to the overlay specifies a requirement different from a requirement of a standard set out in this clause or a requirement of a standard set out in the zone or a schedule to the zone, the requirement in the overlay applies.
NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

An application must be accompanied by:

- A neighbourhood and site description.
- A design response.

Neighbourhood and site description

The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately describe:

- In relation to the neighbourhood:
  - The built form, scale and character of surrounding development including front fencing.
  - Architectural and roof styles.
  - Any other notable features or characteristics of the neighbourhood.

- In relation to the site:
  - Site shape, size, orientation and easements.
  - Levels of the site and the difference in levels between the site and surrounding properties.
  - Location of existing buildings on the site and on surrounding properties, including the location and height of walls built to the boundary of the site.
  - The use of surrounding buildings.
  - The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres.
  - Solar access to the site and to surrounding properties.
  - Location of significant trees existing on the site and any significant trees removed from the site in the 12 months prior to the application being made, where known.
  - Any contaminated soils and filled areas, where known.
  - Views to and from the site.
  - Street frontage features such as poles, street trees and kerb crossovers.
  - Any other notable features or characteristics of the site.

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

Satisfactory neighbourhood and site description

If the responsible authority decides that the neighbourhood and site description is not satisfactory, it may require more information from the applicant under Section 54 of the Act.

The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 54.01-1 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.

Design response

The design response must explain how the proposed design:
- Derives from and responds to the neighbourhood and site description.
- Meets the objectives of Clause 54.
- Responds to any neighbourhood character features for the area identified in a local planning policy or a Neighbourhood Character Overlay.

The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.
**NEIGHBOURHOOD CHARACTER**

**Neighbourhood character objective**

To ensure that the design respects the existing neighbourhood character or contributes to a preferred
neighbourhood character.

To ensure that the design responds to the features of the site and the surrounding area.

**Standard A1**

The design response must be appropriate to the neighbourhood and the site.

The proposed design must respect the existing or preferred neighbourhood character and respond
to the features of the site.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The neighbourhood and site description.
- The design response.

**Integration with the street objective**

To integrate the layout of development with the street.

**Standard A2**

Dwellings should be oriented to front existing and proposed streets.

High fencing in front of dwellings should be avoided if practicable.

Dwellings should be designed to promote the observation of abutting streets and any abutting
public open spaces.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
SITE LAYOUT AND BUILDING MASSING

Street setback objective
To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

Standard A3
Walls of buildings should be set back from streets:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, the distance specified in Table A1.

Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

Table A1 Street setback

<table>
<thead>
<tr>
<th>Development context</th>
<th>Minimum setback from front street (Metres)</th>
<th>Minimum setback from a side street (Metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</td>
<td>The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.</td>
<td>The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.</td>
<td>6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>The site is on a corner.</td>
<td>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</td>
<td>The same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</td>
</tr>
<tr>
<td></td>
<td>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td>
<td></td>
</tr>
</tbody>
</table>

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.
- The visual impact of the building when viewed from the street and from adjoining properties.
- The value of retaining vegetation within the front setback.
Building height objective

To ensure that the height of buildings respects the existing or preferred neighbourhood character.

Standard A4

The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.

If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.

Changes of building height between existing buildings and new buildings should be graduated.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any maximum building height specified in the zone, a schedule to the zone or an overlay applying to the land.
- The design response.
- The effect of the slope of the site on the height of the building.
- The relationship between the proposed building height and the height of existing adjacent buildings.
- The visual impact of the building when viewed from the street and from adjoining properties.

Site coverage objective

To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

Standard A5

The site area covered by buildings should not exceed:

- The maximum site coverage specified in a schedule to the zone, or
- If no maximum site coverage is specified in a schedule to the zone, 60 per cent.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The existing site coverage and any constraints imposed by existing development or the features of the site.
- The site coverage of adjacent properties.
- The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood.

Permeability objectives

To reduce the impact of increased stormwater run-off on the drainage system.

To facilitate on-site stormwater infiltration.
Standard A6

The site area covered by pervious surfaces should be at least:

- The minimum area specified in a schedule to the zone; or
- If no minimum area is specified in a schedule to the zone, 20 per cent of the site.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The existing site coverage and any constraints imposed by existing development.
- The capacity of the drainage network to accommodate additional stormwater.
- The capacity of the site to absorb run-off.
- The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.

Energy efficiency protection objectives

To achieve and protect energy efficient dwellings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

Standard A7

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy facility must exist at the date the application is lodged.

Living areas and private open space should be located on the north side of the dwelling, if practicable.

Dwellings should be designed so that solar access to north-facing windows is maximised.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and slope of the lot.
- The existing amount of solar access to abutting properties.
- The extent to which an existing rooftop solar energy facility on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy facility on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy facility on an adjoining lot.
- The availability of solar access to north-facing windows on the site.
**Significant trees objectives**

To encourage development that respects the landscape character of the neighbourhood.

To encourage the retention of significant trees on the site.

**Standard A8**

Development should provide for the retention or planting of trees, where these are part of the neighbourhood character.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The health of any trees that were removed or are proposed to be removed.
- Whether a tree was removed to gain a development advantage.
Side and rear setbacks objective

To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Standard A10

A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

Diagram A1 Side and rear setbacks
The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.

Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary.

Whether the wall abuts a side or rear lane.

**Walls on boundaries objective**

To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

**Standard A11**

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary:

- For a length more than the distance specified in a schedule to the zone; or
- If no distance is specified in a schedule to the zone, for a length of more than:
  - 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
  - Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.

A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The extent to which walls on boundaries are part of the neighbourhood character.
- The visual impact of the building when viewed from adjoining properties.
- The impact on the amenity of existing dwellings.
- The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property.
- The orientation of the boundary that the wall is being built on.
- The width of the lot.
- The extent to which the slope and retaining walls or fences reduce the effective height of the wall.
- Whether the wall abuts a side or rear lane.
- The need to increase the wall height to screen a box gutter.
Daylight to existing windows objective

To allow adequate daylight into existing habitable room windows.

Standard A12

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

Diagram A2 Daylight to existing windows

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows.
- The impact on the amenity of existing dwellings.

North-facing windows objective

To allow adequate solar access to existing north-facing habitable room windows.

Standard A13

If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.
Diagram A3 North-facing windows

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- Existing sunlight to the north-facing habitable room window of the existing dwelling.
- The impact on the amenity of existing dwellings.

Overshadowing open space objective
To ensure buildings do not unreasonably overshadow existing secluded private open space.

Standard A14
Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of existing dwellings.
- Existing sunlight penetration to the secluded private open space of the existing dwelling.
- The time of day that sunlight is available to the secluded private open space of the existing dwelling.
- The effect of a reduction in sunlight on the existing use of the secluded private open space.

**Overlooking objective**
To limit views into existing secluded private open space and habitable room windows.

**Standard A15**
A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:
- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or
- Have sill heights of at least 1.7 metres above floor level, or
- Have obscure glazing in any part of the window below 1.7 metres above floor level, or
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:
- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

**Diagram A4 Overlooking open space**

**Decision guidelines**
Before deciding on an application, the responsible authority must consider:
- The design response.
- The impact on the amenity of the secluded private open space or habitable room window.
- The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings.
- The internal daylight to and amenity of the proposed dwelling.
## ON-SITE AMENITY AND FACILITIES

### Daylight to new windows objective
To allow adequate daylight into new habitable room windows.

**Standard A16**
A window in a habitable room should be located to face:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A verandah provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

**Decision guidelines**
Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether there are other windows in the habitable room which have access to daylight.

### Private open space objective
To provide adequate private open space for the reasonable recreation and service needs of residents.

**Standard A17**
A dwelling should have private open space of an area and dimensions specified in a schedule to the zone.

If no area or dimensions is specified in a schedule to the zone, a dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.

**Decision guidelines**
Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability of the private open space, including its size and accessibility.
- The availability of and access to public open space.
- The orientation of the lot to the street and the sun.

### Solar access to open space objective
To allow solar access into the secluded private open space of a new dwelling.

**Standard A18**
The private open space should be located on the north side of the dwelling, if practicable.
The southern boundary of secluded private open space should be set back from any wall on the north of the space at least 
\[(2 + 0.9h) \text{ metres}\]
where ‘h’ is the height of the wall.
Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of the secluded private open space based on the sunlight it will receive.
DETAILED DESIGN

Design detail objective
To encourage design detail that respects the existing or preferred neighbourhood character.

Standard A19
The design of buildings, including:
- Facade articulation and detailing,
- Window and door proportions,
- Roof form, and
- Verandahs, eaves and parapets,
should respect the existing or preferred neighbourhood character.
Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting.
- Whether the design is innovative and of a high architectural standard.

Front fences objective
To encourage front fence design that respects the existing or preferred neighbourhood character.

Standard A20
The design of front fences should complement the design of the dwelling and any front fences on adjoining properties.
A front fence within 3 metres of a street should not exceed:
- The maximum height specified in a schedule to the zone, or
- If no maximum height is specified in a schedule to the zone, the maximum height specified in Table A2.

Table A2 Maximum front fence height

<table>
<thead>
<tr>
<th>Street context</th>
<th>Maximum front fence height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Streets in a Road Zone, Category 1</td>
<td>2 metres</td>
</tr>
<tr>
<td>Other streets</td>
<td>1.5 metres</td>
</tr>
</tbody>
</table>

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The setback, height and appearance of front fences on adjacent properties.
- The extent to which slope and retaining walls reduce the effective height of the front fence.
- Whether the fence is needed to minimise noise intrusion.
TWO OR MORE DWELLINGS ON A LOT AND RESIDENTIAL BUILDINGS

Purpose

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.

Application

Provisions in this clause apply to an application to:

- Construct a dwelling if there is at least one dwelling existing on the lot,
- Construct two or more dwellings on a lot,
- Extend a dwelling if there are two or more dwellings on the lot,
- Construct or extend a dwelling on common property, or
- Construct or extend a residential building,

in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone.

The provisions of this clause apply to an application specified above, in the manner set out in the following table.

<table>
<thead>
<tr>
<th>Application type</th>
<th>Applicable clauses</th>
</tr>
</thead>
<tbody>
<tr>
<td>To construct or extend a dwelling (other than a dwelling in or forming part of an apartment development), or to construct or extend a residential building.</td>
<td>All of Clause 55 except Clause 55.07-1 to 55.07-15 (inclusive).</td>
</tr>
<tr>
<td>To construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development.</td>
<td>All of Clause 55 except Clause 55.03-5, Clause 55.03-6, Clause 55.04-8, Clause 55.05-1, Clause 55.05-2 and Clause 55.05-6.</td>
</tr>
</tbody>
</table>

These provisions do not apply to an application to construct or extend a development of five or more storeys, excluding a basement or to construct or extend a dwelling in a development of five or more storeys, excluding a basement.

Operation

The provisions of this clause contain:

- **Objectives.** An objective describes the desired outcome to be achieved in the completed development.
- **Standards.** A standard contains the requirements to meet the objective.
  A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.
- **Decision guidelines.** The decision guidelines set out the matters that the responsible authority must consider before deciding if an application meets the objectives.

Requirements

A development:
Must meet all of the objectives of this clause that apply to the application.

Should meet all of the standards of this clause that apply to the application.

For all of the provisions of Clause 55 other than Clause 55.07 (Apartment developments):

- If a zone or a schedule to a zone specifies a requirement of a standard different from a requirement set out in this clause, the requirement in the zone or a schedule to the zone applies.

- If the land is included in a Neighbourhood Character Overlay and a schedule to the overlay specifies a requirement of a standard different from a requirement set out in this clause or a requirement in the zone or a schedule to the zone, the requirement in the schedule to the overlay applies.

- If the land is included in an overlay, other than a Neighbourhood Character Overlay, and a schedule to the overlay specifies a requirement different from a requirement of a standard set out in this clause or a requirement of a standard set out in the zone or a schedule to the zone, the requirement in the overlay applies.

The requirements of a standard set out in Clause 55.07 (Apartment developments) apply to the exclusion of any different requirement specified in a zone, a schedule to a zone, or a schedule to an overlay.

**Transitional provisions**

Clause 55.03-4 of this planning scheme, as in force immediately before the approval date of Amendment VC154, continues to apply to:

- An application for a planning permit lodged before that date.

- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.
NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

An application must be accompanied by:

- A neighbourhood and site description.
- A design response.

Neighbourhood and site description

The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately describe:

- In relation to the neighbourhood:
  - The pattern of development of the neighbourhood.
  - The built form, scale and character of surrounding development including front fencing.
  - Architectural and roof styles.
  - Any other notable features or characteristics of the neighbourhood.

- In relation to the site:
  - Site shape, size, orientation and easements.
  - Levels of the site and the difference in levels between the site and surrounding properties.
  - The location of existing buildings on the site and on surrounding properties, including the location and height of walls built to the boundary of the site.
  - The use of surrounding buildings.
  - The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres.
  - Solar access to the site and to surrounding properties.
  - Location of significant trees existing on the site and any significant trees removed from the site 12 months prior to the application being made, where known.
  - Any contaminated soils and filled areas, where known.
  - Views to and from the site.
  - Street frontage features such as poles, street trees and kerb crossovers.
  - The location of local shops, public transport services and public open spaces within walking distance.
  - Any other notable features or characteristics of the site.

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

Satisfactory neighbourhood and site description

If the responsible authority decides that the neighbourhood and site description is not satisfactory, it may require more information from the applicant under Section 54 of the Act.

The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 55.01-1 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.
**Design response**

The design response must explain how the proposed design:

- Derives from and responds to the neighbourhood and site description.
- Meets the objectives of Clause 55.
- Responds to any neighbourhood character features for the area identified in a local planning policy or a Neighbourhood Character Overlay.

The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.
**55.02-1** 
**19/01/2006**
**VC37**

**Neighbourhood character objectives**

To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

To ensure that development responds to the features of the site and the surrounding area.

**Standard B1**

The design response must be appropriate to the neighbourhood and the site.

The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The neighbourhood and site description.
- The design response.

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**55.02-2**
**11/04/2019**
**VC156**

**Residential policy objectives**

To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.

**Standard B2**

An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.

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**55.02-3**
**19/01/2006**
**VC37**

**Dwelling diversity objective**

To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

**Standard B3**

Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:

- Dwellings with a different number of bedrooms.
- At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.

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**55.02-4**
**19/01/2006**
**VC37**

**Infrastructure objectives**

To ensure development is provided with appropriate utility services and infrastructure.
To ensure development does not unreasonably overload the capacity of utility services and infrastructure.

**Standard B4**

Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.

Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The capacity of the existing infrastructure.
- In the absence of reticulated sewerage, the capacity of the development to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
- If the drainage system has little or no spare capacity, the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.

**Integration with the street objective**

To integrate the layout of development with the street.

**Standard B5**

Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.

Development should be oriented to front existing and proposed streets.

High fencing in front of dwellings should be avoided if practicable.

Development next to existing public open space should be laid out to complement the open space.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
SITE LAYOUT AND BUILDING MASSING

Street setback objective
To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

Standard B6
Walls of buildings should be set back from streets:
- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, the distance specified in Table B1.

Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

Table B1 Street setback

<table>
<thead>
<tr>
<th>Development context</th>
<th>Minimum setback from front street (metres)</th>
<th>Minimum setback from a side street (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</td>
<td>The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.</td>
<td>The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.</td>
<td>6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>The site is on a corner.</td>
<td>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</td>
<td>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.</td>
</tr>
<tr>
<td></td>
<td>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td>
<td>Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</td>
</tr>
</tbody>
</table>

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.

- The visual impact of the building when viewed from the street and from adjoining properties.
- The value of retaining vegetation within the front setback.

### Building height objective

To ensure that the height of buildings respects the existing or preferred neighbourhood character.

**Standard B7**

The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.

If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.

Changes of building height between existing buildings and new buildings should be graduated.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any maximum building height specified in the zone, a schedule to the zone or an overlay applying to the land.
- The design response.
- The effect of the slope of the site on the height of the building.
- The relationship between the proposed building height and the height of existing adjacent buildings.
- The visual impact of the building when viewed from the street and from adjoining properties.

### Site coverage objective

To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

**Standard B8**

The site area covered by buildings should not exceed:

- The maximum site coverage specified in a schedule to the zone, or
- If no maximum site coverage is specified in a schedule to the zone, 60 per cent.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The existing site coverage and any constraints imposed by existing development or the features of the site.
- The site coverage of adjacent properties.
- The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood.
Permeability and stormwater management objectives

To reduce the impact of increased stormwater run-off on the drainage system.
To facilitate on-site stormwater infiltration.
To encourage stormwater management that maximises the retention and reuse of stormwater.

Standard B9

The site area covered by the pervious surfaces should be at least:

- The minimum area specified in a schedule to the zone, or
- If no minimum is specified in a schedule to the zone, 20 percent of the site.

The stormwater management system should be designed to:

- Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The capacity of the site to incorporate stormwater retention and reuse.
- The existing site coverage and any constraints imposed by existing development.
- The capacity of the drainage network to accommodate additional stormwater.
- The capacity of the site to absorb run-off.
- The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

Energy efficiency objectives

To achieve and protect energy efficient dwellings and residential buildings.
To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

Standard B10

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy facility must exist at the date the application is lodged.

Living areas and private open space should be located on the north side of the development, if practicable.

Developments should be designed so that solar access to north-facing windows is maximised.
Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and slope of the lot.
- The existing amount of solar access to abutting properties.
- The availability of solar access to north-facing windows on the site.
- The extent to which an existing rooftop solar energy facility on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy facility on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy facility on an adjoining lot.

Open space objective
To integrate the layout of development with any public and communal open space provided in or adjacent to the development.

Standard B11
If any public or communal open space is provided on site, it should:

- Be substantially fronted by dwellings, where appropriate.
- Provide outlook for as many dwellings as practicable.
- Be designed to protect any natural features on the site.
- Be accessible and useable.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant plan or policy for open space in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.

Safety objective
To ensure the layout of development provides for the safety and security of residents and property.

Standard B12
Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.

Planting which creates unsafe spaces along streets and accessways should be avoided.

Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.

Private spaces within developments should be protected from inappropriate use as public thoroughfares.

Decision guideline
Before deciding on an application, the responsible authority must consider the design response.

Landscaping objectives
To encourage development that respects the landscape character of the neighbourhood.
To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.
To provide appropriate landscaping.
To encourage the retention of mature vegetation on the site.

**Standard B13**
The landscape layout and design should:

- Protect any predominant landscape features of the neighbourhood.
- Take into account the soil type and drainage patterns of the site.
- Allow for intended vegetation growth and structural protection of buildings.
- In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.
- Provide a safe, attractive and functional environment for residents.

Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.

Development should meet any additional landscape requirements specified in a schedule to the zone.

**Decision guidelines**
Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any relevant plan or policy for landscape design in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The location and size of gardens and the predominant plant types in the neighbourhood.
- The health of any trees to be removed.
- Whether a tree was removed to gain a development advantage.

**Access objective**
To ensure the number and design of vehicle crossovers respects the neighbourhood character.

**Standard B14**
The width of accessways or car spaces should not exceed:

- 33 per cent of the street frontage, or
- if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.

No more than one single-width crossover should be provided for each dwelling fronting a street.

The location of crossovers should maximise the retention of on-street car parking spaces.

The number of access points to a road in a Road Zone should be minimised.

Developments must provide for access for service, emergency and delivery vehicles.
Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the neighbourhood character.
- The reduction of on-street car parking spaces.
- The effect on any significant vegetation on the site and footpath.

Parking location objectives
To provide convenient parking for resident and visitor vehicles.
To protect residents from vehicular noise within developments.

Standard B15
Car parking facilities should:

- Be reasonably close and convenient to dwellings and residential buildings.
- Be secure.
- Be well ventilated if enclosed.

Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

Decision guideline
Before deciding on an application, the responsible authority must consider the design response.
AMENITY IMPACTS

Side and rear setbacks objective
To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Standard B17
A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

Diagram B1 Side and rear setbacks

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.
- Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary.
- Whether the wall abuts a side or rear lane.

**Walls on boundaries objective**

To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

**Standard B18**

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:

- For a length of more than the distance specified in a schedule to the zone; or
- If no distance is specified in a schedule to the zone, for a length of more than:
  - 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
  - Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports whichever is the greater.

A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The extent to which walls on boundaries are part of the neighbourhood character.
- The impact on the amenity of existing dwellings.
- The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property.
- The orientation of the boundary that the wall is being built on.
- The width of the lot.
- The extent to which the slope and retaining walls or fences reduce the effective height of the wall.
- Whether the wall abuts a side or rear lane.
- The need to increase the wall height to screen a box gutter.

**Daylight to existing windows objective**

To allow adequate daylight into existing habitable room windows.
Standard B19

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

Diagram B2 Daylight to existing windows

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows.
- The impact on the amenity of existing dwellings.

North-facing windows objective

To allow adequate solar access to existing north-facing habitable room windows.

Standard B20

If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.
### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Existing sunlight to the north-facing habitable room window of the existing dwelling.
- The impact on the amenity of existing dwellings.

### Overshadowing open space objective

To ensure buildings do not significantly overshadow existing secluded private open space.

### Standard B21

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of existing dwellings.
- Existing sunlight penetration to the secluded private open space of the existing dwelling.
- The time of day that sunlight will be available to the secluded private open space of the existing dwelling.
- The effect of a reduction in sunlight on the existing use of the existing secluded private open space.

**Overlooking objective**

To limit views into existing secluded private open space and habitable room windows.

**Standard B22**

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.
- Have sill heights of at least 1.7 metres above floor level.
- Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

**Diagram B4 Overlooking open space**

Decision guidelines

Before deciding on an application, the responsible authority must consider:
The design response.

- The impact on the amenity of the secluded private open space or habitable room window.
- The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings.
- The internal daylight to and amenity of the proposed dwelling or residential building.

**Internal views objective**

To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.

**Standard B23**

Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.

**Decision guideline**

Before deciding on an application, the responsible authority must consider the design response.

**Noise impacts objectives**

To contain noise sources in developments that may affect existing dwellings.

To protect residents from external noise.

**Standard B24**

Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.

Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.

Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.

**Decision guideline**

Before deciding on an application, the responsible authority must consider the design response.
ON-SITE AMENITY AND FACILITIES

Accessibility objective
To encourage the consideration of the needs of people with limited mobility in the design of developments.

Standard B25
The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.

Dwelling entry objective
To provide each dwelling or residential building with its own sense of identity.

Standard B26
Entries to dwellings and residential buildings should:
- Be visible and easily identifiable from streets and other public areas.
- Provide shelter, a sense of personal address and a transitional space around the entry.

Daylight to new windows objective
To allow adequate daylight into new habitable room windows.

Standard B27
A window in a habitable room should be located to face:
- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A verandah provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.
- Whether there are other windows in the habitable room which have access to daylight.

Private open space objective
To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard B28
A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.

If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of:
- An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or
A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or

A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.

The balcony requirements in Clause 55.05-4 do not apply to an apartment development.

**Decision guidelines**
Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability of the private open space, including its size and accessibility.
- The availability of and access to public or communal open space.
- The orientation of the lot to the street and the sun.

### Solar access to open space objective
To allow solar access into the secluded private open space of new dwellings and residential buildings.

### Standard B29
The private open space should be located on the north side of the dwelling or residential building, if appropriate.

The southern boundary of secluded private open space should be set back from any wall on the north of the space at least \((2 + 0.9h)\) metres, where ‘h’ is the height of the wall.

**Diagram B5 Solar access to open space**

**Decision guidelines**
Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of the secluded private open space based on the sunlight it will receive.

### Storage objective
To provide adequate storage facilities for each dwelling.
Standard B30

Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.
DETAILED DESIGN

Design detail objective
To encourage design detail that respects the existing or preferred neighbourhood character.

Standard B31
The design of buildings, including:
- Facade articulation and detailing,
- Window and door proportions,
- Roof form, and
- Verandahs, eaves and parapets,
should respect the existing or preferred neighbourhood character.
Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting.
- Whether the design is innovative and of a high architectural standard.

Front fences objective
To encourage front fence design that respects the existing or preferred neighbourhood character.

Standard B32
The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.
A front fence within 3 metres of a street should not exceed:
- The maximum height specified in a schedule to the zone, or
- If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3.

Table B3 Maximum front fence height

<table>
<thead>
<tr>
<th>Street Context</th>
<th>Maximum front fence height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Streets in a Road Zone, Category 1</td>
<td>2 metres</td>
</tr>
<tr>
<td>Other streets</td>
<td>1.5 metres</td>
</tr>
</tbody>
</table>

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The setback, height and appearance of front fences on adjacent properties.
The extent to which slope and retaining walls reduce the effective height of the front fence.

Whether the fence is needed to minimise noise intrusion.

**Common property objectives**

To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.

To avoid future management difficulties in areas of common ownership.

**Standard B33**

Developments should clearly delineate public, communal and private areas.

Common property, where provided, should be functional and capable of efficient management.

**Site services objectives**

To ensure that site services can be installed and easily maintained.

To ensure that site facilities are accessible, adequate and attractive.

**Standard B34**

The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.

Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.

Bin and recycling enclosures should be located for convenient access by residents.

Mailboxes should be provided and located for convenient access as required by Australia Post.

**Decision guideline**

Before deciding on an application, the responsible authority must consider the design response.
APARTMENT DEVELOPMENTS

Purpose
Clause 55.07 sets out requirements for an apartment development.

55.07-1
Energy efficiency objectives
To achieve and protect energy efficient dwellings and buildings.
To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.
To ensure dwellings achieve adequate thermal efficiency.

Standard B35
Buildings should be:
- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy facility must exist at the date the application is lodged.

Living areas and private open space should be located on the north side of the development, if practicable.

Developments should be designed so that solar access to north-facing windows is optimised.

Dwellings located in a climate zone identified Table B4 in should not exceed the maximum NatHERS annual cooling load specified in the following table.

Table B4 Cooling load

<table>
<thead>
<tr>
<th>NatHERS climate zone</th>
<th>NatHERS maximum cooling load</th>
</tr>
</thead>
<tbody>
<tr>
<td>Climate zone 21 Melbourne</td>
<td>30</td>
</tr>
<tr>
<td>Climate zone 22 East Sale</td>
<td>22</td>
</tr>
<tr>
<td>Climate zone 27 Mildura</td>
<td>69</td>
</tr>
<tr>
<td>Climate zone 60 Tullamarine</td>
<td>22</td>
</tr>
<tr>
<td>Climate zone 62 Moorabbin</td>
<td>21</td>
</tr>
<tr>
<td>Climate zone 63 Warrnambool</td>
<td>21</td>
</tr>
<tr>
<td>Climate zone 64 Cape Otway</td>
<td>19</td>
</tr>
<tr>
<td>Climate zone 66 Ballarat</td>
<td>23</td>
</tr>
</tbody>
</table>

Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.
- The size, orientation and layout of the site.
- The existing amount of solar access to abutting properties.
- The availability of solar access to north-facing windows on the site.
- The annual cooling load for each dwelling.
- The extent to which an existing rooftop solar energy facility on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy facility on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy facility on an adjoining lot.

**Communal open space objective**

To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.

**Standard B36**

Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser.

Communal open space should:

- Be located to:
  - Provide passive surveillance opportunities, where appropriate.
  - Provide outlook for as many dwellings as practicable.
  - Avoid overlooking into habitable rooms and private open space of new dwellings.
  - Minimise noise impacts to new and existing dwellings.
- Be designed to protect any natural features on the site.
- Maximise landscaping opportunities.
- Be accessible, usable and capable of efficient management.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.
- The useability and amenity of the communal open space based on its size, location, accessibility and reasonable recreation needs of residents.
- The availability of and access to public open space.

**Solar access to communal outdoor open space objective**

To allow solar access into communal outdoor open space.

**Standard B37**

The communal outdoor open space should be located on the north side of a building, if appropriate. At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.
**Decision guidelines**
Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of the primary communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight it will receive.

**Deep soil areas and canopy trees objective**
To promote climate responsive landscape design and water management in developments to support thermal comfort and reduce the urban heat island effect.

**Standard B38**
The landscape layout and design should:

- Be responsive to the site context.
- Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site storm water infiltration.
- Maximise deep soil areas for planting of canopy trees.
- Integrate planting and water management.

Developments should provide the deep soil areas and canopy trees specified in Table B5.
If the development cannot provide the deep soil areas and canopy trees specified in Table B5, an equivalent canopy cover should be achieved by providing either:

- Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.
- Vegetated planters, green roofs or green facades.

**Table B5 Deep soil areas and canopy trees**

<table>
<thead>
<tr>
<th>Site area</th>
<th>Deep soil areas</th>
<th>Minimum tree provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>750 - 1000 square metres</td>
<td>5% of site area (minimum dimension of 3 metres)</td>
<td>1 small tree (6-8 metres) per 30 square metres of deep soil</td>
</tr>
<tr>
<td>1001 - 1500 square metres</td>
<td>7.5% of site area (minimum dimension of 3 metres)</td>
<td>1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil</td>
</tr>
<tr>
<td>1501 - 2500 square metres</td>
<td>10% of site area (minimum dimension of 6 metres)</td>
<td>1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil</td>
</tr>
<tr>
<td>&gt;2500 square metres</td>
<td>15% of site area (minimum dimension of 6 metres)</td>
<td>1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil</td>
</tr>
</tbody>
</table>

Note: Where an existing canopy tree over 8 metres can be retained on a lot greater than 1000 square metres without damage during the construction period, the minimum deep soil requirement is 7% of the site area.
Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant plan or policy for environmental sustainability in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The suitability of the proposed location and soil volume for canopy trees.
- The ongoing management of landscaping within a development.
- The soil type and drainage patterns of the site.

Integrated water and stormwater management objectives
To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.
To facilitate stormwater collection, utilisation and infiltration within the development.
To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

Standard B39
Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.
Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.
The stormwater management system should be:
- Designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).
- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant water and stormwater management objective, policy or statement set out in this scheme.
- The design response.
- Whether the development has utilised alternative water sources and/or incorporated water sensitive urban design.
- Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.
- The capacity of the drainage network to accommodate additional stormwater.
- Whether the stormwater treatment areas can be effectively maintained.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

Noise impacts objectives
To contain noise sources in developments that may affect existing dwellings.
To protect residents from external and internal noise sources.
Standard B40

Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.

The layout of new dwellings and buildings should minimise noise transmission within the site.

Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area specified in Table B6 should be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

Table B6 Noise influence area

<table>
<thead>
<tr>
<th>Noise source</th>
<th>Noise influence area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone interface</td>
<td></td>
</tr>
<tr>
<td>Industry</td>
<td>300 metres from the Industrial 1, 2 and 3 zone boundary</td>
</tr>
<tr>
<td>Roads</td>
<td></td>
</tr>
<tr>
<td>Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume</td>
<td>300 metres from the nearest trafficable lane</td>
</tr>
<tr>
<td>Railways</td>
<td></td>
</tr>
<tr>
<td>Railway servicing passengers in Victoria</td>
<td>80 metres from the centre of the nearest track</td>
</tr>
<tr>
<td>Railway servicing freight outside Metropolitan Melbourne</td>
<td>80 metres from the centre of the nearest track</td>
</tr>
<tr>
<td>Railway servicing freight in Metropolitan Melbourne</td>
<td>135 metres from the centre of the nearest track</td>
</tr>
</tbody>
</table>

*Note: The noise influence area should be measured from the closest part of the building to the noise source.*

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether it can be demonstrated that the design treatment incorporated into the development meets the specified noise levels or an acoustic report by a suitably qualified specialist submitted with the application.
- Whether the impact of potential noise sources within a development have been mitigated through design, location and siting.
- Whether the layout of rooms within a dwelling mitigates noise transfer within and between dwellings.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.
Accessibility objective

To ensure the design of dwellings meets the needs of people with limited mobility.

Standard B41

At least 50 per cent of dwellings should have:

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table B7.

Table B7 Bathroom design

<table>
<thead>
<tr>
<th></th>
<th>Design option A</th>
<th>Design option B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Door opening</td>
<td>A clear 850mm wide door opening.</td>
<td>A clear 820mm wide door opening located opposite the shower.</td>
</tr>
<tr>
<td>Door design</td>
<td>Either:</td>
<td>Either:</td>
</tr>
<tr>
<td></td>
<td>• A slide door, or</td>
<td>• A slide door, or</td>
</tr>
<tr>
<td></td>
<td>• A door that opens outwards, or</td>
<td>• A door that opens outwards, or</td>
</tr>
<tr>
<td></td>
<td>• A door that opens inwards that is clear of the</td>
<td>• A door that opens inwards and has readily removable hinges.</td>
</tr>
<tr>
<td></td>
<td>circulation area and has readily removable hinges.</td>
<td></td>
</tr>
<tr>
<td>Circulation area</td>
<td>A clear circulation area that is:</td>
<td>A clear circulation area that is:</td>
</tr>
<tr>
<td></td>
<td>• A minimum area of 1.2 metres by 1.2 metres.</td>
<td>• A minimum width of 1 metre.</td>
</tr>
<tr>
<td></td>
<td>• Located in front of the shower and the toilet.</td>
<td>• The full length of the bathroom and a minimum length of 2.7 metres.</td>
</tr>
<tr>
<td></td>
<td>• Clear of the toilet, basin and the door swing.</td>
<td>• Clear of the toilet and basin.</td>
</tr>
<tr>
<td></td>
<td>The circulation area for the toilet and shower can overlap.</td>
<td>The circulation area can include a shower area.</td>
</tr>
<tr>
<td>Path to</td>
<td>A clear path with a minimum width of 900mm from the door</td>
<td>Not applicable.</td>
</tr>
<tr>
<td>circulation area</td>
<td>opening to the circulation area.</td>
<td></td>
</tr>
<tr>
<td>Shower</td>
<td>A hobless (step-free) shower.</td>
<td>A hobless (step-free) shower that has a removable shower screen and is located</td>
</tr>
<tr>
<td></td>
<td></td>
<td>on the furthest wall from the door opening.</td>
</tr>
<tr>
<td>Toilet</td>
<td>A toilet located in the corner of the room.</td>
<td>A toilet located closest to the door opening and clear of the circulation area.</td>
</tr>
</tbody>
</table>

Building entry and circulation objectives

To provide each dwelling and building with its own sense of identity.

To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.

To ensure internal communal areas provide adequate access to daylight and natural ventilation.

Standard B42

Entries to dwellings and buildings should:
- Be visible and easily identifiable.

- Provide shelter, a sense of personal address and a transitional space around the entry.

The layout and design of buildings should:

- Clearly distinguish entrances to residential and non-residential areas.

- Provide windows to building entrances and lift areas.

- Provide visible, safe and attractive stairs from the entry level to encourage use by residents.

- Provide common areas and corridors that:
  - Include at least one source of natural light and natural ventilation.
  - Avoid obstruction from building services.
  - Maintain clear sight lines.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.

- The useability and amenity of internal communal areas based on daylight access and the natural ventilation it will receive.

**Private open space above ground floor objective**

To provide adequate private open space for the reasonable recreation and service needs of residents.

**Standard B43**

A dwelling should have private open space consisting of:

- An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or

- A balcony with an area and dimensions specified in Table B8 and convenient access from a living room.

If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres.

**Table B8 Balcony size**

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum area</th>
<th>Minimum dimension</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio or 1 bedroom dwelling</td>
<td>8 square metres</td>
<td>1.8 metres</td>
</tr>
<tr>
<td>2 bedroom dwelling</td>
<td>8 square metres</td>
<td>2 metres</td>
</tr>
<tr>
<td>3 or more bedroom dwelling</td>
<td>12 square metres</td>
<td>2.4 metres</td>
</tr>
</tbody>
</table>

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.

- The useability and functionality of the private open space, including its size and accessibility.

- The amenity of the private open space based on the orientation of the lot, the wind conditions and the sunlight it will receive.

- The availability of and access to public or communal open space.
Storage objective

To provide adequate storage facilities for each dwelling.

Standard B44

Each dwelling should have convenient access to usable and secure storage space.

The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table B9.

**Table B9 Storage**

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Total minimum storage volume</th>
<th>Minimum storage volume within the dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>8 cubic metres</td>
<td>5 cubic metres</td>
</tr>
<tr>
<td>1 bedroom dwelling</td>
<td>10 cubic metres</td>
<td>6 cubic metres</td>
</tr>
<tr>
<td>2 bedroom dwelling</td>
<td>14 cubic metres</td>
<td>9 cubic metres</td>
</tr>
<tr>
<td>3 or more bedroom dwelling</td>
<td>18 cubic metres</td>
<td>12 cubic metres</td>
</tr>
</tbody>
</table>

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and location of storage facilities provided for the dwelling.

Waste and recycling objectives

To ensure dwellings are designed to encourage waste recycling.

To ensure that waste and recycling facilities are accessible, adequate and attractive.

To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.

**Standard B45**

Developments should include dedicated areas for:

- Waste and recycling enclosures which are:
  - Adequate in size, durable, waterproof and blend in with the development.
  - Adequately ventilated.
  - Located and designed for convenient access by residents and made easily accessible to people with limited mobility.

- Adequate facilities for bin washing. These areas should be adequately ventilated.

- Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.

- Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.

- Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.

- Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.
Waste and recycling management facilities should be design and managed in accordance with a Waste Management Plan approved by the responsible authority and:

- Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria.
- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- Any relevant waste and recycling objective, policy or statement set out in this scheme.

**Functional layout objective**

To ensure dwellings provide functional areas that meet the needs of residents.

**Standard B46**

Bedrooms should:

- Meet the minimum internal room dimensions specified in Table B10.
- Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

**Table B10 Bedroom dimensions**

<table>
<thead>
<tr>
<th>Bedroom type</th>
<th>Minimum width</th>
<th>Minimum depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main bedroom</td>
<td>3 metres</td>
<td>3.4 metres</td>
</tr>
<tr>
<td>All other bedrooms</td>
<td>3 metres</td>
<td>3 metres</td>
</tr>
</tbody>
</table>

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B11.

**Table B11 Living area dimensions**

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum width</th>
<th>Minimum area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio and 1 bedroom dwelling</td>
<td>3.3 metres</td>
<td>10 sqm</td>
</tr>
<tr>
<td>2 or more bedroom dwelling</td>
<td>3.6 metres</td>
<td>12 sqm</td>
</tr>
</tbody>
</table>

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and amenity of habitable rooms.

**Room depth objective**

To allow adequate daylight into single aspect habitable rooms.

**Standard B47**

Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height. The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:
The room combines the living area, dining area and kitchen. The kitchen is located furthest from the window. The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.

The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.

**Decision guidelines**
Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability, functionality and amenity of the dwelling based on layout, siting, size and orientation of habitable rooms.
- Any overhang above habitable room windows that limits daylight access.

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**Windows objective**
To allow adequate daylight into new habitable room windows.

**Standard B48**
Habitable rooms should have a window in an external wall of the building.

A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.

The secondary area should be:

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.

**Decision guidelines**
Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability and amenity of the dwelling based on the layout, siting, size and orientation of habitable rooms.

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**Natural ventilation objectives**
To encourage natural ventilation of dwellings.

To allow occupants to effectively manage natural ventilation of dwellings.

**Standard B49**
The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.

At least 40 per cent of dwellings should provide effective cross ventilation that has:

- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same area.

The breeze path is measured between the ventilation openings on different orientations of the dwelling.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation, slope and wind exposure of the site.
- The extent to which the orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.
RESIDENTIAL SUBDIVISION

Purpose
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.

Application
These provisions apply to an application to subdivide land in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone and any Comprehensive Development Zone or Priority Development Zone that provides for residential development.
These provisions do not apply to an application to subdivide land into lots each containing an existing dwelling or car parking space.

Operation
The provisions of this clause contain:
- Objectives. An objective describes the desired outcome to be achieved in the completed subdivision.
- Standards. A standard contains the requirements to meet the objective.
A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

Requirement
An application to subdivide land:
- Must be accompanied by a site and context description and a design response.
- Must meet all of the objectives included in the clauses specified in the zone.
- Should meet all of the standards included in the clauses specified in the zone.
Certification of standards

A subdivision may be certified by a person authorised by the Minister for Planning as meeting the requirements of a standard in this clause.

A standard that is certified as met is deemed to have met the objective of that standard.
SUBDIVISION SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE

Subdivision site and context description

The site and context description may use a site plan, photographs or other techniques and must accurately describe:

- In relation to the site:
  - Site shape, size, dimensions and orientation.
  - Levels and contours of the site.
  - Natural features including trees and other significant vegetation, drainage lines, water courses, wetlands, ridgelines and hill tops.
  - The siting and use of existing buildings and structures.
  - Street frontage features such as poles, street trees and kerb crossovers.
  - Access points.
  - Location of drainage and other utilities.
  - Easements.
  - Any identified natural or cultural features of the site.
  - Significant views to and from the site.
  - Noise and odour sources or other external influences.
  - Soil conditions, including any land affected by contamination, erosion, salinity, acid sulphate soils or fill.
  - Any other notable features or characteristics of the site.
  - Adjacent uses.
  - Any other factor affecting the capacity to develop the site including whether the site is affected by inundation.

- An application for subdivision of 3 or more lots must also describe in relation to the surrounding area:
  - The pattern of subdivision.
  - Existing land uses.
  - The location and use of existing buildings on adjacent land.
  - Abutting street and path widths, materials and detailing.
  - The location and type of significant vegetation.

- An application for subdivision of 60 or more lots must also describe in relation to the surrounding area:
  - Location, distance and type of any nearby public open space and recreational facilities.
  - Direction and distances to local shops and community facilities.
  - Directions and walking distances to public transport routes and stops.
  - Direction and walking distances to existing neighbourhood, major and principal activity centres and major employment areas.
- Existing transport routes, including freeways, arterial roads and streets connecting neighbourhoods.
- Local street network including potential connections to adjacent subdivisions.
- Traffic volumes and movements on adjacent roads and streets.
- Pedestrian, bicycle and shared paths identifying whether their primary role is neighbourhood or regional access.
- Any places of cultural significance.
- Natural features including trees and other significant vegetation, drainage lines, water courses, wetlands, ridgelines and hill tops.
- Proximity of any fire threats.
- Pattern of ownership of adjoining lots.

If in the opinion of the responsible authority a requirement of the site and context description is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

**Satisfactory subdivision site and context description**

If the responsible authority decides that the site and context description is not satisfactory, it may require more information from the applicant under Section 54 of the Act.

The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the site and context description meets the requirements of Clause 56.01-1 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.

**Subdivision design response**

The design response must explain how the proposed design:

- Derives from and responds to the site and context description.
- Responds to any site and context features for the area identified in a local planning policy or a Neighbourhood Character Overlay.
- Responds to any relevant objective, policy, strategy or plan set out for the area in this scheme.
- Meets the relevant objectives of Clause 56.

The design response must include a dimensioned plan to scale showing the layout of the subdivision in context with the surrounding area. If in the opinion of the responsible authority this requirement is not relevant to the assessment of an application, it may waive or reduce the requirement.

An application for subdivision of 60 or more lots must also include a plan that meets the requirements of Standard C2. The plan must also show the:

- Proposed uses of each part of the site.
- Natural features of the site and identify any features proposed to be altered.
- Proposed integrated water management system.
- Proposed staging of the subdivision.
POLICY IMPLEMENTATION

Strategic implementation objective

To ensure that the layout and design of a subdivision is consistent with and implements any objective, policy, strategy or plan for the area set out in this scheme.

Standard C1

An application must be accompanied by a written statement that describes how the subdivision is consistent with and implements any relevant growth area, activity centre, housing, access and mobility, community facilities, open space and recreation, landscape (including any native vegetation precinct plan) and urban design objective, policy, strategy or plan for the area set out in this scheme.
LIVEABLE AND SUSTAINABLE COMMUNITIES

Compact and walkable neighbourhoods objectives
To create compact neighbourhoods that are oriented around easy walking distances to activity centres, schools and community facilities, public open space and public transport.
To allow easy movement through and between neighbourhoods for all people.

Standard C2
A subdivision should implement any relevant growth area or any approved land-use and development strategy, plan or policy for the area set out in this scheme.

An application for subdivision must include a plan of the layout of the subdivision that:

- Meets the objectives (if relevant to the class of subdivision specified in the zone) of:
  - Clause 56.03-2 Activity centres
  - Clause 56.03-3 Planning for community facilities
  - Clause 56.04-1 Lot diversity and distribution
  - Clause 56.06-2 Walking and cycling network
  - Clause 56.06-3 Public transport network
  - Clause 56.06-4 Neighbourhood street network

- Shows the 400 metre street walking distance around each existing or proposed bus stop, 600 metres street walking distance around each existing or proposed tram stop and 800 metres street walking distance around each existing or proposed railway station and shows the estimated number of dwellings within those distances.

- Shows the layout of the subdivision in relation to the surrounding area.

- Is designed to be accessible for people with disabilities.

Activity centre objective
To provide for mixed-use activity centres, including neighbourhood activity centres, of appropriate area and location.

Standard C3
A subdivision should implement any relevant activity centre strategy, plan or policy for the area set out in this scheme.

Subdivision should be supported by activity centres that are:

- Accessible by neighbourhood and regional walking and cycling networks.

- Served by public transport that is connected to the regional public transport network.

- Located at public transport interchange points for the convenience of passengers and easy connections between public transport services.

- Located on arterial roads or connector streets.

- Of appropriate size to accommodate a mix of uses that meet local community needs.

- Oriented to support active street frontages, support street-based community interaction and pedestrian safety.
Planning for community facilities objective

To provide appropriately located sites for community facilities including schools, libraries, preschools and childcare, health services, police and fire stations, recreation and sports facilities.

Standard C4

A subdivision should:

- Implement any relevant regional and local community facility strategy, plan or policy for the area set out in this scheme.
- Locate community facilities on sites that are in or near activity centres and public transport.

School sites should:

- Be integrated with the neighbourhood and located near activity centres.
- Be located on walking and cycling networks.
- Have a bus stop located along the school site boundary.
- Have student drop-off zones, bus parking and on-street parking in addition to other street functions in abutting streets.
- Adjoin the public open space network and community sporting and other recreation facilities.
- Be integrated with community facilities.
- Be located on land that is not affected by physical, environmental or other constraints.

Schools should be accessible by the Principal Public Transport Network in Metropolitan Melbourne and on the regional public transport network outside Metropolitan Melbourne.

Primary schools should be located on connector streets and not on arterial roads.

New State Government school sites must meet the requirements of the Department of Education and Training and abut at least two streets with sufficient widths to provide student drop-off zones, bus parking and on-street parking in addition to other street functions.

Built environment objective

To create urban places with identity and character.

Standard C5

The built environment should:

- Implement any relevant urban design strategy, plan or policy for the area set out in this scheme.
- Provide living and working environments that are functional, safe and attractive.
- Provide an integrated layout, built form and urban landscape.
- Contribute to a sense of place and cultural identity.

An application should describe the identity and character to be achieved and the elements that contribute to that identity and character.

Neighbourhood character objective

To design subdivisions that respond to neighbourhood character.

Standard C6

Subdivision should:
- Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme.

- Respond to and integrate with the surrounding urban environment.

- Protect significant vegetation and site features.
LOT DESIGN

Lot diversity and distribution objectives

To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services.

To provide higher housing densities within walking distance of activity centres.

To achieve increased housing densities in designated growth areas.

To provide a range of lot sizes to suit a variety of dwelling and household types.

Standard C7

A subdivision should implement any relevant housing strategy, plan or policy for the area set out in this scheme.

Lot sizes and mix should achieve the average net residential density specified in any zone or overlay that applies to the land or in any relevant policy for the area set out in this scheme.

A range and mix of lot sizes should be provided including lots suitable for the development of:

- Single dwellings.
- Two dwellings or more.
- Higher density housing.
- Residential buildings and Retirement villages.

Unless the site is constrained by topography or other site conditions, lot distribution should provide for 95 per cent of dwellings to be located no more than 400 metre street walking distance from the nearest existing or proposed bus stop, 600 metres street walking distance from the nearest existing or proposed tram stop and 800 metres street walking distance from the nearest existing or proposed railway station.

Lots of 300 square metres or less in area, lots suitable for the development of two dwellings or more, lots suitable for higher density housing and lots suitable for Residential buildings and Retirement villages should be located in and within 400 metres street walking distance of an activity centre.

Lot area and building envelopes objective

To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.

Standard C8

An application to subdivide land that creates lots of less than 300 square metres should be accompanied by information that shows:

- That the lots are consistent or contain building envelope that is consistent with a development approved under this scheme, or

- That a dwelling may be constructed on each lot in accordance with the requirements of this scheme.

Lots of between 300 square metres and 500 square metres should:

- Contain a building envelope that is consistent with a development of the lot approved under this scheme, or
If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope.

If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve.

Lots greater than 500 square metres should be able to contain a rectangle measuring 10 metres by 15 metres, and may contain a building envelope.

A building envelope may specify or incorporate any relevant siting and design requirement. Any requirement should meet the relevant standards of Clause 54, unless:

- The objectives of the relevant standards are met, and
- The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act.

Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject to the same agreement relating to the relevant building envelope:

- The building envelope must meet Standards A10 and A11 of Clause 54 in relation to the adjoining lot, and
- The building envelope must not regulate siting matters covered by Standards A12 to A15 (inclusive) of Clause 54 in relation to the adjoining lot. This should be specified in the relevant plan of subdivision or agreement.

Lot dimensions and building envelopes should protect:

- Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations.
- Existing or proposed easements on lots.
- Significant vegetation and site features.

**Solar orientation of lots objective**

To provide good solar orientation of lots and solar access for future dwellings.

**Standard C9**

Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation.

Lots have appropriate solar orientation when:

- The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south.
- Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north.
- Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street.

**Street orientation objective**

To provide a lot layout that contributes to community social interaction, personal safety and property security.
Standard C10
Subdivision should increase visibility and surveillance by:

- Ensuring lots front all roads and streets and avoid the side or rear of lots being oriented to connector streets and arterial roads.
- Providing lots of 300 square metres or less in area and lots for 2 or more dwellings around activity centres and public open space.
- Ensuring streets and houses look onto public open space and avoiding sides and rears of lots along public open space boundaries.
- Providing roads and streets along public open space boundaries.

Common area objectives
To identify common areas and the purpose for which the area is commonly held.
To ensure the provision of common area is appropriate and that necessary management arrangements are in place.
To maintain direct public access throughout the neighbourhood street network.

Standard C11
An application to subdivide land that creates common land must be accompanied by a plan and a report identifying:

- The common area to be owned by the body corporate, including any streets and open space.
- The reasons why the area should be commonly held.
- Lots participating in the body corporate.
- The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.
URBAN LANDSCAPE

Integrated urban landscape objectives
To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas.

To incorporate natural and cultural features in the design of streets and public open space where appropriate.

To protect and enhance native habitat and discourage the planting and spread of noxious weeds.

To provide for integrated water management systems and contribute to drinking water conservation.

Standard C12
An application for subdivision that creates streets or public open space should be accompanied by a landscape design.

The landscape design should:

- Implement any relevant streetscape, landscape, urban design or native vegetation precinct plan, strategy or policy for the area set out in this scheme.
- Create attractive landscapes that visually emphasise streets and public open spaces.
- Respond to the site and context description for the site and surrounding area.
- Maintain significant vegetation where possible within an urban context.
- Take account of the physical features of the land including landform, soil and climate.
- Protect and enhance any significant natural and cultural features.
- Protect and link areas of significant local habitat where appropriate.
- Support integrated water management systems with appropriate landscape design techniques for managing urban run-off including wetlands and other water sensitive urban design features in streets and public open space.
- Promote the use of drought tolerant and low maintenance plants and avoid species that are likely to spread into the surrounding environment.
- Ensure landscaping supports surveillance and provides shade in streets, parks and public open space.
- Develop appropriate landscapes for the intended use of public open space including areas for passive and active recreation, the exercising of pets, playgrounds and shaded areas.
- Provide for walking and cycling networks that link with community facilities.
- Provide appropriate pathways, signage, fencing, public lighting and street furniture.
- Create low maintenance, durable landscapes that are capable of a long life.
- The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs.

Public open space provision objectives
To provide a network of quality, well-distributed, multi-functional and cost-effective public open space that includes local parks, active open space, linear parks and trails, and links to regional open space.

To provide a network of public open space that caters for a broad range of users.

To encourage healthy and active communities.
To provide adequate unencumbered land for public open space and integrate any encumbered land with the open space network.

To ensure land provided for public open space can be managed in an environmentally sustainable way and contributes to the development of sustainable neighbourhoods.

**Standard C13**

The provision of public open space should:

- Implement any relevant objective, policy, strategy or plan (including any growth area precinct structure plan) for open space set out in this scheme.

- Provide a network of well-distributed neighbourhood public open space that includes:
  - Local parks within 400 metres safe walking distance of at least 95 percent of all dwellings. Where not designed to include active open space, local parks should be generally 1 hectare in area and suitably dimensioned and designed to provide for their intended use and to allow easy adaptation in response to changing community preferences.
  - Additional small local parks or public squares in activity centres and higher density residential areas.

- Active open space of a least 8 hectares in area within 1 kilometre of 95 percent of all dwellings that is:
  - Suitably dimensioned and designed to provide for the intended use, buffer areas around sporting fields and passive open space
  - Sufficient to incorporate two football/cricket ovals
  - Appropriate for the intended use in terms of quality and orientation
  - Located on flat land (which can be cost effectively graded)
  - Located with access to, or making provision for, a recycled or sustainable water supply
  - Adjoin schools and other community facilities where practical
  - Designed to achieve sharing of space between sports.
  - Linear parks and trails along waterways, vegetation corridors and road reserves within 1 kilometre of 95 percent of all dwellings.

Public open space should:

- Be provided along foreshores, streams and permanent water bodies.

- Be linked to existing or proposed future public open spaces where appropriate.

- Be integrated with floodways and encumbered land that is accessible for public recreation.

- Be suitable for the intended use.

- Be of an area and dimensions to allow easy adaptation to different uses in response to changing community active and passive recreational preferences.

- Maximise passive surveillance.

- Be integrated with urban water management systems, waterways and other water bodies.

- Incorporate natural and cultural features where appropriate.
ACCESS AND MOBILITY MANAGEMENT

Integrated mobility objectives

To achieve an urban structure where compact and walkable neighbourhoods are clustered to support larger activity centres on the Principal Public Transport Network in Metropolitan Melbourne and on the regional public transport network outside Metropolitan Melbourne.

To provide for walking (including persons with impaired mobility), cycling, public transport and other motor vehicles in an integrated manner.

To contribute to reduced car dependence, improved energy efficiency, improved transport efficiency, reduced greenhouse gas emissions and reduced air pollution.

Standard C14

An application for a subdivision must include a plan of the layout of the neighbourhood that meets the objectives of:

- Clause 56.06-2 Walking and cycling network.
- Clause 56.06-3 Public transport network.
- Clause 56.06-4 Neighbourhood street network.

Walking and cycling network objectives

To contribute to community health and well being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors.

To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.

To reduce car use, greenhouse gas emissions and air pollution.

Standard C15

The walking and cycling network should be designed to:

- Implement any relevant regional and local walking and cycling strategy, plan or policy for the area set out in this scheme.
- Link to any existing pedestrian and cycling networks.
- Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces.
- Provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood streets and regional public open spaces.
- Provide direct cycling routes for regional journeys to major activity centres, community facilities, public transport and other regional activities and for regional recreational cycling.
- Ensure safe street and road crossings including the provision of traffic controls where required.
- Provide an appropriate level of priority for pedestrians and cyclists.
- Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night.
- Be accessible to people with disabilities.

Public transport network objectives

To provide an arterial road and neighbourhood street network that supports a direct, efficient and safe public transport system.
To encourage maximum use of public transport.

**Standard C16**

The public transport network should be designed to:

- Implement any relevant public transport strategy, plan or policy for the area set out in this scheme.
- Connect new public transport routes to existing and proposed routes to the satisfaction of the relevant public transport authority.
- Provide for public transport links between activity centres and other locations that attract people using the Principal Public Transport Network in Metropolitan Melbourne and the regional public transport network outside Metropolitan Melbourne.
- Locate regional bus routes principally on arterial roads and locate local bus services principally on connector streets to provide:
  - Safe and direct movement between activity centres without complicated turning manoeuvres.
  - Direct travel between neighbourhoods and neighbourhood activity centres.
  - A short and safe walk to a public transport stop from most dwellings.

**Neighbourhood street network objective**

To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.

**Standard C17**

The neighbourhood street network must:

- Take account of the existing mobility network of arterial roads, neighbourhood streets, cycle paths, shared paths, footpaths and public transport routes.
- Provide clear physical distinctions between arterial roads and neighbourhood street types.
- Comply with the Roads Corporation’s arterial road access management policies.
- Provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport.
- Provide safe and efficient access to activity centres for commercial and freight vehicles.
- Provide safe and efficient access to all lots for service and emergency vehicles.
- Provide safe movement for all vehicles.
- Incorporate any necessary traffic control measures and traffic management infrastructure.

The neighbourhood street network should be designed to:

- Implement any relevant transport strategy, plan or policy for the area set out in this scheme.
- Include arterial roads at intervals of approximately 1.6 kilometres that have adequate reservation widths to accommodate long term movement demand.
- Include connector streets approximately halfway between arterial roads and provide adequate reservation widths to accommodate long term movement demand.
- Ensure connector streets align between neighbourhoods for direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles.
- Provide an interconnected and continuous network of streets within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles.
- Provide an appropriate level of local traffic dispersal.
- Indicate the appropriate street type.
- Provide a speed environment that is appropriate to the street type.
- Provide a street environment that appropriately manages movement demand (volume, type and mix of pedestrians, cyclists, public transport and other motor vehicles).
- Encourage appropriate and safe pedestrian, cyclist and driver behaviour.
- Provide safe sharing of access lanes and access places by pedestrians, cyclists and vehicles.
- Minimise the provision of culs-de-sac.
- Provide for service and emergency vehicles to safely turn at the end of a dead-end street.
- Facilitate solar orientation of lots.
- Facilitate the provision of the walking and cycling network, integrated water management systems, utilities and planting of trees.
- Contribute to the area’s character and identity.
- Take account of any identified significant features.

### Walking and cycling network detail objectives

To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities.

To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.

### Standard C18

Footpaths, shared paths, cycle paths and cycle lanes should be designed to:

- Be part of a comprehensive design of the road or street reservation.
- Be continuous and connect.
- Provide for public transport stops, street crossings for pedestrians and cyclists and kerb crossovers for access to lots.
- Accommodate projected user volumes and mix.
- Meet the requirements of Table C1.
- Provide pavement edge, kerb, channel and crossover details that support safe travel for pedestrians, footpath bound vehicles and cyclists, perform required drainage functions and are structurally sound.
- Provide appropriate signage.
- Be constructed to allow access to lots without damage to the footpath or shared path surfaces.
- Be constructed with a durable, non-skid surface.
- Be of a quality and durability to ensure:
  - Safe passage for pedestrians, cyclists, footpath bound vehicles and vehicles.
  - Discharge of urban run-off.
  - Preservation of all-weather access.
  - Maintenance of a reasonable, comfortable riding quality.
  - A minimum 20 year life span.
Public transport network detail objectives

To provide for the safe, efficient operation of public transport and the comfort and convenience of public transport users.

To provide public transport stops that are accessible to people with disabilities.

Standard C19

Bus priority measures must be provided along arterial roads forming part of the existing or proposed Principal Public Transport Network in Metropolitan Melbourne and the regional public transport network outside Metropolitan Melbourne to the requirements of the relevant roads authority.

Road alignment and geometry along bus routes should provide for the efficient, unimpeded movement of buses and the safety and comfort of passengers.

The design of public transport stops should not impede the movement of pedestrians.

Bus and tram stops should have:

- Surveillance from streets and adjacent lots.
- Safe street crossing conditions for pedestrians and cyclists.
- Safe pedestrian crossings on arterial roads and at schools including the provision of traffic controls as required by the roads authority.
- Continuous hard pavement from the footpath to the kerb.
- Sufficient lighting and paved, sheltered waiting areas for forecast user volume at neighbourhood centres, schools and other locations with expected high patronage.
- Appropriate signage.

Public transport stops and associated waiting areas should be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with physical disabilities.

Neighbourhood street network detail objective

To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.

Standard C20

The design of streets and roads should:

- Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met.
- Provide street blocks that are generally between 120 metres and 240 metres in length and generally between 60 metres to 120 metres in width to facilitate pedestrian movement and control traffic speed.
- Have verges of sufficient width to accommodate footpaths, shared paths, cycle paths, integrated water management, street tree planting, lighting and utility needs.
- Have street geometry appropriate to the street type and function, the physical land characteristics and achieve a safe environment for all users.
- Provide a low-speed environment while allowing all road users to proceed without unreasonable inconvenience or delay.
• Provide a safe environment for all street users applying speed control measures where appropriate.

• Ensure intersection layouts clearly indicate the travel path and priority of movement for pedestrians, cyclists and vehicles.

• Provide a minimum 5 metre by 5 metre corner splay at junctions with arterial roads and a minimum 3 metre by 3 metre corner splay at other junctions unless site conditions justify a variation to achieve safe sight lines across corners.

• Ensure streets are of sufficient strength to:
  - Enable the carriage of vehicles.
  - Avoid damage by construction vehicles and equipment.

• Ensure street pavements are of sufficient quality and durability for the:
  - Safe passage of pedestrians, cyclists and vehicles.
  - Discharge of urban run-off.
  - Preservation of all-weather access and maintenance of a reasonable, comfortable riding quality.

• Ensure carriageways of planned arterial roads are designed to the requirements of the relevant road authority.

• Ensure carriageways of neighbourhood streets are designed for a minimum 20 year life span.

• Provide pavement edges, kerbs, channel and crossover details designed to:
  - Perform the required integrated water management functions.
  - Delineate the edge of the carriageway for all street users.
  - Provide efficient and comfortable access to abutting lots at appropriate locations.
  - Contribute to streetscape design.

• Provide for the safe and efficient collection of waste and recycling materials from lots.

• Be accessible to people with disabilities.

• Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met. Where the widths of connector streets do not comply with the requirements of Table C1, the requirements of the relevant public transport authority must be met.

A street detail plan should be prepared that shows, as appropriate:

• The street hierarchy and typical cross-sections for all street types.

• Location of carriageway pavement, parking, bus stops, kerbs, crossovers, footpaths, tactile surface indicators, cycle paths and speed control and traffic management devices.

• Water sensitive urban design features.

• Location and species of proposed street trees and other vegetation.

• Location of existing vegetation to be retained and proposed treatment to ensure its health.

• Any relevant details for the design and location of street furniture, lighting, seats, bus stops, telephone boxes and mailboxes.
Lot access objective
To provide for safe vehicle access between roads and lots.

Standard C21
Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority.

Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets.

The design and construction of a crossover should meet the requirements of the relevant road authority.

Table C1 Design of roads and neighbourhood streets

Access Lane
A side or rear lane principally providing access to parking on lots with another street frontage.

<table>
<thead>
<tr>
<th>Traffic volume¹</th>
<th>300vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed²</td>
<td>10kph</td>
</tr>
<tr>
<td>Carriageway width³ &amp; parking provision within street reservation</td>
<td>5.5m⁴ wide with no parking spaces to be provided. Appropriately signed.</td>
</tr>
<tr>
<td>Verge width⁴</td>
<td>No verge required.</td>
</tr>
<tr>
<td>Kerbing⁵</td>
<td>None</td>
</tr>
<tr>
<td>Footpath provision</td>
<td>None</td>
</tr>
<tr>
<td>Cycle path provision</td>
<td>None</td>
</tr>
</tbody>
</table>

Access Place
A minor street providing local residential access with shared traffic, pedestrian and recreation use, but with pedestrian priority.

<table>
<thead>
<tr>
<th>Traffic volume¹</th>
<th>300vpd to 1000vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed²</td>
<td>15kph</td>
</tr>
<tr>
<td>Carriageway width³ &amp; parking provision within street reservation</td>
<td>5.5m⁴ wide with 1 hard standing verge parking space per 2 lots. or 5.5m wide with parking on carriageway - one side. Appropriately signed.</td>
</tr>
<tr>
<td>Verge width⁴</td>
<td>7.5m minimum total width. For services provide a minimum of 3.5m on one side and a minimum of 2.5m on the other.</td>
</tr>
</tbody>
</table>
### Kerbing
Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.

### Footpath provision
Not required if serving 5 dwellings or less and the carriageway is designed as a shared zone and appropriately signed. 

or 

1.5m wide footpath offset a minimum distance of 1m from the kerb.

### Cycle path provision
None

---

**Access Street - Level 1**

A street providing local residential access where traffic is subservient, speed and volume are low and pedestrian and bicycle movements are facilitated.

<table>
<thead>
<tr>
<th>Traffic volume</th>
<th>1000vpd to 2000vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed</td>
<td>30kph</td>
</tr>
<tr>
<td>Carriageway width &amp; parking provision within street reservation</td>
<td>5.5m wide with 1 hard standing verge parking space per 2 lots.</td>
</tr>
<tr>
<td>Verge width</td>
<td>4m minimum each side</td>
</tr>
<tr>
<td>Kerbing</td>
<td>Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.</td>
</tr>
<tr>
<td>Footpath provision</td>
<td></td>
</tr>
<tr>
<td>1.5m wide footpaths on both sides.</td>
<td></td>
</tr>
<tr>
<td>Footpaths should be widened to 2.0m in vicinity of a school, shop or other activity centre.</td>
<td></td>
</tr>
<tr>
<td>Be offset a minimum distance of 1m from the kerb.</td>
<td></td>
</tr>
<tr>
<td>Cycle path provision</td>
<td></td>
</tr>
<tr>
<td>Carriageway designed as a shared zone and appropriately signed.</td>
<td></td>
</tr>
</tbody>
</table>

---

**Access Street - Level 2**

A street providing local residential access where traffic is subservient, speed and volume are low and pedestrian and bicycle movements are facilitated.

<table>
<thead>
<tr>
<th>Traffic volume</th>
<th>2000vpd to 3000vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed</td>
<td>40kph</td>
</tr>
<tr>
<td>Carriageway width &amp; parking provision within street reservation</td>
<td>7m-7.5m wide with parking on both sides of carriageway</td>
</tr>
<tr>
<td>Verge width</td>
<td>4.5m minimum each side</td>
</tr>
<tr>
<td>Kerbing</td>
<td>Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.</td>
</tr>
<tr>
<td>Footpath provision</td>
<td></td>
</tr>
<tr>
<td>1.5m wide footpaths on both sides.</td>
<td></td>
</tr>
<tr>
<td>Footpaths should be widened to 2.0m in vicinity of a school, shop or other activity centre.</td>
<td></td>
</tr>
</tbody>
</table>
Be offset a minimum distance of 1m from the kerb.

**Cycle path provision**
Carriageway designed as a shared zone and appropriately signed.

**Connector Street - Level 1**
A street that carries higher volumes of traffic. It connects access places and access streets through and between neighbourhoods.

<table>
<thead>
<tr>
<th>Traffic volume</th>
<th>3000 vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed$^2$</td>
<td>50 kph$^2$ reduced to 40 kph at schools and 20 kph at pedestrian and cycle crossing points.</td>
</tr>
</tbody>
</table>

**Carriageway width$^3$, cycle lane provision, parking provision and bus stops within street reservation**
- 3.5m minimum lane width in each direction of travel.
- 4.0m minimum lane width at approaches to and departures from roundabouts and T-intersections.
- For on-street cycling, increase the minimum clear carriageway in each direction by:
  - 0.7m where the trafficable carriageway is shared by cyclists but no dedicated bicycle lane is marked on the carriageway; or
  - 1.5m where a trafficable carriageway is shared by cyclists but no dedicated bicycle lane is marked on the carriageway and there is a single lane in each direction separated by a raised trafficable median of at least 2.0m in width with mountable kerbs; or
  - 1.7m where a dedicated 1.7m wide bicycle lane is marked on the carriageway.
- An additional dedicated parking lane or indented parking within the verge must be provided where street parking is required. A parking lane width of 2.3m is required where parallel parking is provided.
- Bus stops at the kerbside, not indented within the verge.

<table>
<thead>
<tr>
<th>Verge width$^4$</th>
<th>4.5m minimum each side.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kerbing$^5$</td>
<td>Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.</td>
</tr>
<tr>
<td>Footpath provision</td>
<td>1.5m wide footpaths on both sides.</td>
</tr>
<tr>
<td></td>
<td>Footpath widened to a minimum 2.0m in the vicinity of a school, shop, public transport stop or other activity centre.</td>
</tr>
<tr>
<td></td>
<td>Footpaths offset a minimum distance of 1m from the kerb.</td>
</tr>
</tbody>
</table>

**Connector Street - Level 2**
A street that carries higher volumes of traffic. It connects access places and access streets through and between neighbourhoods.

<table>
<thead>
<tr>
<th>Traffic volume$^1$</th>
<th>3,000 vpd to 7,000 vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed$^2$</td>
<td>60 kph$^3$ or 50km/h reduced to 40kph at schools.</td>
</tr>
</tbody>
</table>
Carriageway width, cycle lane provision, parking provision and bus stops within street reservation

- 3.5m minimum lane width in each direction of travel.
- 4.0m minimum lane width at approaches to and departures from roundabouts and T-intersections.
- 7.0m minimum carriageway width in each direction of travel where there are two lanes in each direction separated by a non-trafficable central medium.
- 8.0m minimum carriageway width at approaches to and departures from roundabouts and T-intersections where there are two lanes in each direction separated by an non-trafficable central medium.
- For on-street cycling, increase the minimum clear carriageway in each direction by:
  - 0.7m where the trafficable carriageway is shared by cyclists but no dedicated bicycle lane is marked on the carriageway; or
  - 1.7m where a dedicated 1.7m wide dedicated bicycle lane is marked on the carriageway
  - 0.3m where there are two trafficable lanes in each direction separated by a non-trafficable central median and the carriageways are shared by cyclists but no dedicated bicycle lane is marked on the carriageway; or
  - 0.5m where there are two trafficable lanes in each direction separated by a non-trafficable central median and a 1.7m wide dedicated bicycle lane is marked on the carriageway.
- An additional dedicated parking lane or indented parking within the verge must be provided where street parking is required. A parking lane width of 2.3m is required where parallel parking is provided.
- Bus stops located at the kerbside, not indented within the verge.

Verge width

- 6m minimum each side (plus central median).

Kerbing

- Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.

Footpath and cycle path provision

- 1.5m wide footpath on each side and 1.7m bicycle lanes on the carriageway; or
- 2.5m wide shared foot and cycle path on both sides and no dedicate bicycle lanes marked on the carriageway.
- Footpaths widened to a minimum of 2.0m in the vicinity of a school, shop, public transport stop or other activity centre.
- Footpaths or shared foot and cycle paths offset a minimum distance of 1m from the kerb.

Arterial Road

<table>
<thead>
<tr>
<th>Traffic volume</th>
<th>Greater than 7000vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed</td>
<td>Arterial road design as required by the relevant roads authority.</td>
</tr>
<tr>
<td>Carriageway width &amp; parking provision</td>
<td>Arterial road design as required by the relevant roads authority.</td>
</tr>
<tr>
<td>Key to Table C1</td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>1. Indicative maximum traffic volume for 24-hour period. These volumes depend</td>
<td></td>
</tr>
<tr>
<td>upon location. Generation rates may vary between existing and newly developing</td>
<td></td>
</tr>
<tr>
<td>areas.</td>
<td></td>
</tr>
<tr>
<td>2. Target speed is the desired speed at which motorists should travel. This is</td>
<td></td>
</tr>
<tr>
<td>not necessarily the design speed and is not greater than the marked legal</td>
<td></td>
</tr>
<tr>
<td>speed limit.</td>
<td></td>
</tr>
<tr>
<td>3. Width is measured from kerb invert to kerb invert. Widening may be required</td>
<td></td>
</tr>
<tr>
<td>at bends to allow for wider vehicle paths using appropriate Australian</td>
<td></td>
</tr>
<tr>
<td>Standards for on-street and off-street parking but should not negate the</td>
<td></td>
</tr>
<tr>
<td>function of bends serving as slow points.</td>
<td></td>
</tr>
<tr>
<td>4. Verge width includes footpaths. Additional width may be required to</td>
<td></td>
</tr>
<tr>
<td>accommodate a bicycle path.</td>
<td></td>
</tr>
<tr>
<td>5. Where drainage is not required a flush pavement edge treatment can be</td>
<td></td>
</tr>
<tr>
<td>used. Layback kerbs are preferred for safety reasons. Upright kerbs may be</td>
<td></td>
</tr>
<tr>
<td>considered for drainage purposes or in locations where on-street parking</td>
<td></td>
</tr>
<tr>
<td>should be clearly defined and parking within the verge is not desired.</td>
<td></td>
</tr>
<tr>
<td>6. Turning requirements to access and egress parking on abutting lots may</td>
<td></td>
</tr>
<tr>
<td>require additional carriageway width. The recommended carriageway width of</td>
<td></td>
</tr>
<tr>
<td>5.5m will provide adequate access to a standard 3.5m wide single garage built</td>
<td></td>
</tr>
<tr>
<td>to the property line.</td>
<td></td>
</tr>
<tr>
<td>7. 50kph is the default urban speed limit in Victoria.</td>
<td></td>
</tr>
<tr>
<td>8. Target speed must not exceed the legal speed limit.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Verge width</th>
<th>Arterial road design as required by the relevant roads authority.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kerbing</td>
<td>Arterial road design as required by the relevant roads authority.</td>
</tr>
<tr>
<td>Footpath &amp; cycle path provision</td>
<td>3m wide shared path on each side or as otherwise required by the relevant roads authority.</td>
</tr>
</tbody>
</table>
INTEGRATED WATER MANAGEMENT

Drinking water supply objectives
To reduce the use of drinking water.
To provide an adequate, cost-effective supply of drinking water.

Standard C22
The supply of drinking water must be:
- Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority.
- Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority.

Reused and recycled water objective
To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.

Standard C23
Reused and recycled water supply systems must be:
- Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Health and Human Services.
- Provided to the boundary of all lots in the subdivision where required by the relevant water authority.

Waste water management objective
To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.

Standard C24
Waste water systems must be:
- Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority.
- Consistent with any relevant approved domestic waste water management plan.

Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.

Stormwater management objectives
To minimise damage to properties and inconvenience to residents from stormwater.
To ensure that the street operates adequately during major storm events and provides for public safety.
To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.
To encourage stormwater management that maximises the retention and reuse of stormwater.
To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.
Standard C25

The stormwater management system must be:

- Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.
- Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed.
- Designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).
- Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.
- Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.

For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:

- Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.
- Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.

For storm events greater than 20% AEP and up to and including 1% AEP standard:

- Provision must be made for the safe and effective passage of stormwater flows.
- All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.
- Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria $d_a V_{ave} < 0.35 \text{ m}^3/\text{s}$ (where, $d_a =$ average depth in metres and $V_{ave} =$ average velocity in metres per second).

The design of the local drainage network should:

- Ensure stormwater is retarded to a standard required by the responsible drainage authority.
- Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, stormwater should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.
- Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner.
- Include water sensitive urban design features to manage stormwater in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.

Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.
SITE MANAGEMENT

Site management objectives
To protect drainage infrastructure and receiving waters from sedimentation and contamination.

To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.

To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.

Standard C26

A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:

- Erosion and sediment.
- Dust.
- Run-off.
- Litter, concrete and other construction wastes.
- Chemical contamination.
- Vegetation and natural features planned for retention.

Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.
UTILITIES

Shared trenching objectives
To maximise the opportunities for shared trenching.
To minimise constraints on landscaping within street reserves.

Standard C27
Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.

Electricity, telecommunications and gas objectives
To provide public utilities to each lot in a timely, efficient and cost effective manner.
To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.

Standard C28
The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.
Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.
The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.
Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.

Fire hydrants objective
To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently.

Standard C29
Fire hydrants should be provided:
- A maximum distance of 120 metres from the rear of the each lot.
- No more than 200 metres apart.
Hydrants and fire plugs must be compatible with the relevant fire service equipment. Where the provision of fire hydrants and fire plugs does not comply with the requirements of standard C29, fire hydrants must be provided to the satisfaction of the relevant fire authority.

Public lighting objective
To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles.
To provide pedestrians with a sense of personal safety at night.
To contribute to reducing greenhouse gas emissions and to saving energy.
Standard C30

Public lighting should be provided to streets, footpaths, public telephones, public transport stops and to major pedestrian and cycle paths including public open spaces that are likely to be well used at night to assist in providing safe passage for pedestrians, cyclists and vehicles.

Public lighting should be designed in accordance with the relevant Australian Standards.

Public lighting should be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings.
APARTMENT DEVELOPMENTS

Purpose
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.

Application
Provisions in this clause apply to an application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, if:
- The apartment development is five or more storeys, excluding a basement, and is in the General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone, or
- The apartment development is in the Commercial 1 Zone, Commercial 3 Zone, Special Use Zone, Comprehensive Development Zone, Capital City Zone, Docklands Zone, Priority Development Zone or Activity Centre Zone.

Operation
The provisions of this clause contain:
- Objectives. An objective describes the desired outcome to be achieved in the completed development.
- Standards. A standard contains the requirements to meet the objective.
  A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.
- Decision guidelines. The decision guidelines set out the matters that the responsible authority must consider before deciding if an application meets the objectives.

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.
URBAN CONTEXT REPORT AND DESIGN RESPONSE

Application requirements
An application must be accompanied by:

- An urban context report.
- A design response.

Urban context report
The urban context report may use a site plan, photographs or other techniques and must include:

An accurate description of:

- Site shape, size, orientation and easements.
- Levels and contours of the site and the difference in levels between the site and surrounding properties.
- The location and height of existing buildings on the site and surrounding properties.
- The use of surrounding buildings.
- The location of private open space of surrounding properties and the location of trees, fences and other landscape elements.
- Solar access to the site and to surrounding properties.
- Views to and from the site.
- Street frontage features such as poles, street trees and kerb crossovers.
- The location of local shops, public transport services and public open spaces within walking distance.
- Movement systems through and around the site.
- Any other notable feature or characteristic of the site.

An assessment of the characteristics of the area including:

- Any environmental features such as vegetation, topography and significant views.
- The pattern of subdivision.
- Street design and landscape.
- The pattern of development.
- Building form, scale and rhythm.
- Connection to the public realm.
- Architectural style, building details and materials.
- Off-site noise sources.
- The relevant NatHERS climate zones (as identified in Clause 58.03-1).
- Social and economic activity.
- Any other notable or cultural characteristics of the area.

Satisfactory urban context report
If the responsible authority decides that the urban context report is not satisfactory, it may require more information from the applicant under Section 54 of the Act.
The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the urban context report meets the requirements of Clause 58.01-2 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.

**Design response**

The design response must explain how the proposed design:

- Responds to any relevant planning provision that applies to the land.
- Meets the objectives of Clause 58.
- Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme.
- Derives from and responds to the urban context report.

The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.
URBAN CONTEXT

Urban context objectives
To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.
To ensure that development responds to the features of the site and the surrounding area.

Standard D1
The design response must be appropriate to the urban context and the site.
The proposed design must respect the existing or preferred urban context and respond to the features of the site.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant urban design objective, policy or statement set out in this scheme.
- The urban context report.
- The design response.

Residential policy objectives
To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.
To support higher density residential development where development can take advantage of public and community infrastructure and services.

Standard D2
An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.

Dwelling diversity objective
To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

Standard D3
Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.

Infrastructure objectives
To ensure development is provided with appropriate utility services and infrastructure.
To ensure development does not unreasonably overload the capacity of utility services and infrastructure.
Standard D4
Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.
Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.
In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The capacity of the existing infrastructure.
- In the absence of reticulated sewerage, the capacity of the development to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
- If the drainage system has little or no spare capacity, the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.

Integration with the street objective
To integrate the layout of development with the street.

Standard D5
Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.
Development should be oriented to front existing and proposed streets.
High fencing in front of dwellings should be avoided if practicable.
Development next to existing public open space should be laid out to complement the open space.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.
SITE LAYOUT

Energy efficiency objectives
To achieve and protect energy efficient dwellings and buildings.
To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.
To ensure dwellings achieve adequate thermal efficiency.

Standard D6
Buildings should be:
- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.

Living areas and private open space should be located on the north side of the development, if practicable.

Developments should be designed so that solar access to north-facing windows is optimised.

Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.

Table D1 Cooling load

<table>
<thead>
<tr>
<th>NatHERS climate zone</th>
<th>NatHERS maximum cooling load MJ/M² per annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Climate zone 21 Melbourne</td>
<td>30</td>
</tr>
<tr>
<td>Climate zone 22 East Sale</td>
<td>22</td>
</tr>
<tr>
<td>Climate zone 27 Mildura</td>
<td>69</td>
</tr>
<tr>
<td>Climate zone 60 Tullamarine</td>
<td>22</td>
</tr>
<tr>
<td>Climate zone 62 Moorabbin</td>
<td>21</td>
</tr>
<tr>
<td>Climate zone 63 Warrnambool</td>
<td>21</td>
</tr>
<tr>
<td>Climate zone 64 Cape Otway</td>
<td>19</td>
</tr>
<tr>
<td>Climate zone 66 Ballarat</td>
<td>23</td>
</tr>
</tbody>
</table>

Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.
- The size, orientation and layout of the site.
- The existing amount of solar access to abutting properties.
- The availability of solar access to north-facing windows on the site.
- The annual cooling load for each dwelling.
Communal open space objective
To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.

Standard D7
Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser.

Communal open space should:
- Be located to:
  - Provide passive surveillance opportunities, where appropriate.
  - Provide outlook for as many dwellings as practicable.
  - Avoid overlooking into habitable rooms and private open space of new dwellings.
  - Minimise noise impacts to new and existing dwellings.
- Be designed to protect any natural features on the site.
- Maximise landscaping opportunities.
- Be accessible, useable and capable of efficient management.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.
- The useability and amenity of the communal open space based on its size, location, accessibility and reasonable recreation needs of residents.
- The availability of and access to public open space.

Solar access to communal outdoor open space objective
To allow solar access into communal outdoor open space.

Standard D8
The communal outdoor open space should be located on the north side of a building, if appropriate. At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.
- The useability and amenity of the primary communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight it will receive.

Safety objective
To ensure the layout of development provides for the safety and security of residents and property.

Standard D9
Entrances to dwellings should not be obscured or isolated from the street and internal accessways.
Planting which creates unsafe spaces along streets and accessways should be avoided. Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. Private spaces within developments should be protected from inappropriate use as public thoroughfares.

**Decision guideline**
Before deciding on an application, the responsible authority must consider the design response.

**Landscaping objectives**
To encourage development that respects the landscape character of the area.
To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.
To provide appropriate landscaping.
To encourage the retention of mature vegetation on the site.
To promote climate responsive landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect.

**Standard D10**
The landscape layout and design should:
- Be responsive to the site context.
- Protect any predominant landscape features of the area.
- Take into account the soil type and drainage patterns of the site and integrate planting and water management.
- Allow for intended vegetation growth and structural protection of buildings.
- In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.
- Provide a safe, attractive and functional environment for residents.
- Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site stormwater infiltration.
- Maximise deep soil areas for planting of canopy trees.

Development should provide for the retention or planting of trees, where these are part of the urban context.
Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.
The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.

Development should provide the deep soil areas and canopy trees specified in Table D2.
If the development cannot provide the deep soil areas and canopy trees specified in Table D2, an equivalent canopy cover should be achieved by providing either:
- Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.
- Vegetated planters, green roofs or green facades.
### Table D2 Deep soil areas and canopy trees

<table>
<thead>
<tr>
<th>Site area</th>
<th>Deep soil areas</th>
<th>Minimum tree provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>750 - 1000 square metres</td>
<td>5% of site area (minimum dimension of 3 metres)</td>
<td>1 small tree (6-8 metres) per 30 square metres of deep soil</td>
</tr>
<tr>
<td>1001 - 1500 square metres</td>
<td>7.5% of site area (minimum dimension of 3 metres)</td>
<td>1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil</td>
</tr>
<tr>
<td>1501 - 2500 square metres</td>
<td>10% of site area (minimum dimension of 6 metres)</td>
<td>1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil</td>
</tr>
<tr>
<td>&gt;2500 square metres</td>
<td>15% of site area (minimum dimension of 6 metres)</td>
<td>1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil</td>
</tr>
</tbody>
</table>

**Note:** Where an existing canopy tree over 8 metres can be retained on a lot greater than 1000 square metres without damage during the construction period, the minimum deep soil requirement is 7% of the site area.

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant plan or policy for landscape character and environmental sustainability in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The location and size of gardens and the predominant plant types in the area.
- The health of any trees to be removed.
- The suitability of the proposed location and soil volume for canopy trees.
- The ongoing management of landscaping within the development.
- The soil type and drainage patterns of the site.

### Access objective

To ensure the number and design of vehicle crossovers respects the urban context.

### Standard D11

The width of accessways or car spaces should not exceed:

- 33 per cent of the street frontage, or
- if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.

No more than one single-width crossover should be provided for each dwelling fronting a street. The location of crossovers should maximise the retention of on-street car parking spaces. The number of access points to a road in a Road Zone should be minimised. Developments must provide for access for service, emergency and delivery vehicles.
**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the streetscape.
- The reduction of on-street car parking spaces.
- The effect on any significant vegetation on the site and footpath.

**Parking location objectives**

To provide convenient parking for resident and visitor vehicles.

To protect residents from vehicular noise within developments.

**Standard D12**

Car parking facilities should:

- Be reasonably close and convenient to dwellings.
- Be secure.
- Be well ventilated if enclosed.

Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

**Decision guideline**

Before deciding on an application, the responsible authority must consider the design response.

**Integrated water and stormwater management objectives**

To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.

To facilitate stormwater collection, utilisation and infiltration within the development.

To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

**Standard D13**

Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.

Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.

The stormwater management system should be:

- Designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).
- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant water and stormwater management objective, policy or statement set out in this scheme.
- The design response.
- Whether the development has utilised alternative water sources and/or incorporated water sensitive urban design.
- Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.
- The capacity of the drainage network to accommodate additional stormwater.
- Whether the stormwater treatment areas can be effectively maintained.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.
AMENITY IMPACTS

Building setback objectives
To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.
To allow adequate daylight into new dwellings.
To limit views into habitable room windows and private open space of new and existing dwellings.
To provide a reasonable outlook from new dwellings.
To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.

Standard D14
The built form of the development must respect the existing or preferred urban context and respond to the features of the site.
Buildings should be set back from side and rear boundaries, and other buildings within the site to:
- Ensure adequate daylight into new habitable room windows.
- Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.
- Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.
- Ensure the dwellings are designed to meet the objectives of Clause 58.

Decision Guidelines
Before deciding on an application, the responsible authority must consider:
- The purpose of the zone and/or overlay that applies to the land.
- Any relevant urban design objective, policy or statement set out in this scheme.
- The urban context report.
- The design response.
- The relationship between the proposed building setback and the building setbacks of existing adjacent buildings, including the interface with laneways.
- The extent to which the proposed dwellings are provided with reasonable daylight access through the layout of rooms and the number, size, location and orientation of windows.
- The impact of overlooking on the amenity of existing and proposed dwellings.
- The existing extent of overlooking into existing dwellings and private open space.
- Whether the development meets the objectives of Clause 58.

Internal views objective
To limit views into the private open space and habitable room windows of dwellings within a development.

Standard D15
Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.

Decision guideline
Before deciding on an application, the responsible authority must consider the design response.
Noise impacts objectives

To contain noise sources in developments that may affect existing dwellings.

To protect residents from external and internal noise sources.

Standard D16

Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.

The layout of new dwellings and buildings should minimise noise transmission within the site.

Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

Table D3 Noise influence area

<table>
<thead>
<tr>
<th>Noise source</th>
<th>Noise influence area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone interface</td>
<td></td>
</tr>
<tr>
<td>Industry</td>
<td>300 metres from the Industrial 1, 2 and 3 zone boundary</td>
</tr>
<tr>
<td>Roads</td>
<td></td>
</tr>
<tr>
<td>Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume</td>
<td>300 metres from the nearest trafficable lane</td>
</tr>
<tr>
<td>Railways</td>
<td></td>
</tr>
<tr>
<td>Railway servicing passengers in Victoria</td>
<td>80 metres from the centre of the nearest track</td>
</tr>
<tr>
<td>Railway servicing freight outside Metropolitan Melbourne</td>
<td>80 metres from the centre of the nearest track</td>
</tr>
<tr>
<td>Railway servicing freight in Metropolitan Melbourne</td>
<td>135 metres from the centre of the nearest track</td>
</tr>
</tbody>
</table>

Note: The noise influence area should be measured from the closest part of the building to the noise source.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether it can be demonstrated that the design treatment incorporated into the development meets the specified noise levels or an acoustic report by a suitably qualified consultant submitted with the application.
- Whether the impact of potential noise sources within a development have been mitigated through design, location and siting.
- Whether the layout of rooms within a dwelling mitigates noise transfer within and between dwellings.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.
ON-SITE AMENITY AND FACILITIES

Accessibility objective
To ensure the design of dwellings meets the needs of people with limited mobility.

Standard D17
At least 50 per cent of dwellings should have:

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.

Table D4 Bathroom design

<table>
<thead>
<tr>
<th>Design option A</th>
<th>Design option B</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Door opening</strong></td>
<td>A clear 850mm wide door opening.</td>
</tr>
<tr>
<td><strong>Door design</strong></td>
<td>Either:</td>
</tr>
<tr>
<td></td>
<td>- A slide door, or</td>
</tr>
<tr>
<td></td>
<td>- A door that opens outwards, or</td>
</tr>
<tr>
<td></td>
<td>- A door that opens inwards that is clear of the circulation area and has readily removable hinges.</td>
</tr>
<tr>
<td><strong>Circulation area</strong></td>
<td>A clear circulation area that is:</td>
</tr>
<tr>
<td></td>
<td>- A minimum area of 1.2 metres by 1.2 metres.</td>
</tr>
<tr>
<td></td>
<td>- Located in front of the shower and the toilet.</td>
</tr>
<tr>
<td></td>
<td>- Clear of the toilet, basin and the door swing.</td>
</tr>
<tr>
<td></td>
<td>The circulation area for the toilet and shower can overlap.</td>
</tr>
<tr>
<td><strong>Path to circulation area</strong></td>
<td>A clear path with a minimum width of 900mm from the door opening to the circulation area.</td>
</tr>
<tr>
<td><strong>Shower</strong></td>
<td>A hobless (step-free) shower.</td>
</tr>
<tr>
<td><strong>Toilet</strong></td>
<td>A toilet located in the corner of the room.</td>
</tr>
</tbody>
</table>

Building entry and circulation objectives
To provide each dwelling and building with its own sense of identity.
To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.
To ensure internal communal areas provide adequate access to daylight and natural ventilation.
Standard D18
Entries to dwellings and buildings should:

- Be visible and easily identifiable.
- Provide shelter, a sense of personal address and a transitional space around the entry.

The layout and design of buildings should:

- Clearly distinguish entrances to residential and non-residential areas.
- Provide windows to building entrances and lift areas.
- Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
- Provide common areas and corridors that:
  - Include at least one source of natural light and natural ventilation.
  - Avoid obstruction from building services.
  - Maintain clear sight lines.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of internal communal areas based on daylight access and the natural ventilation it will receive.

Private open space objective
To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard D19
A dwelling should have private open space consisting of:

- An area of 25 square metres, with a minimum dimension of 3 metres at natural ground floor level and convenient access from a living room, or
- An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or
- A balcony with an area and dimensions specified in Table D5 and convenient access from a living room, or
- A roof-top area of 10 square metres with a minimum dimension of 2 metres and convenient access from a living room.

If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres.

Table D5 Balcony size

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum area</th>
<th>Minimum dimension</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio or 1 bedroom dwelling</td>
<td>8 square metres</td>
<td>1.8 metres</td>
</tr>
<tr>
<td>2 bedroom dwelling</td>
<td>8 square metres</td>
<td>2 metres</td>
</tr>
<tr>
<td>3 or more bedroom dwelling</td>
<td>12 square metres</td>
<td>2.4 metres</td>
</tr>
</tbody>
</table>

Decision guidelines
Before deciding on an application, the responsible authority must consider:
The design response.

- The useability and functionality of the private open space, including its size and accessibility.
- The amenity of the private open space based on the orientation of the lot, the wind conditions and the sunlight it will receive.
- The availability of and access to public or communal open space.

**Storage objective**

To provide adequate storage facilities for each dwelling.

**Standard D20**

Each dwelling should have convenient access to usable and secure storage space. The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D6.

**Table D6 Storage**

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Total minimum storage volume</th>
<th>Minimum storage volume within the dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>8 cubic metres</td>
<td>5 cubic metres</td>
</tr>
<tr>
<td>1 bedroom dwelling</td>
<td>10 cubic metres</td>
<td>6 cubic metres</td>
</tr>
<tr>
<td>2 bedroom dwelling</td>
<td>14 cubic metres</td>
<td>9 cubic metres</td>
</tr>
<tr>
<td>3 or more bedroom dwelling</td>
<td>18 cubic metres</td>
<td>12 cubic metres</td>
</tr>
</tbody>
</table>

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and location of storage facilities provided for the dwelling.
DETAILED DESIGN

Common property objectives
To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.

To avoid future management difficulties in areas of common ownership.

Standard D21
Developments should clearly delineate public, communal and private areas.

Common property, where provided, should be functional and capable of efficient management.

Site services objectives
To ensure that site services can be installed and easily maintained.

To ensure that site facilities are accessible, adequate and attractive.

Standard D22
The design and layout of dwellings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.

Mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.

Mailboxes should be provided and located for convenient access as required by Australia Post.

Decision guideline
Before deciding on an application, the responsible authority must consider the design response.

Waste and recycling objectives
To ensure dwellings are designed to encourage waste recycling.

To ensure that waste and recycling facilities are accessible, adequate and attractive.

To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.

Standard D23
Developments should include dedicated areas for:

- Waste and recycling enclosures which are:
  - Adequate in size, durable, waterproof and blend in with the development.
  - Adequately ventilated.
  - Located and designed for convenient access by residents and made easily accessible to people with limited mobility.

- Adequate facilities for bin washing. These areas should be adequately ventilated.

- Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.

- Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.
Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.

Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.

Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:

- Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria.

- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.

- Any relevant waste and recycling objective, policy or statement set out in this scheme.
INTERNAL AMENITY

Functional layout objective
To ensure dwellings provide functional areas that meet the needs of residents.

Standard D24
Bedrooms should:
- Meet the minimum internal room dimensions specified in Table D7.
- Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

Table D7 Bedroom dimensions

<table>
<thead>
<tr>
<th>Bedroom type</th>
<th>Minimum width</th>
<th>Minimum depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main bedroom</td>
<td>3 metres</td>
<td>3.4 metres</td>
</tr>
<tr>
<td>All other bedrooms</td>
<td>3 metres</td>
<td>3 metres</td>
</tr>
</tbody>
</table>

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D8.

Table D8 Living area dimensions

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum width</th>
<th>Minimum area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio and 1 bedroom dwelling</td>
<td>3.3 metres</td>
<td>10 sqm</td>
</tr>
<tr>
<td>2 or more bedroom dwelling</td>
<td>3.6 metres</td>
<td>12 sqm</td>
</tr>
</tbody>
</table>

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.
- The useability, functionality and amenity of habitable rooms.

Room depth objective
To allow adequate daylight into single aspect habitable rooms.

Standard D25
Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.
The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:
- The room combines the living area, dining area and kitchen.
- The kitchen is located furthest from the window.
- The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.
The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
The design response.

The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.

The useability, functionality and amenity of the dwelling based on layout, siting, size and orientation of habitable rooms.

Any overhang above habitable room windows that limits daylight access.

Windows objective
To allow adequate daylight into new habitable room windows.

Standard D26
Habitable rooms should have a window in an external wall of the building.
A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.
The secondary area should be:
- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability and amenity of the dwelling based on the layout, siting, size and orientation of habitable rooms.

Natural ventilation objectives
To encourage natural ventilation of dwellings.
To allow occupants to effectively manage natural ventilation of dwellings.

Standard D27
The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.
At least 40 per cent of dwellings should provide effective cross ventilation that has:
- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same area.
The breeze path is measured between the ventilation openings on different orientations of the dwelling.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.
- The size, orientation, slope and wind exposure of the site.
• The extent to which the orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.

• Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.
REALIGN THE COMMON BOUNDARY BETWEEN TWO LOTS

Information requirements

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location of any existing buildings, car parking area, driveways, storage areas, loading areas and private open space.
  - The location of any easements on the subject land.
  - The location of the approved stormwater discharge point.
  - The location and details of any significant vegetation.
  - The location of any street trees, poles, pits or other street furniture.
  - Existing and proposed vehicle access to the lots.
  - Any abutting roads.
  - The location of the existing and proposed common boundary between the lots and the proposed size and shape of the realigned lots.
  - Any proposed common property to be owned by a body corporate and the lots participating in the body corporate.
- If the land is in more than one ownership, the consent of the owners of the land.
- If common property is proposed, an explanation of why the common property is required.
- A written statement that describes:
  - The existing use of the land and its possible future development.
  - The reason for the realignment of the common boundary.
  - For land in an overlay, how the proposal responds to any statement of significance, objectives or requirements specified in the schedule to the overlay.
- If the land is in an area where reticulated sewerage is not provided, a plan which shows the location of any existing effluent disposal area for each lot or a land assessment which demonstrates that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- If the land is in a residential zone and the realignment of the common boundary will result in a vacant lot, information that shows that the vacant lot meets the requirements of Standard C8 of Clause 56.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The suitability of the subdivision including how the layout and dimensions of the subdivision:
  - Respond to and integrate with the surrounding urban or rural environment.
  - Protect significant vegetation.
  - Appropriately accommodate any existing or proposed easements on the lots.
- Protect solar access for existing and any future dwellings on the lots.
- Appropriately accommodate any existing waste storage areas, loading bays and vehicle standing areas on the site.
- Appropriately accommodate private open space.
- Appropriately accommodate the provision of utility services to each lot.
- If the land is in an area where reticulated sewerage is not provided to each lot, whether the layout of the subdivision accommodates the effluent disposal area for each lot.
- Appropriately accommodate the siting of buildings having regard to the risk of spread of fire.
- Appropriately accommodate the existing use and possible future development of the land.

  - Whether the provision of common property is appropriate for the purpose for which the land is to be commonly held.
  - If the land is in a residential zone and the realignment of the common boundary will result in a vacant lot, the objective and standard of Clause 56.04-2.
  - The statement of significance and the objectives contained in the schedule to the overlay and whether the subdivision will adversely affect that significance or the objectives.
  - Whether the proposal meets any requirements specified in the overlay or the schedule to the overlay.
SUBDIVISION OF BUILDINGS AND CAR PARKING SPACES

Information requirements

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A copy of the relevant planning permit and approved plans for the development.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location of any existing buildings, car parking areas and private open space.
  - The location, shape and size of the proposed lots to be created.
  - The location of any easements on the subject land.
  - The location and details of any significant vegetation.
  - The location of the approved stormwater discharge point.
  - Any abutting roads.
  - The location of any street trees, poles, pits and other street furniture.
  - Existing and proposed vehicle access to the lots.
  - Any loading bays and vehicle standing areas.
  - Any waste storage areas.
  - Any proposed common property to be owned by a body corporate and the lots participating in the body corporate.

  For the subdivision of existing buildings and car parking spaces, a copy of the occupancy permit or a certificate of final inspection for the development.

  For the subdivision of land into two lots with an approved development currently under construction, evidence that the construction has commenced.

  If common property is proposed, an explanation of why the common property is required.

  If the land is in an area where reticulated sewerage is not provided, a plan which shows the location of any existing effluent disposal area for each lot or a land assessment which demonstrates that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

  For land in an overlay, a written statement that describes how the proposal responds to any statement of significance, objectives or requirements specified in the schedule to the overlay.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The suitability of the subdivision including how the layout and dimensions of the subdivision:
  - Are consistent with the approved plans and conditions of any relevant planning permit for the development.
  - Are consistent with the layout of existing buildings and car parking spaces on the land.
  - Appropriately accommodate any existing waste storage areas.
  - Appropriately accommodate any existing loading bay and vehicle storage area.
- Appropriately accommodate significant vegetation.
- Appropriately accommodate existing or proposed easements on the lots.
- Appropriately accommodate the provision of utility services to each lot.
- Appropriately accommodate the siting of buildings having regard to safety and the risk of spread of fire.

- If the land is in an area where reticulated sewerage is not provided to each lot, whether the layout of the subdivision accommodates the effluent disposal area for each lot.
- For the subdivision of existing buildings and car parking spaces, whether each new lot, other than common property, contains an existing building, part of an existing building or a car parking space.
- Whether the provision and location of common property is appropriate for the purpose for which the land is to be commonly held.
- Whether any public open space contribution is required under Clause 53.01 of this scheme or under Section 18 of the *Subdivision Act 1988*.
- The statement of significance and the objectives contained in the schedule to the overlay and whether the subdivision will adversely affect that significance or the objectives.
- Whether the proposal meets any requirements specified in the overlay or the schedule to the overlay.
FRONT FENCE IN A RESIDENTIAL ZONE

Information requirements

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

- A copy of the title for the subject land and a copy of any registered restrictive covenant.
- A plan drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location, length, height and design of the proposed fence including details of materials.
  - The location, height and design of any existing front fence on adjoining and nearby properties including details of materials.
- A photograph of the site and adjoining and nearby properties along the street frontage.
- The reason for the proposed height.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- Whether the setback, height and design of the proposed fence are:
  - Appropriate to the neighbourhood character and the site.
  - Consistent with any relevant neighbourhood character objective or policy set out in the scheme.
  - Appropriate with the setback, height and appearance of front fences on adjoining and nearby properties.
  - Complement the design of the dwelling.
- The extent to which slope and retaining walls reduce the effective height of the proposed fence.
- Whether the proposed fence is needed to minimise noise intrusion.
- The reason for the proposed height.
BUILDINGS AND WORKS IN A ZONE (EXCEPT A RURAL ZONE)

Information requirements

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A description of the use of the land and the proposed buildings and works.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and use of buildings and works on adjoining land.
  - Relevant ground levels.
  - Any contaminated soils and filled areas, where known.
  - The layout of existing and proposed buildings and works.
  - All existing and proposed driveways, car parking, bicycle parking and loading areas.
  - Existing and proposed landscape areas.
  - All external storage and waste treatment areas.
  - The location of easements and services.
- Elevation drawings to scale showing the height, colour and materials of all proposed buildings and works.
- A photograph of the building or area affected by the proposal.
- A written statement describing the proposal and if relevant:
  - The built form and character of adjoining and nearby buildings.
  - The heritage character of any adjoining heritage places.
  - Ground floor street frontages, including visual impacts and pedestrian safety.
- A written statement describing whether the proposed buildings and works meet:
  - The number of car parking spaces required under Clause 52.06 or in the schedule to Clause 45.09.
  - Any development requirement specified in the zone or the schedule to the zone.
- Any relevant requirement in an approved development plan or incorporated plan for the land.
- Any other information specified in the schedule to the zone.
- For land in a residential zone, a written statement, plan or diagram showing how the proposal meets:
  - The requirements in the following standards of Clause 54:
    - A10 Side and rear setbacks.
    - A11 Walls on boundaries.
    - A12 Daylight to existing windows.
    - A13 North-facing windows.
    - A14 Overshadowing open space.
A15 Overlooking.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard the schedule to the zone applies.

**Decision guidelines**

In assessing an application the responsible authority must consider as appropriate:

- Whether the proposal is consistent with any relevant urban design and built form policy set out in the scheme.
- Whether the movement of pedestrians and cyclists, and vehicles providing for supplies and waste removal are appropriately accommodated.
- Whether the design complements the built form of the surrounding properties and the streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- Whether the land and building have availability of and connection to services.
- Whether the proposed development adversely impacts the amenity of the land and the locality including existing dwellings on adjoining sites.
- Whether the proposed development appropriately provides for landscaping.
- Whether the proposed development adversely affects solar access to existing open spaces and public places.
- Whether the proposal meets the car parking requirements specified in Clause 52.06 or in the schedule to the Parking Overlay.
- Whether the proposal meets the maximum building height specified in the schedule to the zone.
- Whether the proposal meets any relevant requirements specified in the zone or the schedule to the zone.
- Whether the proposal is consistent with any relevant approved development plan or incorporated plan.
- The objectives set out in the schedule to the zone.
- Whether the proposal provides adequate vehicle loading and unloading facilities.
- For land in a residential zone:
  - Whether the proposed development is consistent with any neighbourhood character objectives set out in the schedule to the zone.
  - Whether the development is compatible with residential use.
  - The scale and intensity of the development.
  - The design, height, setback and appearance of the proposed buildings and works.
BUILDINGS AND WORKS IN AN OVERLAY

Information requirements

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location, height and design of the proposed buildings and works including details of materials.
  - The location of any existing buildings, including fences and trees.
  - For land in a Neighbourhood Character Overlay, any buildings proposed to be demolished.
- For land in a Neighbourhood Character Overlay, a written description of the proposal including:
  - The built form and character of adjoining and nearby buildings.
  - How the proposal responds to the key features and objectives specified in the schedule to the overlay.
  - If demolition is proposed, the reason for the demolition.
  - How the proposal meets the requirements of Clause 54.02-1, 54.02-2, 54.03-1, 54.03-2, 54.03-3, 54.03-4, 54.04-1, 54.04-2, 54.04-3, 54.04-4, 54.06-1, 54.06-2, including any Clause 54 modification specified in the schedule to the overlay.
- For land in a Design and Development Overlay, a written description of the proposal including:
  - How the proposal responds to the design objectives specified in a schedule to the overlay.
  - How the proposal meets the requirements specified in a schedule to the overlay.
  - The built form and character of adjoining and nearby buildings.
- A photograph of the building or area affected by the proposal.
- For land in an Erosion Management Overlay, information showing:
  - The extent of any proposed earthworks.
  - The means proposed to stabilise disturbed areas.
- For an application under the Salinity Management Overlay, written advice including plan references and any conditions from the referral authority demonstrating that the referral authority has considered the proposal for which the application is made within the past three months and does not object to the granting of the permit for the proposal.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The statement of significance and the objectives contained in the schedule to the overlay and whether the buildings and works will adversely affect that significance or the objectives.
- Whether the proposal meets any requirements specified in the overlay or the schedule to the overlay.
- For an application in a Salinity Management Overlay, any comments from the relevant referral authority.
- For an application in a Neighbourhood Character Overlay, the relevant objectives, standards and decision guidelines of Clause 54.
- Any relevant decision guideline specified in the overlay and the schedule to the overlay.
REMOVE, DESTROY OR LOP A TREE

Information requirements

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- If the tree to be removed, destroyed or lopped is identified as a significant tree in a schedule to the overlay, a report prepared by an arborist.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The location, shape, size and slope of the site.
  - The location of the tree to be removed, destroyed or lopped.
  - The location and type of other significant vegetation on the site.
  - The location, species and height of any significant trees on the site that have been removed or approved to be removed in the past 3 years.
- A written statement that describes:
  - The species, height and trunk girth of the tree to be removed, destroyed or lopped.
  - The reason the tree is to be removed, destroyed or lopped.
  - If provision is to be made to replace the tree elsewhere on the land.
  - If the tree is to be lopped, the extent of lopping proposed.
  - Any impacts on the significance of the area.
- A photograph of the tree to be removed, destroyed or lopped.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The statement of significance and the objectives contained in the schedule to the overlay and whether the proposal will adversely affect that significance or the objectives.
- Whether the tree proposed to be removed, destroyed or lopped contributes to the significance of the area and whether the proposal will adversely affect that significance.
- Whether the removal or lopping of the tree is needed because of the health of the tree.
- Whether the lopping of the tree will adversely affect the health, appearance or significance of the tree.
- Whether the removal of the tree will contribute to soil erosion, slippage or salinisation.
- Whether the removal or lopping of the tree is needed to create a defendable space to reduce the risk of bushfire to life and property.
- If the tree is a native tree, its role in conserving flora and fauna and whether the proposal will adversely affect the conservation of flora and fauna of the area.
- Whether provision is made to plant a new tree elsewhere on the land.
- The reasons for removing the tree including the health of the tree to be removed.
- The cumulative impact of the number of trees that have been removed or been approved for removal in the past 3 years.
- Any relevant decision guideline specified in the overlay or the schedule to the overlay.
APPLICATIONS UNDER A HERITAGE OVERLAY

Information requirements

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location of any existing buildings, including fences and trees.
  - The location, height and design of the proposed building or works including details of proposed materials.
  - Any buildings to be demolished.
  - An elevation of the proposed building.
  - The size and design of any proposed sign, including details of the supporting structure and any proposed illumination.
  - The location, style, size, colour and materials of any proposed solar energy facility (that is visible from the street frontage or any nearby public park), including details of the supporting structure.
- A written description of the proposal including:
  - Any impacts on the significance of the heritage place.
  - How the proposal responds to any relevant local heritage policy set out in the scheme.
  - If lopping of a tree is proposed, the reason for the lopping, the extent of lopping and an arborist report.
- The proposed colour schedule and nature of any materials and finishes.
- A photograph of the area affected by the proposal including any building, outbuilding, fence or tree which may be affected by the proposal.
- A photograph of the subject site and adjoining properties along the street frontage.
- If subdivision is proposed, the location, shape and size of the proposed lots to be created.
- If a sign is proposed:
  - The location, size and design of the proposed sign on the site or building.
  - The location and size of existing signage on the site including details of any signs to be retained or removed.
- If a solar energy facility is proposed that is visible from the street frontage or any nearby public park:
  - Measures proposed to minimise the visibility of the facility and protect the structural integrity of heritage features.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

General

- The significance of the heritage place and whether the proposal will adversely affect that significance.
Any applicable statement of significance, heritage study and any applicable conservation policy.

Whether the proposal will adversely affect the character or appearance of the building or heritage place.

Whether the proposal meets any relevant local heritage policy set out in the scheme.

**Demolition**

Whether the outbuilding to be demolished contributes to the significance, character or appearance of the building or heritage place.

**Buildings and works**

Whether the location, bulk, form and appearance of the proposed building or works will adversely affect the significance of the building or heritage place.

Whether the proposed building or works will affect the health or appearance of a tree which is the subject of a Heritage Overlay.

**Alterations**

Whether the proposed alterations will restore or reconstruct original fabric which has been removed or damaged.

Whether the proposed alterations will adversely affect the significance, character and appearance of the heritage place.

**Fences**

Whether the fence proposed to be demolished contributes to the significance, character and appearance of the building or heritage place.

Whether the proposed fence, including its style, height and materials, is appropriate to the building or heritage place.

**Trees**

Whether the proposed lopping will adversely affect the health, appearance or significance of the tree.

**Subdivision**

Whether the proposed subdivision retains the significant setting (landscapes, landscape features and views) of the heritage place.

Whether the proposed subdivision respects the rhythm and spacing of buildings in the streetscape.

Whether the proposed subdivision will result in a new boundary fence, wall or structure that adversely affects the setting of the heritage place.

**Signage**

Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.
APPLICATIONS UNDER A SPECIAL BUILDING OVERLAY

Information requirements

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A plan, drawn to scale and fully dimensioned showing:
  - The boundaries and dimensions of the site.
  - The layout, size and use of existing and proposed buildings and works, including floor plan layout and vehicle parking areas.
  - Setbacks between existing and proposed buildings and site boundaries.
  - Natural surface levels of the site to Australian Height Datum.
  - Floor and surface levels of any existing and proposed buildings and works to Australian Height Datum.
  - Cross sectional details of any basement entry ramps and other basement entries to Australian Height Datum, showing floor levels of entry and exit areas and drainage details.
  - If subdivision is proposed, the location, shape and size of the proposed lots to be created.
- If a referral to the floodplain management authority is required, written advice, including endorsed plans of the proposal and any conditions, from the relevant floodplain management authority demonstrating that the floodplain management authority has considered the proposal for which the application is made within the past three months and does not object to the granting of the permit for the proposal.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- Clauses 13.01 and 13.03 of the Planning Policy Framework.
- Whether the proposal is consistent with any local floodplain development plan for the area incorporated into this scheme.
- If a referral to the floodplain management authority is required, any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- The flood risk including:
  - The frequency, duration, extent, depth and velocity of flooding of the site and accessways.
  - The flood warning time available.
  - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
- The effect of the development redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
**SIGNS**

**Information requirements**

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A site context report, using a site plan, photographs or other methods to accurately describe:
  - The location of the proposed sign on the site or building and distance from property boundaries.
  - The location and size of existing signs on the site including details of any signs to be retained or removed.
  - The location and form of existing signs on adjoining properties and in the locality.
  - The location of closest traffic control signs.
  - Identification of any view lines or vistas that could be affected by the proposed sign.
- The dimensions, height above ground level and extent of projection of the proposed sign.
- The height, width and depth of the total sign structure including the method of support and any associated structures such as safety devices and service platforms.
- The colour, lettering style and materials of the proposed sign.
- The size of the proposed display (total display area including all sides of a multi-sided sign).

**Decision guidelines**

In assessing an application the responsible authority must consider as appropriate:

- Whether the proposal is consistent with any relevant local advertising policy set out in the scheme.
- Whether the proposal will impact the character of the area including:
  - Natural environment, heritage, waterway, open space and rural landscape values.
  - The desired future character of the area.
  - The cumulative impact of signs on the character of an area.
  - The need to avoid visual disorder or clutter of signs.
- Whether the proposal will impact views and vistas including:
  - Important views from the public realm.
  - Significant public views.
  - Views to existing signs.
- Whether the proportion, scale and form of the proposed sign relates to the site, building, streetscape, setting or landscape including:
  - The position of the proposed sign, including if it protrudes above existing buildings or landscape and natural elements.
  - Screening of unsightly elements.
  - The number, scale and location of existing signs.
  - The ability to rationalise or simplify the number of signs.
  - The ability to include landscaping to reduce the visual impact of the proposed sign structure.
- The extent to which the proposed sign requires the removal of vegetation.

- Whether the proposed sign is consistent with any outdoor advertising theme.

- Whether there is a need for identification and the opportunities for adequate identification on the site or locality.

- Whether the proposed sign will adversely impact road safety.
CAR PARKING

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A plan, drawn to scale and fully dimensioned showing:
  - The boundaries and dimensions of the site.
  - The location of existing buildings.
  - All car parking spaces and access lanes.
  - Allocation of car parking spaces to different uses or tenancies, if applicable.
  - Landscaping and sensitive water design treatments.
- A written statement that describes:
  - The proposed use of the site, number of employees and patrons and hours of operation.
  - The previous use of the site.
  - The site and floor area to be occupied.
  - The number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.
  - The total number of car parking spaces provided.
  - The likely impact of a reduction in car parking on the amenity of the area and on the area’s existing car parking.

Decision guidelines
In assessing an application the responsible authority must consider as appropriate:

- Whether the reduction of the car parking requirement is consistent with any relevant local planning policy or incorporated plan.
- The objectives contained in the schedule to the Parking Overlay.
- Whether there is availability of alternative car parking in the locality including:
  - Efficiencies gained from the consolidation of shared car parking spaces.
  - Public car parks intended to serve the land.
  - On street parking in non-residential zones.
  - Streets in residential zones specifically managed for non-residential parking.
- The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.
- Whether there is any car parking deficiency associated with the existing use of the land.
- Whether there is any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.
- Whether fewer car parking spaces will impact local amenity, including pedestrian amenity and the amenity of nearby residential areas.
- Whether there is a need to create safe, functional and attractive parking areas.
- The availability of public transport in the locality of the land.
• The convenience of pedestrian and cyclist access to the land.
• The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the use.
• The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.
• On street parking in residential zones in the locality of the land that is intended to be for residential use.
• The future growth and development of any nearby activity centre.
• Local traffic management in the locality of the land.
• Access to or provision of alternative transport modes to and from the land.
• Whether any car parking spaces to be provided meet the design standards of Clause 52.06.
• Any relevant decision guideline specified in a schedule to the Parking Overlay.
TWO LOT SUBDIVISION IN A RURAL ZONE

Information requirements

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location of any existing buildings and associated works.
  - The location, shape and size of the proposed lots to be created.
  - The location of any easements on the subject land.
  - The location of any significant vegetation, waterways and wetlands.
  - The location of the approved stormwater discharge point and effluent disposal areas.
  - Any abutting roads.
  - Existing and proposed vehicle access to the lots.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The suitability of the subdivision including how the layout and dimensions of the subdivision:
  - Are consistent with the layout of existing buildings and associated works on the land.
  - Appropriately accommodate significant vegetation.
  - Appropriately accommodate existing or proposed easements on the lots.
  - Appropriately accommodate the provision of utility services to each lot.
  - Appropriately accommodate existing and proposed vehicle access to the lots.

- If the land is in an area where reticulated sewerage is not provided to each lot, whether the layout of the subdivision accommodates the effluent disposal area for each lot.

- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.

- Any Regional Catchment Strategy applying to the land.

- If the land is in an overlay, statement of significance and the objectives contained in the schedule to the overlay and whether the subdivision will adversely affect that significance or the objectives.

- Whether any public open space contribution is required under Clause 53.01 of this scheme or under Section 18 of the Subdivision Act 1988.
BUILDINGS AND WORKS IN A RURAL ZONE

Information requirements

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A description of the use of the land and the proposed buildings and works.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location of any waterway or wetlands.
  - The location and use of buildings and works on adjoining land.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - All existing and proposed driveways, car parking and loading areas.
  - Existing and proposed landscape areas.
  - All external storage and waste treatment areas.
- Elevation drawings to scale showing the height, colour and materials of all proposed buildings and works.
- A photograph of the building or area affected by the proposal.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, character and appearance of the area, landscape features, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- Whether the proposal will have an adverse impact on adjoining and nearby land uses.
- The need to protect amenity of existing residents.
- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses.
- The likely environmental impact on the natural physical features and biodiversity of the area, including the need to retain vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge areas.
- The capability of the land to accommodate the proposed development.
- Whether the development will support and enhance agricultural production.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The impact of the proposal on any wetlands or waterways.
- Any integrated land management plan prepared for the site.
- Whether the development will require traffic management measures.
For buildings and works associated with a dwelling:

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, nose, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.
EXTENSION TO ONE DWELLING ON A LOT IN A RESIDENTIAL ZONE

Information requirements

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A site plan, drawn to scale and fully dimensioned showing:
  - Site shape, size, orientation and easements.
  - Levels of the site and the difference in levels between the site and surrounding properties.
  - Location of existing buildings on the site and on surrounding properties, including the location and height of walls built to the boundary of the site.
  - The use of surrounding buildings.
  - The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres.
  - Solar access to the site and surrounding properties.
  - Location of significant trees existing on the site and any significant trees removed from the site in the 12 months prior to the application being made, where known.
  - Any contaminated soils and filled areas, where known.
  - Views to and from the site.
  - Street frontage features such as poles, street trees and kerb crossovers.
  - Any other notable features of the site.
  - In relation to the neighbourhood:
    - The built form, scale and character of surrounding development.
    - Architectural and roof styles.
    - Any other notable features or characteristics of the neighbourhood.
- A site and layout plan, drawn to scale and fully dimensioned showing:
  - Site shape, size, orientation, easements and site levels.
  - Adjoining roads.
  - The location and use of buildings and works on adjoining land.
  - The layout and use of existing buildings being retained and all proposed buildings, including finished floor levels.
  - All existing and proposed driveways and crossovers.
  - Existing and proposed landscape and open space areas.
  - All external storage, waste areas and services.
- An elevation plan, drawn to scale showing the height, colour and materials of the proposed extension.
- Photographs of the building or area affected by the proposal.
- A written statement, plan or diagram demonstrating how the proposal meets:
  - The garden area requirement specified in the zone.
  - The requirements in the following standards of Clause 54:
- A10 Side and rear setbacks.
- A11 Walls on boundaries.
- A12 Daylight to existing windows.
- A13 North-facing windows.
- A14 Overshadowing open space.
- A15 Overlooking.

- The objectives and requirements in the following standards of Clause 54:
  - Clause 54.02-1 Neighbourhood character objective and standard A1.
  - Clause 54.03-3 Site coverage objective and standard A5.
  - Clause 54.03-4 Permeability objectives and standard A6.
  - Clause 54.03-5 Energy efficiency protection objectives and standard A7.
  - Clause 54.03-6 Significant trees objectives and standard A8.
  - Clause 54.05-1 Daylight to new windows objective and standard A16.
  - Clause 54.05-2 Private open space objective and standard A17.
  - Clause 54.05-3 Solar access to open space objective and Standard A18.
  - Clause 54.06-1 Design detail objective and Standard A19.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies.

**Decision guidelines**

In assessing an application the responsible authority must consider as appropriate:

- The following objectives, standards and decision guidelines of Clause 54:
  - Clause 54.02-1 Neighbourhood character objective and standard A1.
  - Clause 54.03-3 Site coverage objective and standard A5.
  - Clause 54.03-4 Permeability objective and standard A6.
  - Clause 54.03-5 Energy efficiency protection objective and standard A7.
  - Clause 54.03-6 Significant trees objective and standard A8.
  - Clause 54.05-1 Daylight to new windows objective and standard A16.
  - Clause 54.05-2 Private open space objective and standard A17.
  - Clause 54.05-3 Solar access to open space objective and Standard A18.
  - Clause 54.06-1 Design detail objective and Standard A19.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies.
LOCAL VICSMART APPLICATIONS

The schedule to this clause may specify classes of application that are VicSmart applications to which Clause 71.06 applies. A class of application specified must not be a class of VicSmart application specified in another provision of this planning scheme.

The classes of VicSmart application are specified in three tables:

- Table 1 specifies classes VicSmart application under a zone.
- Table 2 specifies classes VicSmart application under an overlay.
- Table 3 specifies classes VicSmart application under a particular provision.

Each table in the schedule is divided into four columns:

- Column 1 specifies the name or class of zone or overlay or name of particular provision.
- Column 2 specifies the development.
- Column 3 specifies the provision of the planning scheme that contains the permit requirement applicable to the development.
- Column 4 specifies the information requirements and decision guidelines in Clauses 59.01 to 59.14 or the schedule to Clause 59.16 applicable to the class of VicSmart application.

Subject to Clause 71.06, an application under a provision specified in Column 3 for a use or development specified in Column 2 is a class of VicSmart application and must be assessed against the provision specified in Column 4.
## SCHEDULE TO CLAUSE 59.15 LOCAL VICSMA RT APPLICATIONS

### 1.0

#### Table 1 Classes of local VicSmart application under zone provisions

<table>
<thead>
<tr>
<th>Name of zone or class of zone</th>
<th>Class of application</th>
<th>Permit requirement provision</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 2.0

#### Table 2 Classes of local VicSmart application under overlay provisions

<table>
<thead>
<tr>
<th>Name of overlay or class of overlay</th>
<th>Class of application</th>
<th>Permit requirement provision</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 3.0

#### Table 3 Classes of local VicSmart application under particular provisions

<table>
<thead>
<tr>
<th>Name of particular provision</th>
<th>Class of application</th>
<th>Permit requirement provision</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
A schedule to this clause may set out information requirements and decision guidelines for a class of VicSmart application specified in the Schedule to Clause 59.15.
SCHEDULE 1 TO CLAUSE 59.16 INFORMATION REQUIREMENTS AND DECISION GUIDELINES FOR LOCAL VICSMART APPLICATIONS

1.0  Information requirements

None specified

2.0  Decision guidelines

None specified
GENERAL PROVISIONS

This section sets out provisions about existing uses, decision guidelines, referral of applications and other matters.
USES NOT REQUIRING A PERMIT

Any requirement in this scheme relating to the use of land, other than a requirement in the Public Conservation and Resource Zone, does not apply to:

- The use of land for a Road except within the Urban Floodway Zone and a Public Conservation and Resource Zone.
- The use of land for Natural systems.
- The use of land in a road if the use is associated with the use of adjoining land and is authorised by the Council under a local law.
- The use of land in a road to trade from a stall, stand, motor vehicle, trailer, barrow or other similar device.
- The use of land for wind measurement by an anemometer for three years or less.
- The use of land for earth and energy resources industry if the conditions of Clause 52.08 are met.
- The use of land for a carnival or circus if the requirements of A ‘Good Neighbour’ Code of Practice for a Circus or Carnival, October 1997 are met.
- The use of land for apiculture if the requirements of the Apiary Code of Practice, May 2011 are met.
- The use of land for temporary portable land sales office located on the land for sale.
- The use of land for a Telecommunications facility if the associated buildings and works meet the requirements of Clause 52.19.
- The use of land for a helicopter landing site if the use meets the requirements of Clause 52.15-1.
- The use of land for a minor utility installation.
- The use of land to display a sign.
**BUILDINGS AND WORKS**

Clauses 62.02-1 and 62.02-2 set out exemptions from permit requirements in this scheme relating to the construction of a building or the construction or carrying out of works. These exemptions do not apply to the removal, destruction or lopping of trees and the removal of vegetation. Exemptions for vegetation removal are set out in Clause 62.02-3.

**62.02-1**

**Buildings and works not requiring a permit**

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works, other than a requirement in the Public Conservation and Resource Zone, does not apply to:

- Buildings or works which provide for fire protection under relevant legislation.
- Emergency works undertaken by, or on behalf of, a municipality, public authority or utility service provider in the exercise of any power conferred on them under any Act.
- Buildings or works with an estimated cost of $1,000,000 or less carried out by or on behalf of a municipality.
- Maintenance works carried out by a municipality or public authority to prevent or alleviate flood damage.
- An anemometer located on a site for three years or less.
- Buildings and works associated with a use on adjoining land or street trading if authorised under a local law.
- Gardening.
- Buildings and works associated with a minor utility installation.
- Power lines and electrical sub-stations associated with an Energy generation facility or Geothermal energy extraction if a permit was issued for such use or development prior to the approval date of Amendment VC157.
- Buildings or works which are a modification necessary to comply with a direction under the Dangerous Goods Act 1985 or the Occupational Health and Safety Act 2004 or a Waste Discharge Licence, Works Approval or Pollution Abatement Notice under the Environment Protection Act 1970.
- Buildings and works associated with a telecommunications facility if the requirements of Clause 52.19 are met.
- Buildings and works associated with a dam if a licence is required to construct the dam or to take and use water from the dam under the Water Act 1989.
- Buildings and works associated with a carnival or circus if the requirements of A ‘Good Neighbour’ Code of Practice for a Circus or Carnival, October 1997 are met.
- Buildings and works associated with apiculture if the requirements of the Apiary Code of Practice, May 2011 are met.
- A temporary portable classroom associated with an education centre located on a site for three years or less.
- A temporary shed or temporary structure for construction purposes, or a temporary portable land sales office located on the land for sale.
- A children’s cubbyhouse.
- External lighting normal to a dwelling.
- The construction, alteration, removal or demolition of an observational bore where a licence has been issued for those works under Part 5 of the Water Act 1989.
- Any works associated with the use of land for earth and energy resources industry if the conditions of Clause 52.08 are met.

- A crop support or protection structure associated with horticulture, including a trellis, cloche, net and shadecloth. It does not include a structure with a solid roof or solid wall such as a glass house or igloo.

- An annexe attached to a movable caravan located on land used for a camping and caravan park.

- Works associated with geotechnical testing or service proving.

- Buildings and works associated with the use of land in a road to trade from a stall, stand, motor vehicle, trailer, barrow or other similar device.

- The construction of or putting up for display a sign consistent with the requirements of Clause 52.05-10.

62.02-2

Buildings and works not requiring a permit unless specifically required by the planning scheme

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works, other than a requirement in the Public Conservation and Resource Zone, does not apply to:

- A fence.

- The construction of or putting up for display a sign (except for a sign consistent with the requirements of Clause 52.05-10 which is provided for in Clause 62.02-1).

- Roadworks.

- Street furniture including post boxes, telephone booths, fire hydrants, bus shelters, shade sails, traffic control devices and public toilets.

- Park furniture including seating, tables, shelters, rubbish bins, playground equipment, barbeques, shade sails, drinking fountains and public toilets.

- Furniture and works normally associated with an education centre including, but not limited to, outdoor furniture, playground equipment, art works, drinking fountains, rubbish bins and landscaping.

- Disability access and disability facilities associated with an education centre (not including a lift external to a building).

- Art work that is carried out by or on behalf of a public land manager.

- Oil pipelines.

- Buildings and works associated with a dependent person’s unit.

- The internal rearrangement of a building or works provided the gross floor area of the building, or the size of the works, is not increased and the number of dwellings is not increased.

- Repairs and routine maintenance to an existing building or works.

- Domestic services normal to a dwelling.

- A rainwater tank with a capacity of not more than 10,000 litres.

- Bicycle pathways and trails.

- A television antenna.

- A flagpole.

- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- An open-sided pergola or verandah to a dwelling with a finished floor level not more than 800 mm above ground level and a maximum building height of three metres above ground level.
- A deck to a dwelling with a finished floor level not more than 800 mm above ground level.
- A disabled access ramp.
- Any works necessary to prevent soil erosion, or to ensure soil conservation or reclamation.
- A solar energy facility attached to a building that primarily services the land on which it is situated.
- Buildings and works associated with cat cages and runs, bird cages, dog houses, and other domestic animal enclosures associated with the use of the land as a dwelling.
- Services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar.
- An electric vehicle charging station.

This does not apply if a permit is specifically required for any of these matters.

Vegetation removal

Any requirement in this scheme relating to the construction or carrying out of works does not apply to the removal, destruction or lopping of trees and the removal of vegetation.

This does not apply if a permit is specifically required to remove, destroy or lop trees or to remove vegetation.
EVENTS ON PUBLIC LAND

Any requirement in this scheme relating to the use of land or the construction of a building or the construction or carrying out of works does not apply to:

- an event on public land; or
- temporary buildings or works required for the event;

where that event has been authorised by the public land manager or by the council under a local law.

An event includes land used to provide temporary cultural or community activities and entertainment such as a concert, festival or exhibition.

This does not apply to public land where a local provision of this scheme specifically regulates an event for a particular site.
SUBDIVISIONS NOT REQUIRING A PERMIT

Any requirement in this scheme relating to the subdivision of land does not apply to:

- A subdivision by an authority acquiring the land which does not create an additional lot.
- A subdivision by a public authority or utility service provider which does not create an additional lot other than for the sole purpose of a minor utility installation. This does not apply if a permit is required to subdivide land under any overlay.
- A subdivision by an authority acquiring the land which creates additional lots if the additional lots are severed parcels of land without legal access to an existing road and the additional lots are retained by the acquiring authority or sold to an abutting land owner on the condition that the lot be consolidated with abutting land.
- A subdivision which realigns the common boundary between two lots if all the land is in one urban zone and any of the following apply:
  - Any lot that is reduced in area meets the minimum lot area and minimum dimensions (if any) specified for the zone. This does not apply if the area of the smaller lot is limited by a provision of this scheme, or by a condition of a planning permit.
  - There is no minimum lot area specified for the zone, the area of the smaller lot is more than 230 square metres, and the area of either lot is reduced by less than 30 square metres.
  - There is no minimum lot area specified for the zone, the area of the smaller lot is 230 square metres or less, and the area of either lot is reduced by less than 5 percent or by less than 30 square metres, which ever is lesser.
  - The new boundary coincides with a boundary fence that is more than five years old. This does not apply if all the land is in one ownership.
- A subdivision which realigns the common boundary between two lots if all the land is in one non-urban zone, the re-subdivision does not allow the number of dwellings the whole of the land could be used for under this scheme to increase, and any of the following apply:
  - Any lot that is reduced in area meets the minimum lot area and minimum dimensions (if any) specified for the zone. This does not apply if the area of the smaller lot is limited by a provision of this scheme, or by a condition of a planning permit.
  - There is no minimum lot area specified for the zone, and no part of the boundary is moved more than 1 metre. This does not apply if the area of the smaller lot would be less than the area specified by a condition of a planning permit.
  - There is no minimum lot area specified for the zone, the new boundary coincides with the location of a fence that is more than 5 years old, and no part of the boundary is moved more than three metres.
DEMOLITION

A permit is not required for the demolition or removal of a building or works unless a permit is specifically required for demolition or removal.
EXTENT OF EXISTING USE RIGHTS

An existing use right is established in relation to use of land under this scheme if any of the following apply:

- The use was lawfully carried out immediately before the approval date.
- A permit for the use had been granted immediately before the approval date and the use commences before the permit expires.
- A permit for the use has been granted under Clause 63.08 and the use commences before the permit expires.
- Proof of continuous use for 15 years is established under Clause 63.11.
- The use is a lawful continuation by a utility service provider or other private body of a use previously carried on by a Minister, government department or public authority, even where the continuation of the use is no longer for a public purpose.
CHARACTERISATION OF USE

If a use of land is being characterised to assess the extent of any existing use right, the use is to be characterised by the purpose of the actual use at the relevant date, subject to any conditions or restrictions applying to the use at that date, and not by the classification in the table to Clause 73.03 or in Section 1, 2 or 3 of any zone.
EFFECT OF DEFINITIONS ON EXISTING USE RIGHTS

The definition of a term in this scheme, or the amendment of any definition, does not increase or restrict the extent of any existing use right established prior to the inclusion of the definition or amendment.
SECTION 1 USES

A use in Section 1 of a zone for which an existing use right is established may continue provided any condition or restriction to which the use was subject and which applies to the use in Section 1 of the zone continues to be met.
SECTIONS 2 AND 3 USES

A use in Section 2 or 3 of a zone for which an existing use right is established may continue provided:

- No building or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme.

- Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use.

- The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.
EXPIRATION OF EXISTING USE RIGHTS

An existing use right expires if either:

- The use has stopped for a continuous period of 2 years, or has stopped for two or more periods which together total 2 years in any period of 3 years.
- In the case of a use which is seasonal in nature, the use does not take place for 2 years in succession.
COMPLIANCE WITH CODES OF PRACTICE

A use for which an existing use right is established must comply with any relevant code of practice incorporated in this scheme if either:

- The code of practice has been incorporated or adopted in accordance with Section 39 of the Conservation Forests and Lands Act 1987.
- The code of practice is approved or ratified by Parliament under an Act.
ALTERNATIVE USE

If land is used for a use in Section 3 of a zone for which an existing use right is established, a permit may be granted to use the land for an alternative use which does not comply with this scheme. The responsible authority must be satisfied that the use of the land for the alternative use will be less detrimental to the amenity of the locality.
SHOP CONDITIONS

A permit must not be granted to:

- Construct or carry out a building or works under Clause 63.05 for a shop with a leasable floor area exceeding 500 square metres.
- Use land under Clause 63.08 for a shop with a leasable floor area exceeding 500 square metres.
DAMAGED OR DESTROYED BUILDINGS OR WORKS

If at least 50 percent of the gross floor area of a building or at least 50 percent of the area of any works is damaged or destroyed so that the use cannot continue without the building or works being reconstructed, the land must be used in conformity with this scheme, unless a permit is granted to continue the use, and to construct or carry out buildings or works.
PROOF OF CONTINUOUS USE

If, in relation to an application or proceeding under the Act or this scheme, including an application for a certificate of compliance under Section 97N of the Act, the extent of any existing use right for a period in excess of 15 years is in question, it is sufficient proof of the establishment of the existing use right if the use has been carried out continuously for 15 years prior to the date of the application or proceeding.

An existing use right may be established under this clause even if the use did not comply with the scheme immediately prior to or during the 15 year period, unless either:

- At any time before or after commencement of the 15 year period the use has been held to be unlawful by a decision of a court or tribunal.
- During the 15 year period, the responsible authority has clearly and unambiguously given a written direction for the use to cease by reason of its non-compliance with the scheme.
DECISION GUIDELINES

Before deciding on an application under Clause 63.05, 63.08 or 63.10, in addition to the decision guidelines in Clause 65 and any other requirements of the Act, the responsible authority must consider the extent to which compliance can be achieved with all scheme requirements that can reasonably be met.
LAND USED FOR MORE THAN ONE USE

If land is used for more than one use and one is not ancillary to the other, each use must comply with this scheme.
LAND USED IN CONJUNCTION WITH ANOTHER USE

If a provision of this scheme provides that a use of land must be used ‘in conjunction with’ another use of the land:

- there must be an essential association between the two uses; and

- the use must have a genuine, close and continuing functional relationship in its operation with the other use.
SUBDIVISION OF LAND IN MORE THAN ONE ZONE

If a provision of this scheme provides that a permit is required to subdivide land and the land is in more than one zone a permit may be granted even if one of the lots does not comply with the minimum lot size requirements of a zone.

Permit Requirement

A permit may be granted to create one lot smaller than specified in the scheme if all of the following are met:

- The lot to be subdivided is in more than one zone and cannot comply with the minimum lot area specified in the scheme.
- The proposed subdivision does not create lots where any lot extends into more than one zone. This does not apply to any lots created for the following purposes:
  - To comply with the requirements of the Urban Floodway Zone.
  - To provide access to a road.
- The remainder of the proposed lots must comply with the minimum lot area specified in the scheme.
DECISION GUIDELINES

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.
APPROVAL OF AN APPLICATION OR PLAN

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

- The matters set out in section 60 of the Act.
- 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.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

This clause does not apply to a VicSmart application.
APPROVAL OF AN APPLICATION TO SUBDIVIDE LAND

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

This clause does not apply to a VicSmart application.
REFERRAL AND NOTICE PROVISIONS

Scope

These provisions set out the types of applications which must be referred under Section 55 of the Act or for which notice must be given under Section 52(1)(c) of the Act. The provisions do not apply to the seeking of advice about an application or where a responsible authority may choose to give notice under another sub-section of Section 52(1) of the Act.

These provisions also specify when a plan must be referred under Section 8(1)(a) of the Subdivision Act 1988.

Referrals

Applications of the kind listed in Clauses 66.01, 66.02, 66.03 and 66.04 must be referred to the person or body specified as a referral authority in accordance with Section 55 of the Act.

Any requirement for referral under this or another clause does not apply if in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the referral authority, or the referral authority has considered the proposal for which the application is made within the past three months and has stated in writing that it does not object to the granting of the permit for the proposal.

Notice

Notice of an application of the kind listed below in Clauses 66.05 and 66.06 must be given in accordance with Section 52(1)(c) of the Act to the person or body specified as a person or body to be notified.

Any requirement for notice under this or another clause does not apply if, in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the person or body to be notified.
An application of the kind listed in the table below must be referred to the person or body specified as the referral authority. The table below specifies whether the referral authority is a determining referral authority or a recommending referral authority.

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To subdivide land other than:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A boundary realignment.</td>
<td>The relevant water, drainage or sewerage authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- The subdivision of an existing building already connected to services.</td>
<td>The relevant electricity supply or distribution authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- A two lot subdivision.</td>
<td>The relevant gas supply authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- The subdivision of land into lots each containing an existing dwelling or car parking space.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To subdivide land outside the metropolitan fire district which creates a road, where the requirements of Clause 56.09-3 are not met.</td>
<td>Country Fire Authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To subdivide land if the only access to a lot is over Crown land which has not been reserved or proclaimed as a road.</td>
<td>Minister administering the Land Act 1958</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To subdivide land crossed by a gas transmission pipeline or a gas transmission pipeline easement.</td>
<td>The relevant gas supply authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To subdivide land within 60 metres of a major electricity transmission line (220 Kilovolts or more) or an electricity transmission easement.</td>
<td>The relevant electricity transmission authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To subdivide a heritage place of which all or part is included in the Victorian Heritage Register.</td>
<td>The Executive Director specified in the Heritage Act 2017</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>

Note: A subdivision which does not require referral under Clause 66.01 must be referred if it is listed as a requirement under any other provision of Clause 66.

Mandatory conditions for subdivision permits

A permit for subdivision must contain the following conditions:

The owner of the land must enter into an agreement with:

- a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider’s requirements and relevant legislation at the time; and

- a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider’s requirements and relevant legislation at the time; and
a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

This requirement does not apply to a permit granted to:

- Subdivide land in a rural zone, public land zone, Urban Floodway Zone or Special Use Zone if the responsible authority is satisfied that connection to telecommunication services is not warranted.
- Realign the common boundary between two lots (boundary realignment).
- Subdivide an existing building already connected to telecommunication services.

A permit granted to subdivide land in a manner that does not require referral under Clause 66.01 must contain the following conditions:

- The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority’s requirements and relevant legislation at the time.
- All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
- The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

This requirement does not apply to a permit granted to subdivide land into lots each containing an existing dwelling or car parking space.

**Referrals under the Subdivision Act – certification of plans**

For the purpose of Section 8(1)(a) of the Subdivision Act 1988 referral of a plan is required if:

- A referral is required by a permit issued under this scheme. The plan must be referred to the relevant referral authority.
- A plan creates, varies or removes an easement or restriction likely to be of interest to a referral authority. The plan must be referred to the relevant referral authority.
- The only access to a lot on a plan is over Crown land and the Minister administering the Land Act 1958 has not consented or provision has not been made for a road to be reserved or proclaimed. The plan must be referred to that Minister.
- In the opinion of the Council the plan may affect existing sewerage, water, drainage or other works. The plan must be referred to the referral authority responsible for those works.
## USE AND DEVELOPMENT REFERRALS

An application of the kind listed in the tables below must be referred to the person or body specified as the referral authority. The tables below specify whether the referral authority is a determining referral authority or a recommending referral authority.

### Works approval or licence

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>For a use or development requiring any of the following:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Works approval in accordance with Section 19A of the Environment Protection Act 1970.</td>
<td>Environment Protection Authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>• A licence to discharge or emit waste in accordance with Section 20 of the Environment Protection Act 1970.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Amendment of a licence under Section 20A of the Environment Protection Act 1970.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Native vegetation

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To remove, destroy or lop native vegetation in the Detailed Assessment Pathway as defined in the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017).</td>
<td>Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987)</td>
</tr>
<tr>
<td>To remove, destroy or lop native vegetation if a property vegetation plan applies to the site.</td>
<td>Recommending referral authority</td>
</tr>
<tr>
<td>To remove, destroy or lop native vegetation on Crown land which is occupied or managed by the responsible authority.</td>
<td></td>
</tr>
</tbody>
</table>

### Cattle feedlot

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use or develop land for a cattle feedlot.</td>
<td>Minister for Agriculture</td>
</tr>
<tr>
<td>If the site is located within a special water supply catchment area under the Catchment and Land Protection Act 1994, the relevant water authority under the Water Act 1989 and the Secretary to the Department administering the Catchment and Land Protection Act 1994</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>If the number of cattle is 5000 or more, the Environment Protection Authority</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>
### Major electricity line or easement

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To construct a building or construct or carry out works on land within 60 metres of a major electricity transmission line (220 Kilovolts or more) or an electricity transmission easement.</td>
<td>The relevant electricity transmission authority</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>

### Special water supply catchment area

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use, subdivide or consolidate land, to construct a building or carry out works, or to demolish a building or works that are within a Special Water Supply Catchment Area listed in Schedule 5 of the Catchment and Land Protection Act 1994 and which provides water to a domestic supply.</td>
<td>The relevant water board or water supply authority</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>

This does not apply to an application for a sign, fence, roadworks or unenclosed building or works ancillary to a dwelling.

### Timber production

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use or develop land for timber production by establishing a plantation.</td>
<td>Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987)</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To use or develop land for timber production by harvesting timber from native forest, including thinning, if the area of native forest to be subjected to timber production operations is 10 hectares or greater.</td>
<td>Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987)</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>

### Industry or warehouse

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use land for an industry or warehouse for a purpose listed in the table to Clause 53.10 shown with a Note 1 or if the threshold distance is not to be met.</td>
<td>Environment Protection Authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To use land for an industry or warehouse for a purpose listed in the table to Clause 53.10 shown with a Note 2 and if any of the following apply:</td>
<td>Environment Protection Authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- A fire protection quantity is exceeded under the Dangerous Goods (Storage and Handling) Regulations 2012.</td>
<td>Environment Protection Authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To use land for an industry or warehouse for a purpose listed in the table to Clause 53.10 shown with a Note 2 and if any of the following apply:</td>
<td>The Victorian WorkCover Authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Kind of application</td>
<td>Referral authority</td>
<td>Type of referral authority</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>- A notification is required under the Occupational Health and Safety Regulations 2007.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A licence is required under the Dangerous Goods (Explosives) Regulations 2011.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A licence is required under Dangerous Goods (HCDG) Regulations 2016 and the use is not associated with agriculture.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

To construct a building or construct or carry out works on land used for an industry or warehouse for a purpose listed in the table to Clause 53.10 and shown with a Note 2 if the area of the buildings and works will increase by more than 25 per cent and any of the following apply:

- A fire protection quantity is exceeded under the Dangerous Goods (Storage and Handling) Regulations 2012.
- A notification is required under the Occupational Health and Safety Regulations 2007.
- A licence is required under the Dangerous Goods (Explosives) Regulations 2011.

- A licence is required under the Dangerous Goods (HCDG) Regulations 2016 and the use is not associated with agriculture.

Stone Extraction

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>- To use or develop land for stone extraction.</td>
<td>Secretary to the Department administering the Heritage Act 1995.</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td></td>
<td>Secretary to the Department administering the Mineral Resources (Sustainable Development) Act 1990</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Secretary to the Department administering the Catchment and Land Protection Act 1994.</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- To use or develop land for stone extraction on Crown land or land abutting Crown land, other than a government road.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Secretary to the Department administering the Catchment and Land Protection Act 1994.</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- To use or develop land for stone extraction:</td>
<td>Secretary to the Department administering the Catchment and Land Protection Act 1994.</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td></td>
<td>Secretary to the Department administering the Mineral Resources (Sustainable Development) Act 1990</td>
<td></td>
</tr>
</tbody>
</table>

SOUTH GIPPSLAND PLANNING SCHEME
<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>- On land where the use or development involves the removal or destruction of native vegetation if the total area to be cleared is 10 hectares or greater.</td>
<td>Secretary to the Department administering the <em>Flora and Fauna Guarantee Act 1988</em></td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- On land which has been identified in this scheme as being subject to high erosion risk or areas identified as being subject to salinity management.</td>
<td>Secretary to the Department administering Section 201 of the <em>Water Act 1989</em></td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- To use or develop land for stone extraction:</td>
<td>Environment Protection Authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- In areas with communities or taxa listed or critical habitat determined under the <em>Flora and Fauna Guarantee Act 1988</em>.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- On land which has been identified in this scheme as containing sites of flora or fauna significance.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- To use or develop land for stone extraction on land which has been identified in this scheme as flood prone.</td>
<td>Roads Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- To use or develop land for stone extraction if the land is intended to be used for land fill at a future date.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- On land which abuts a local road which intersects with a road declared as a freeway or an arterial road under the <em>Road Management Act 2004</em> and if the development is expected to increase traffic movement at the intersection of the local road and the declared road by ten percent or more.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- On land which abuts a road declared as a freeway or an arterial road under the <em>Road Management Act 2004</em>. This does not apply to a development which generates less than one hundred commercial trips per day, with roadworks at the entrance to the site built in accordance with the requirements of the Roads Corporation and the declared road is not a freeway.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Geothermal energy extraction

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use or develop land for geothermal energy extraction.</td>
<td>Secretary to the Department administering the Geothermal Energy Resources Act 2005</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>

Greenhouse gas sequestration

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use or develop land for greenhouse gas sequestration.</td>
<td>Secretary to the Department administering the Greenhouse Gas Geological Sequestration Act 2008</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>

Integrated Public Transport Planning

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>An application to subdivide land, to construct a building or to construct or carry out works for any of the following:</td>
<td>Head, Transport for Victoria</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- A residential development comprising 60 or more dwellings or lots.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A residential building comprising 60 or more lodging rooms.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A residential village comprising 60 or more dwellings.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A retirement village comprising 60 or more dwellings or lots.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A new retail premises of 4000 or more square metres of leasable floor area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- An increase of more than 1000 square metres to the leasable floor area of an existing retail premises which is 4000 or more square metres leasable floor area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- An office development of 10,000 or more square metres of leasable floor area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A place of assembly comprising 400 or more seats or 600 or more square metres of gross floor area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- An education centre.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A major sports and recreation facility.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Any alteration or development of public transport infrastructure or stops, unless undertaken for the Head, Transport for Victoria.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>This does not apply to:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Buildings and works associated with an existing place of assembly, education centre, major sports and recreation facility or retirement village.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A development consistent with an adopted Structure Plan that has been prepared in consultation with and endorsed by the Head, Transport for Victoria.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**REFERRAL OF PERMIT APPLICATIONS UNDER OTHER STATE STANDARD PROVISIONS**

An application of the kind listed in the table below, where the planning scheme includes the specified clause, must be referred to the person or body specified as the referral authority. The table below specifies whether the referral authority is a determining referral authority or a recommending referral authority.

<table>
<thead>
<tr>
<th>Clause</th>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 36.03-5 (PCRZ)</td>
<td>An application for the use or development of an Emergency services facility.</td>
<td>Secretary to the Department of Environment, Land, Water and Planning</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 37.03-5 (UFZ)</td>
<td>An application under the zone within the waterway management district of Melbourne Water Corporation.</td>
<td>Melbourne Water Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td></td>
<td>An application under the zone outside the waterway management district of Melbourne Water Corporation.</td>
<td>Relevant floodplain management authority</td>
<td>Recommending referral authority</td>
</tr>
<tr>
<td>Clause 37.07-5 (UGZ)</td>
<td>An application under the zone within Metropolitan Melbourne.</td>
<td>Victorian Planning Authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td></td>
<td>An application under the zone outside Metropolitan Melbourne.</td>
<td>Secretary to the Department of Environment, Land, Water and Planning</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 44.02-8 (SMO)</td>
<td>An application under the overlay and any site capability report.</td>
<td>Secretary to the Department of Environment, Land, Water and Planning</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 44.03-6 (FO)</td>
<td>An application under the overlay within the waterway management district of Melbourne Water Corporation.</td>
<td>Melbourne Water Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td></td>
<td>An application under the overlay outside the waterway management district of Melbourne Water Corporation.</td>
<td>Relevant floodplain management authority</td>
<td>Recommending referral authority</td>
</tr>
<tr>
<td>Clause 44.04-7 (LSIO)</td>
<td>An application under the overlay within the waterway management district of Melbourne Water Corporation.</td>
<td>Melbourne Water Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td></td>
<td>An application under the overlay outside the waterway management district of Melbourne Water Corporation.</td>
<td>Relevant floodplain management authority</td>
<td>Recommending referral authority</td>
</tr>
<tr>
<td>Clause 44.05-6 (SBO)</td>
<td>An application under the overlay within the waterway management district of Melbourne Water Corporation.</td>
<td>Melbourne Water Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause</td>
<td>Kind of application</td>
<td>Referral authority</td>
<td>Type of referral authority</td>
</tr>
<tr>
<td>----------</td>
<td>-------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------</td>
<td>------------------------------------</td>
</tr>
</tbody>
</table>
| Clause 44.06-6 (BMO) | An application to construct a building or carry out works associated with a dwelling. This does not apply to a non habitable outbuilding that meets the following requirements:  
• The outbuilding is ancillary to a dwelling,  
• 10 metres of defendable space is provided around the outbuilding in accordance with the vegetation management requirements at Table 6 of Clause 53.02,  
• The canopy of each tree within the defendable space is separated by at least 2 metres, and  
• Where the outbuilding is located less than 10 metres from a dwelling the outbuilding construction requirements at Table 7 of Clause 53.02 are met. | Relevant fire authority | Recommending referral authority |
<p>| Clause 44.07-4 (SRO) | An application of the kind specified in a schedule to the overlay. | Referral authority specified in a schedule to the overlay. | Determining referral authority |
| Clause 45.01-3 (PAO) | An application under the overlay. | Acquiring authority specified in the schedule to the overlay. | Determining referral authority |
| Clause 45.07-6 (CLPO) | An application under the overlay. | Roads Corporation | Determining referral authority |
| Clause 52.05 | An application to display an animated or electronic sign within 60 metres of a freeway or arterial road declared under the Road Management Act 2004. | Roads Corporation | Determining referral authority |
| Clause 52.27 | An application under the Clause in association with a bar, hotel or nightclub that is to operate after 1am. | Victorian Commission for Gambling and Liquor Regulation | Determining referral authority |</p>
<table>
<thead>
<tr>
<th>Clause</th>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause</td>
<td>An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or an arterial road under the <em>Road Management Act 2004</em>, land owned by the Roads Corporation for the purpose of a road, or land in a PAO if the Roads Corporation is the acquiring authority for the land, subject to exemptions specified in the clause.</td>
<td>Roads Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>52.29</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Any other application under the Clause.</td>
<td>Owner of, or the acquiring authority for, the adjacent land in the Road Zone, Category 1 or the PAO</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause</td>
<td>An application to use or develop land for a Freeway service centre.</td>
<td>Roads Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>53.05-1</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
REFERRAL OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS

In addition to the referral requirements of Clause 66.01, 66.02 and 66.03, an application of the kind listed in the schedule to this clause must be referred to the referral authority specified in the schedule. The table below specifies whether the referral authority is a determining referral authority or a recommending referral authority.

If a local provision of the scheme specifies a person or body as a referral authority for a kind of application or contains a referral requirement, and that specification or requirement is not included in the schedule to this clause, it is not a referral requirement under section 55 of the Act.
SCHEDULE TO CLAUSE 66.04 REFERRAL OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS

Referral of permit applications under local provisions

<table>
<thead>
<tr>
<th>Clause</th>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Referral authority type</th>
</tr>
</thead>
<tbody>
<tr>
<td>On land identified as the Gippsland Coalfields Policy Area in the Local Planning Policy Framework</td>
<td>To subdivide land. To use land or to construct a building or construct or carry out works for a cemetery, educational centre, exhibition centre, function centre, golf course, hospital, industry (other than rural industry), major sports and recreational facility, shop or office with a gross floor area exceeding 2000 square metres, or accommodation if the total number of people to be accommodated exceeds 100 or the proposed development results in an increase of greater than 25 percent to the gross floor area of an existing accommodation building.</td>
<td>Secretary to the Department administering the Mineral Resources (Sustainable Development) Act 1990</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>

Clause 3.0 of Schedule 3 to Clause 42.01 (ESO) | An application for development on Coastal Crown Land, as defined under the Coastal Management Act, 1995 | The Secretary administering the Coastal Management Act, 1995 | Determining referral authority |

Schedule 2 to Clause 45.02 (AEO) | An application to use land under the schedule | Airport owner | Determining referral authority |

Clause 3.0 of Schedules 8, 9, 10 & 11 to Clause 43.02 (DDO) | An application for buildings or works specified in the schedules to the DDO’s. This requirement can be set-aside subject to an application satisfying conditions or requirements previously agreed in writing between the responsible authority and the Secretary to the Department of Health and Human Services. | Secretary to the Department of Health and Human Services | Determining referral authority |

Schedule 9 to Clause 42.01 (ESO) | An application for any development. | Department of Environment, Land, Water & Planning | Determining referral authority |

Schedule 8 to Clause 42.01 (ESO) | An application to construct a building, or construct or carry out works, or subdivide land | Environment Protection Authority | Recommending referral authority |

Schedule 2 to Clause 42.01 (ESO) | An application for any development except for an application for a sign, fence, roadworks or unenclosed building or works ancillary to a dwelling. | South Gippsland Water Corporation | Determining referral authority |
NOTICE OF PERMIT APPLICATIONS UNDER STATE STANDARD PROVISIONS

Notice of an application of the kind listed in the table below must be given to the person or body specified as a person or body to be notified.

<table>
<thead>
<tr>
<th>Clause</th>
<th>Kind of application</th>
<th>Person or body to be notified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 45.08-6</td>
<td>An application to use or subdivide land, or to construct a building or construct or carry out works.</td>
<td>The airport lessee company of Melbourne Airport in accordance with the Commonwealth Airports Act 1996</td>
</tr>
</tbody>
</table>
| Clause 52.09-8 | An application to use or subdivide land or construct a building for Accommodation, Education centre or Hospital:  
  - Within an Extractive Industry Interest Area.  
  - On land which is within 500 metres of land on which a work plan has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.  
  An application to construct a building or construct or carry out works on land for which a work plan has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990. These requirements do not apply to an extension to buildings or works. | The Secretary of the Department administering the Mineral Resources (Sustainable Development) Act 1990 |
| Clause 52.21 | An application to construct, use or illuminate a private tennis court under any provision of this scheme. | The owners and occupiers of adjoining and opposite properties |
| Clause 52.27 | An application in association with a bar, hotel or nightclub that is to operate after 1am. | Chief Commissioner of Victoria Police |
| Clause 53.09 | An application to use or develop land to establish a new broiler farm, or to increase the farm capacity of an existing broiler farm, that meets the requirements of a Special Class Broiler Farm or Farm Cluster as specified in the Victorian Code for Broiler Farms 2009. | Environment Protection Authority |
| Clause 67.02 | An application for a permit which, except for the provisions of Clause 67, would be made to the Minister in accordance with Section 96 of the Act. This does not apply to an application for a sign or advertisement, or to remove, destroy or lop native vegetation under Clause 52.17 of this scheme | The owners and occupiers of adjoining land  
The National Trust of Australia (Victoria), if the application relates to land on which there is a building classified by the Trust |
| Clause 67.03 | An application for a permit to remove, destroy or lop native vegetation under Clause 52.17, which, except for the provisions of Clause 67, would be made to the Minister in accordance with Section 96 of the Act. This does not apply if the application is of a kind which must be referred to the Secretary under Section 55 of the Act. | The Secretary to the Department administering the Flora and Fauna Guarantee Act 1988 |
NOTICE OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS

In addition to the notice requirements of Clause 66.05, notice of an application of the kind specified in the schedule to this clause must be given to the person or body specified in the schedule. If a local provision of the scheme specifies a notice requirement and that requirement is not included in the schedule to this clause, it is not a notice requirement under Section 52(1)(c) of the Act.
SCHEDULE TO CLAUSE 66.06 NOTICE OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS

1.0

Notice of permit applications under local provisions

<table>
<thead>
<tr>
<th>Clause</th>
<th>Kind of application</th>
<th>Person or body to be notified</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified.</td>
<td>None specified.</td>
<td>None specified.</td>
</tr>
</tbody>
</table>


APPLICATIONS UNDER SECTION 96 OF THE ACT

This clause applies to an application for a permit which, except for the provisions of this clause, would be made to the Minister in accordance with Section 96 of the Act.
EXEMPTIONS FROM SECTION 96(1) AND 96(2) OF THE ACT

In accordance with Section 6(2)(ka) of the Act, the following classes of use and development are exempted from Section 96(1) and 96(2) of the Act:

**Class 1**

Use of land for -

Car park, camping and caravan park, community facility (including child care centre, maternal and infant welfare centre, neighbourhood house, place of assembly and toilet block), dwelling, stone extraction, hospital, industry, leisure and recreation, office, residential village, retail premises or service station.

**Class 2**

Development of land for -

A Class 1 use, demolition of a building or works, lighting and floodlighting of a recreation facility or building, sign or advertisement or subdivision.

**Class 3**

Any other use or development.
NOTICE REQUIREMENTS

In accordance with Section 52(1)(c) of the Act, notice must be given to:

- The owners and occupiers of adjoining land.
- The National Trust of Australia (Victoria), if the application relates to land on which there is a building classified by the Trust.

This does not apply to an application:

- For a sign or advertisement.
- To remove, destroy or lop native vegetation under Clause 52.17 of this scheme.
- If a permit is only required under any of the following overlays:
  - Salinity Management Overlay
  - Floodway Overlay
  - Land Subject to Inundation Overlay
  - Special Building Overlay
  - Bushfire Management Overlay
NOTICE REQUIREMENTS - NATIVE VEGETATION

In accordance with Section 52(1)(c) of the Act, notice of an application to remove, destroy or lop native vegetation under Clause 52.17 of this scheme must be given to the Secretary to the Department administering the *Flora and Fauna Guarantee Act 1988*.

This does not apply if the application is of a kind which must be referred to the Secretary under Section 55 of the Act.
NOTICE EXEMPTION

In accordance with Section 52(4) of the Act, an application for a sign or advertisement on land managed, occupied or owned by the responsible authority is exempt from the notice requirement of Clause 52(1)(a) of the Act.
OPERATIONAL PROVISIONS

This section sets out provisions about the operation, administration and enforcement of this planning scheme, the meaning of terms used in this planning scheme, and other matters.
OPERATION OF THE MUNICIPAL PLANNING STRATEGY

Municipal Planning Strategy

The Municipal Planning Strategy at Clause 02 sets out the vision for the future development of the municipality and sets the strategic directions about how the municipality is expected to change through the implementation of planning policy and the planning scheme.

A planning authority must take into account the Municipal Planning Strategy when it prepares an amendment to this planning scheme.

A responsible authority must take into account and give effect to the Municipal Planning Strategy when it makes a decision under this planning scheme.

Relationship to the Municipal Strategic Statement

For the purposes of section 12A(3) of the Act, the Municipal Strategic Statement is:

- A Municipal Strategic Statement at Clause 21.
- Where Clause 21 is not included in this scheme:
  - The Municipal Planning Strategy at Clause 02.
  - Local provisions in the Planning Policy Framework at Clauses 10 to 19.
  - A schedule to Clause 74.01.

Transitional

If this planning scheme includes a Municipal Strategic Statement at Clause 21, the provisions of Clauses 23.01 and 23.02 apply.
OPERATION OF THE PLANNING POLICY FRAMEWORK

Purpose of the Planning Policy Framework

The Planning Policy Framework provides a context for spatial planning and decision making by planning and responsible authorities. The Planning Policy Framework is dynamic and will be built upon as planning policy is developed and refined, and changed as the needs of the community change.

The Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in section 4 of the Act) are fostered through appropriate land use and development planning policies and practices that integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

Operation

The Planning Policy Framework sets out the planning policies that form part of this planning scheme. It comprises Clauses 10 to 19.

A planning policy applies to all land subject to this planning scheme unless the policy specifies otherwise.

A planning policy provides guidance for decision making and can help the community to understand how the responsible authority will consider a proposal.

The consistent application of planning policy over time should achieve a desired outcome.

A planning authority must take into account the Planning Policy Framework when it prepares an amendment to this planning scheme.

A responsible authority must take into account and give effect to the Planning Policy Framework when it makes a decision under this planning scheme. This does not apply to policy guidelines and policy documents.

Policy guidelines

A planning policy may include policy guidelines. Policy guidelines indicate how objectives can be met and how strategies can be implemented.

A responsible authority must take a relevant policy guideline into account when it makes a decision under this planning scheme, but is not required give effect to it. If the responsible authority is satisfied that an alternative approach meets the objective, the alternative may be considered.

Policy documents

A planning policy may include reference to a policy document. A policy document may be an incorporated, background and other document.

A background document listed in the table or the schedule to Clause 72.08 that applies to Clauses 10 to 19 is a policy document for applicable planning policies.

Integrated decision making

Society has various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.

Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.
Planning authorities should identify the potential for regional impacts in their decision making and coordinate strategic planning with their neighbours and other public bodies to achieve sustainable development and effective and efficient use of resources.

**Transitional**

If this planning scheme includes a Municipal Strategic Statement at Clause 21 and local planning policies at Clause 22, the provisions of Clauses 23.01, 23.02 and 23.03 apply. To the extent of any inconsistency, Clauses 23.02 and 23.03 prevail over this clause.
OPERATION OF ZONES

In each zone and schedule to a zone which contains a table of uses, the controls over the use of land are divided into three sections.

Section 1 uses

A use in Section 1 does not require a permit. Any condition opposite the use must be met. If the condition is not met, the use is in Section 2 and requires a permit unless the use is specifically included in Section 3 as a use that does not meet the Section 1 condition.

Section 2 uses

A use in Section 2 requires a permit. Any condition opposite the use must be met. If the condition is not met, the use is prohibited.

Making decisions about Section 2 uses

Because a use is in Section 2 does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the Municipal Planning Strategy, the Planning Policy Framework, the purpose and decision guidelines of the zone and any of the other decision guidelines in Clause 65.

Section 3 uses

A use in Section 3 is prohibited.
OPERATION OF OVERLAYS

If an overlay is shown on the planning scheme map, the provisions of the overlay apply in addition to the provisions of the zone and any other provision of this scheme.

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the Municipal Planning Strategy, the Planning Policy Framework, the purpose and decision guidelines of the overlay and any of the other decision guidelines in Clause 65.
OPERATION OF PARTICULAR PROVISIONS

The requirements of particular provisions apply to the specified categories of use and development and other matters in addition to any provisions which apply due to any other provision of this planning scheme.
OPERATION OF VICSMART APPLICATIONS AND PROCESS

VicSmart applications

Any provision of this planning scheme may specify:

- Classes of application that are VicSmart applications to which Clause 71.06 applies.
- Information requirements for each class of VicSmart application.
- Decision guidelines for each class of VicSmart application.

An application is a VicSmart application if all of the following requirements are met:

- The application is in a class or classes specified in a provision of this planning scheme.
- A permit is required only under the provisions of this planning scheme that are specified as a VicSmart application, and not under any other provision of this planning scheme.
- Nothing authorised by the grant of a permit would result in a breach of a registered restrictive covenant.
- If the application requires referral to a referral authority under Clause 66, the referral requirements in Clause 71.06-2 are met.

VicSmart process

Despite any other provision of this planning scheme:

- A VicSmart application is exempt from the requirements of the Act and planning scheme specified in this clause.
- The responsible authority must assess a VicSmart application in accordance with the requirements of this clause.

If there is any inconsistency between the requirements of this clause and another provision of this planning scheme, this clause prevails.

Referral requirements

If an application requires referral to a referral authority under Clause 66:

- The application must have been considered by the referral authority within the past 3 months of the application being made to the responsible authority.
- The referral authority must have stated in writing that it does not object to the granting of the permit for the proposal.

Information requirements

A VicSmart application must be accompanied by the information requirements specified for the relevant class of application. The information requirements of the relevant zone, overlay or particular provision, other than those specified for VicSmart applications, do not apply unless the information requirements for the relevant class of application specify otherwise.

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

Exemption from notice and review

A VicSmart application is exempt from:

- The notice requirements of section 52(1)(a), (b), (c) and (d) of the Act.
- The decision requirements of section 64(1), (2) and (3) of the Act.
- The review rights of section 82(1) of the Act.
Matters to be considered

In deciding a VicSmart application, the responsible authority:

- Must only consider the decision guidelines specified for the relevant class of application.
- Is exempt from considering the following matters:
  - The requirements of section 60(1)(b), (c), (e) and (f) and (1A) (b) to (h) and (j) of the Act.
  - The Municipal Planning Strategy and Planning Policy Framework unless the decision guidelines for the relevant class of application specify otherwise.
  - The decision guidelines of the relevant zone, overlay or particular provision, other than those specified for VicSmart applications, unless the decision guidelines for the relevant class of application specify otherwise.
  - The decision guidelines in Clause 65.
- In deciding an application for review in relation to a VicSmart application, the Tribunal is exempt from the matters specified in section 84B(2)(b) to (g) and (i) to (ja) of the Act.

Decision guidelines

Before deciding a VicSmart application, the responsible authority must consider the decision guidelines specified for the relevant class of application unless in the opinion of the responsible authority a decision guideline is not relevant to the evaluation of the application.
ADMINISTRATION AND ENFORCEMENT OF THIS PLANNING SCHEME
RESponsible Authority for This Planning Scheme

The responsible authority for the administration and enforcement of this planning scheme or a provision of this planning scheme is specified in this clause and the schedule to this clause.

The person nominated under section 198(1)(a) of the Act or the responsible authority under section 198(1)(b) of the Act, to whom a person may apply for a planning certificate, is specified in the schedule to this clause.

Minister is responsible authority

The Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority, in relation to the use and development of land for a:

- Wind energy facility
- Minor utility installation used to transmit or distribute electricity generated by a Wind energy facility
- Utility installation used to transmit or distribute electricity generated by a Wind energy facility with the exception of the following:
  - in relation to permits for the use and development of land for a Wind energy facility issued prior to 2 April 2015 under Division 1 of Part 4 of the Act, the Council is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and for matters required by the permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority
  - in relation to permits for the use and development of land for a Wind energy facility issued prior to 2 April 2015 under Division 6 of Part 4 of the Act, the Council is the responsible authority for matters required by the permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority, subject to the operation of section 97H of the Act.
SCHEDULE TO CLAUSE 72.01 RESPONSIBLE AUTHORITY FOR THIS PLANNING SCHEME

1.0

Responsible authority for administering and enforcing this planning scheme:

The South Gippsland Shire Council is the responsible authority for administering and enforcing the planning scheme, except for matters specified in Clause 72.01-1 and matters listed in this schedule.

2.0

Responsible authority for administering and enforcing a provision of this planning scheme:

None specified.

3.0

Person or responsible authority for issuing planning certificates:

The Minister for Planning.

4.0

Responsible authority for VicSmart applications:

The Chief Executive Officer of South Gippsland Shire Council is the responsible authority for considering and determining VicSmart applications to which Clause 71.06 applies, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.
WHAT AREA IS COVERED BY THIS PLANNING SCHEME?

This planning scheme applies to the municipal district or other area specified in the schedule to this clause.
SCHEDULE TO CLAUSE 72.02 WHAT AREA IS COVERED BY THIS PLANNING SCHEME?

1.0

Area covered by this planning scheme:

The Municipal District of South Gippsland Shire Council.
WHAT DOES THIS PLANNING SCHEME CONSIST OF?

This planning scheme consists of this document, any maps specified in the schedule to this clause, and any document incorporated in the scheme in accordance with the Act. A document is not incorporated in this scheme by reason only that it is referred to in the scheme.

This document consists of State standard provisions and local provisions. Local provisions are:

- If included in this planning scheme:
  - Clause 02 (Municipal Planning Strategy).
  - Clause 21 (Municipal Strategic Statement).
  - Clause 22 (Local Planning Policies).

- All clauses in the Planning Policy Framework that include the letter ‘L’ in the clause number.

- All schedules to zones, overlays, particular provisions, general provisions and operational provisions.

All other provisions are State standard provisions.

Maps specified in the schedule to this clause show how land is zoned and whether land is affected by an overlay. This information is indicated by a letter and/or number code that is explained on each map.

Note: A clause numbered ‘11.01-1L’ would be an example of a local provision in the Planning Policy Framework. ‘C1Z’ is an example of a code on a map that may be specified in the schedule to this clause. It stands for ‘Commercial 1 Zone’.
SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?

Maps comprising part of this planning scheme:

1. 1ESO5, 1ESO9, 1DPO, 1HO, 1LSIO, 1BMO, 1RXO
2. 2ESO9, 2HO, 2DDO, 2DPO, 2RXO, 2BMO
3. 3ESO5, 3ESO9, 3HO, 3LSIO, 3EAO, 3RXO, 3BMO
4. 4ESO5, 4ESO9, 4HO, 4LSIO, 4BMO
5. 5ESO5, 5ESO9, 5HO
6. 6ESO2, 6ESO5, 6ESO9, 6HO, 6LSIO, 6BMO
7. 7EMO, 7ESO1, 7ESO2, 7ESO5, 7ESO9, 7LSIO, 7HO, 7BMO, 7PAO
8. 8ESO1, 8ESO2, 8ESO4, 8ESO5, 8BMO
9. 9EMO, 9ESO1, 9ESO2, 9ESO4, 9ESO5, 9HO, 9DDO, 9DPO, 9BMO, 9PAO, 9EAO
10. 10DPO, 10ESO2, 10ESO4, 10ESO5, 10ESO9, 10LSIO, 10BMO, 10PAO, 10RXO
11. 11ESO5, 11ESO9, 11HO, 11RXO
12. 12ESO5, 12ESO9, 12HO, 12LSIO, 12BMO
13. 13AEO, 13ESO2, 13ESO5, 13ESO9, 13HO, 13LSIO, 13BMO, 13PAO, 13RXO
14. 14ESO2, 14ESO5, 14ESO8, 14ESO9, 14HO, 14DDO, 14DPO, 14PAO, 14RXO, 14BMO
15. 15ESO2, 15ESO5, 15ESO9, 15HO
16. 16DDO, 16DPO, 16EAO, 16ESO2, 16ESO4, 16ESO5, 16HO, 16LSIO, 16PAO, 16PO
17. 17ESO2, 17ESO5, 17LSIO, 17PAO, 17BMO
18. 18EMO, 18ESO1, 18ESO2, 18ESO4, 18ESO5, 18HO, 18LSIO, 18BMO, 18PAO
19. 19ESO2, 19ESO5,
20. 20ESO2, 20ESO5, 20HO, 20LSIO, 20PAO, 20BMO
21. 21ESO1, 21ESO2, 21ESO5, 21HO, 21LSIO, 21BMO
22. 22DDO, 22ESO3, 22ESO7, 22LSIO, 22SLO, 22BMO
23. 23DDO, 23ESO2, 23ESO3, 23ESO5, 23ESO7, 23LSIO, 23SLO, 23BMO
24. 24DDO, 24ESO3, 24ESO7, 24LSIO, 24RO, 24SLO, 24BMO
26. 26ESO1, 26ESO2, 26ESO5, 26ESO5, 26HO, 26LSIO, 26PAO, 26SLO, 26BMO
27. 27ESO5, 27HO, 27LSIO
28. 28DDO, 28EMO, 28ESO1, 28ESO2, 28ESO3, 28ESO4, 28ESO5, 28HO, 28LSIO, 28PAO, 28SLO, 28BMO
29. 29DDO, 29ESO3, 29ESO4, 29ESO5, 29HO, 29PAO, 29RXO, 29SLO, 29BMO
30. 30ESO3, 30ESO4, 30ESO5, 30HO, 30LSIO, 30PAO, 30SLO
31. 31ESO1, 31ESO2, 31ESO3, 31ESO4, 31ESO5, 31HO, 31LSIO, 31RXO, 31SLO, 31BMO
32. 32ESO5, 32HO, 32SLO, 32BMO
33. 33ESO3, 33HO, 33LSIO, 33SLO, 33BMO
34. 34ESO3, 34ESO5, 34SLO, 34BMO
- 35, 35ESO3, 35ESO4, 35ESO5, 35HO, 35LSIO, 35SLO, 35BMO
- 36, 36ESO3, 36ESO5, 36SLO, 36BMO
- 37, 37DDO, 37DPO, 37ESO1, 37ESO3, 37ESO5, 37ESO7, 37LSIO, 37SLO, 37BMO
- 38, 38DDO, 38ESO3, 38ESO5, 38ESO7, 38LSIO, 38SLO, 38BMO
- 39, 39ESO3, 39HO, 39LSIO, 39SLO, 39BMO
72.04

DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME

The documents listed in the table and the schedule to this clause are incorporated documents under section 6(2)(j) of the Planning and Environment Act 1987.

An incorporated document forms part of this planning scheme.

If a document is not listed in the table or the schedule, it is not an incorporated document.

A document is not incorporated in this planning scheme by reason only that it is referred to in the scheme.

Note: Clause 72.08 contains a list of background documents relevant to this planning scheme. A background document does not form part of the planning scheme.

Table to Clause 72.04

<table>
<thead>
<tr>
<th>Name of document</th>
<th>Introduced by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>A ‘Good Neighbour’ Code of Practice for a Circus or Carnival, October 1997</td>
<td>V3</td>
</tr>
<tr>
<td>A Code of Practice for Telecommunications Facilities in Victoria, July 2004</td>
<td>VC26</td>
</tr>
<tr>
<td>Apiary Code of Practice, May 2011</td>
<td>VC81</td>
</tr>
<tr>
<td>Australian Standard AS2890.2-2002 Parking facilities: Off-street commercial vehicle facilities, Standards Australia 2002</td>
<td>VC77</td>
</tr>
<tr>
<td>Australian/New Zealand Standard AS/NZS1158.3.1:1999, Road lighting, Part 3.1: Pedestrian Area (Category P) lighting – Performance and installation design requirements. Standards Australia/Standards New Zealand 1999</td>
<td>VC12</td>
</tr>
<tr>
<td>Building in bushfire-prone areas - CSIRO &amp; Standards Australia (SAA HB36-1993), May 1993</td>
<td>NPS1</td>
</tr>
<tr>
<td>Code of Practice for Bushfire Management on Public Land, 2012</td>
<td>VC101</td>
</tr>
<tr>
<td>Code of Practice for Timber Production 2014</td>
<td>VC101</td>
</tr>
<tr>
<td>Construction Techniques for Sediment Pollution Control, Environment Protection Authority May 1991</td>
<td>NPS1</td>
</tr>
<tr>
<td>Design Vehicles and Turning Path Templates, Austroads, 1995 (AP-34/95)</td>
<td>VC12</td>
</tr>
<tr>
<td>Growth Area Framework Plans, Department of Sustainability and Environment, September 2006</td>
<td>VC41</td>
</tr>
<tr>
<td>Guide to Road Design, Part 6A: Pedestrian and Cycle Paths, Austroads</td>
<td>VC77</td>
</tr>
<tr>
<td>Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management (Publication 891.4, Environment Protection Authority, 2016)</td>
<td>VC132</td>
</tr>
<tr>
<td>Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning 2017)</td>
<td>VC138</td>
</tr>
<tr>
<td>Local Government Planning Guide for Dry Land Salinity - Department Conservation and Natural Resources, 1995</td>
<td>NPS1</td>
</tr>
<tr>
<td>Name of document</td>
<td>Introduced by:</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Pavement Design - A Guide to the Structural Design of Road Pavements, Austroads, (AP-17/92)</td>
<td>VC12</td>
</tr>
<tr>
<td>Planning requirements for racing dog keeping and training (Department of Environment, Land, Water and Planning, August 2017)</td>
<td>VC139</td>
</tr>
<tr>
<td>Principal Public Transport Network 2017 (State Government of Victoria, 2017)</td>
<td>VC132</td>
</tr>
<tr>
<td>Principal Public Transport Network Area Maps (State Government of Victoria, August 2018)</td>
<td>VC151</td>
</tr>
<tr>
<td>Private Tennis Court Development Code of Practice – Revision 1, March 1999</td>
<td>VC5</td>
</tr>
<tr>
<td>Victorian Code for Broiler Farms 2009 (plus 2018 amendments)</td>
<td>VC60</td>
</tr>
<tr>
<td>Victorian Code for Cattle Feedlots, August 1995</td>
<td>NPS1</td>
</tr>
<tr>
<td>Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines (Department of Economic Development, Jobs, Transport and Resources, June 2018)</td>
<td>VC150</td>
</tr>
<tr>
<td>Victorian Low Density Mobile Outdoor Pig Farm Planning Permit Guidelines (Department of Economic Development, Jobs, Transport and Resources, June 2018)</td>
<td>VC150</td>
</tr>
</tbody>
</table>
SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME

Incorporated documents

<table>
<thead>
<tr>
<th>Name of document</th>
<th>Introduced by</th>
</tr>
</thead>
<tbody>
<tr>
<td>176 Simons Lane, Leongatha (November 2013)</td>
<td>C82</td>
</tr>
<tr>
<td>SPI Electricity Pty Ltd Leongatha Depot 2013 (July 2013)</td>
<td>C84</td>
</tr>
<tr>
<td>Wilsons Promontory Cruises Facility (April 2017)</td>
<td>C113</td>
</tr>
</tbody>
</table>
WHEN DID THIS PLANNING SCHEME BEGIN?

This planning scheme began on the date specified in the schedule to this clause.
SCHEDULE TO CLAUSE 72.05 WHEN DID THIS PLANNING SCHEME BEGIN?

1.0

Date this planning scheme began:

16 December 1999
EFFECT OF THIS PLANNING SCHEME

Land may be used or developed only in accordance with this planning scheme.

Land must not be developed unless the land as developed can be used in accordance with this planning scheme.

If this planning scheme allows a particular use of land, it may be developed for that use provided all requirements of the scheme are met.
DETERMINATION OF BOUNDARIES

If a boundary in this planning scheme is not precisely shown on a planning scheme map or is not otherwise defined, the certificate issuing authority must determine the boundary if asked to do so and must notify the applicant within 60 days.
BACKGROUND DOCUMENTS

The documents listed in the table and the schedule to this clause are background documents. The table and the schedule to this clause must specify the amendment that listed the background document and may specify the clause of this planning scheme that the background document relates to.

A background document may:

- Have informed the preparation of, or an amendment to, this planning scheme.
- Provide information to explain the context within which a provision has been framed.
- Assist the understanding of this planning scheme.

A background document does not form part of this planning scheme.

A background document may be referenced elsewhere in this planning scheme without being listed in the table or schedule to this clause.

Table to Clause 72.08

<table>
<thead>
<tr>
<th>Name of background document</th>
<th>Amendment number - clause reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Highlands Regional Growth Plan (Victorian Government, 2014).</td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td>G21 Regional Growth Plan (Geelong Region Alliance, 2013).</td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td>Gippsland Regional Growth Plan (Victorian Government, 2014).</td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td>Great South Coast Regional Growth Plan (Victorian Government, 2014).</td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td>Hume Regional Growth Plan (Victorian Government, 2014).</td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td>Loddon Mallee North Regional Growth Plan (Victorian Government, 2014).</td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td>Loddon Mallee South Regional Growth Plan (Victorian Government, 2014).</td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td>Wimmera Southern Mallee Regional Growth Plan (Victorian Government, 2014).</td>
<td>VC106 Clauses 10 to 19</td>
</tr>
</tbody>
</table>
## SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS

### Background documents

<table>
<thead>
<tr>
<th>Name of background document</th>
<th>Amendment number - clause reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Control of Erosion on Construction Sites (Soil Conservation Authority)</td>
<td>Clause 42.01s5</td>
</tr>
<tr>
<td></td>
<td>Clause 44.01s</td>
</tr>
<tr>
<td>Corner Inlet Dynamic Storm Tide Modelling Assessment – Water Technology June 2014</td>
<td>Clause 44.04</td>
</tr>
<tr>
<td>Domestic Wastewater Management Plan (DWMP) 2016-2020</td>
<td>Clause 42.01s2</td>
</tr>
<tr>
<td>EPA Code of Practice - Onsite Wastewater Management (Publication 891.3)</td>
<td>Clause 42.01s2</td>
</tr>
<tr>
<td>EPA Publication 746.1 Land Capability Assessment for Onsite Domestic Wastewater Management</td>
<td>Clause 42.01s2</td>
</tr>
<tr>
<td>Environment Guidelines for Major Construction Sites (Environment Protection Authority, February 1996)</td>
<td>Clause 42.01s5</td>
</tr>
<tr>
<td>GHD Burra Foods Pty Ltd Buffer Assessment November 2014</td>
<td>Clause 42.01s8</td>
</tr>
<tr>
<td>Giant Gippsland Earthworm Environmental Significance Overlay Reference Document (September 2015)</td>
<td>Clause 42.01s9</td>
</tr>
<tr>
<td>Healthy by Design: a planners’ guide to environments for active living® (National Heart Foundation of Australia - Victorian Division, 2012)</td>
<td>Clause 43.04s6</td>
</tr>
<tr>
<td></td>
<td>Clause 43.04s7</td>
</tr>
<tr>
<td>International Civil Aviation Organisation ‘Standards and Recommended Practices’ Annex 14 Volume II Helicopters</td>
<td>Clause 43.02s8</td>
</tr>
<tr>
<td></td>
<td>Clause 43.02s11</td>
</tr>
<tr>
<td>Korumburra Structure Plan 2010</td>
<td>Clause 43.04s6</td>
</tr>
<tr>
<td></td>
<td>Clause 43.04s7</td>
</tr>
<tr>
<td>Leongatha CBD Parking Strategy, 2013</td>
<td>Clause 45.09s1</td>
</tr>
<tr>
<td>Path and Trails Strategy 2010</td>
<td>Clause 43.04s6</td>
</tr>
<tr>
<td>Permitted clearing of native vegetation – Biodiversity assessment guidelines (DEPI, 2013)</td>
<td>Clause 43.04s11</td>
</tr>
<tr>
<td>Siting and Design Guidelines for Structures on the Victorian Coast (Victorian Coastal Council, 1998)</td>
<td>Clause 42.03s1</td>
</tr>
<tr>
<td></td>
<td>Clause 42.03s2</td>
</tr>
<tr>
<td></td>
<td>Clause 42.03s3</td>
</tr>
<tr>
<td></td>
<td>Clause 43.02s3</td>
</tr>
<tr>
<td></td>
<td>Clause 43.02s4</td>
</tr>
<tr>
<td></td>
<td>Clause 43.02s5</td>
</tr>
<tr>
<td></td>
<td>Clause 43.02s6</td>
</tr>
<tr>
<td>Name of background document</td>
<td>Amendment number - clause reference</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------------------</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td>South Gippsland Open Space Strategy 2007</td>
<td>Clause 43.04s6</td>
</tr>
<tr>
<td></td>
<td>Clause 43.04s7</td>
</tr>
<tr>
<td>South Gippsland Paths and Trails Strategy 2010</td>
<td>Clause 43.04s6</td>
</tr>
<tr>
<td></td>
<td>Clause 43.04s7</td>
</tr>
<tr>
<td>South Gippsland Shire Council’s Infrastructure Design Manual</td>
<td>Clause 43.04s11</td>
</tr>
<tr>
<td>South Gippsland Shire Municipal Reference Document, Coastal Spaces Landscape Assessment Study (Planisphere, 2006)</td>
<td>Clause 42.03s1</td>
</tr>
<tr>
<td></td>
<td>Clause 42.03s2</td>
</tr>
<tr>
<td></td>
<td>Clause 42.03s3</td>
</tr>
<tr>
<td>State Overview Report, Coastal Spaces Landscape Assessment Study (Planisphere, 2006)</td>
<td>Clause 42.03s1</td>
</tr>
<tr>
<td></td>
<td>Clause 42.03s2</td>
</tr>
<tr>
<td></td>
<td>Clause 42.03s3</td>
</tr>
<tr>
<td>Urban Design Framework: Settlement Background Paper, Sandy Point (Connell Wagner, 2006)</td>
<td>Clause 43.02s3</td>
</tr>
<tr>
<td>Urban Design Framework: Settlement Background Paper, Tarwin Lower (Connell Wagner, 2006)</td>
<td>Clause 43.02s6</td>
</tr>
<tr>
<td>Urban Design Framework: Settlement Background Paper, Waratah Bay (Connell Wagner, 2006)</td>
<td>Clause 43.02s4</td>
</tr>
<tr>
<td>Urban Design Framework: Settlement Background Paper, Venus Bay (Connell Wagner, 2006)</td>
<td>Clause 43.02s5</td>
</tr>
<tr>
<td>Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO, 1999)</td>
<td>Clause 43.04s5</td>
</tr>
<tr>
<td>Victorian Coastal Hazard Guide</td>
<td>Clause 44.04</td>
</tr>
<tr>
<td>Victoria’s Native Vegetation Management: A Framework for Action 2002</td>
<td>Clause 43.04s6</td>
</tr>
<tr>
<td>West Gippsland Native Vegetation Plan 2003</td>
<td>Clause 43.04s6</td>
</tr>
<tr>
<td></td>
<td>Clause 43.04s7</td>
</tr>
<tr>
<td>Your Dam, an Asset or a Liability (Department of Conservation and Natural Resources)</td>
<td>Clause 42.01s5</td>
</tr>
</tbody>
</table>
MEANING OF TERMS

A term used in this planning scheme has its ordinary meaning unless that term is defined:

- In this planning scheme; or

- In the Planning and Environment Act 1987 or the Interpretation of Legislation Act 1984, in which case the term has the meaning given to it in those Acts unless it is defined differently in this scheme.
### GENERAL TERMS

The following table lists general terms which may be used in this planning scheme. A term listed in the first column, under the heading "General term", has the meaning set out beside that term in the second column, under the heading "Definition".

<table>
<thead>
<tr>
<th>General term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural production</td>
<td>Any form of primary production of renewable commodities. It does not include Stone extraction, Mineral extraction, or timber production from native forest.</td>
</tr>
<tr>
<td>Anemometer</td>
<td>A wind measuring device.</td>
</tr>
<tr>
<td>Apartment</td>
<td>A dwelling located above the ceiling level or below the floor level of another dwelling and is part of a building containing two or more dwellings.</td>
</tr>
<tr>
<td>Approval date</td>
<td>The date this scheme began, or the date of notice in the Victoria Government Gazette of approval of an amendment to this scheme.</td>
</tr>
<tr>
<td>Basement</td>
<td>A storey below ground level, or that projects no more than 1.2 metres above ground level.</td>
</tr>
<tr>
<td>Building height</td>
<td>The vertical distance from natural ground level to the roof or parapet at any point.</td>
</tr>
<tr>
<td>Carriageway</td>
<td>The area of a street reserve which is provided for the movement or parking of vehicles. It is determined by the invert of a kerb and channel and the point adjacent to the pavement edge for kerb (only) and edge strips.</td>
</tr>
<tr>
<td>Central Highlands region</td>
<td>The area covered by the Ararat, Ballarat, Golden Plains, Hepburn, Moorabool and Pyrenees planning schemes.</td>
</tr>
<tr>
<td>Clear to the sky</td>
<td>An unroofed area or area roofed with material that transmits 90 per cent of light.</td>
</tr>
<tr>
<td>Defendable space</td>
<td>An area of land around a building where vegetation is modified and managed to reduce the effects of flame contact and radiant heat associated with bushfire.</td>
</tr>
<tr>
<td>Deflection angle</td>
<td>The angle between two tangent sections of a carriageway.</td>
</tr>
<tr>
<td>Design speed</td>
<td>The speed fixed for the design and correlation of the geometric features of a carriageway that influence vehicle operation. It is the speed which is not exceeded by 85 per cent of vehicles.</td>
</tr>
<tr>
<td>Domestic services normal to a dwelling</td>
<td>A domestic appliance or apparatus that is normal to and services a dwelling. It includes disabled access ramps and handrails, an air conditioner, cooling or heating system, a hot water service, security systems and cameras, shade sails, a barbecue, downpipes and flues, a skylight, security screens, and the like.</td>
</tr>
<tr>
<td>Earthworks</td>
<td>Land forming, laser grading, levee banks, raised access roads and tracks, building pads, storage embankments, channel banks and drain banks and associated structures.</td>
</tr>
<tr>
<td>Frontage</td>
<td>The road alignment at the front of a lot. If a lot abuts two or more roads, the one to which the building, or proposed building, faces.</td>
</tr>
<tr>
<td>Gaming</td>
<td>The playing of a gaming machine.</td>
</tr>
<tr>
<td>General term</td>
<td>Definition</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Gaming machine</td>
<td>Has the same meaning as it has in the Gambling Regulation Act 2003.</td>
</tr>
</tbody>
</table>
| Garden area                          | Any area on a lot with a minimum dimension of 1 metre that does not include:  
  a) a dwelling or residential building, except for:  
  - an eave, fascia or gutter that does not exceed a total width of 600mm;  
  - a pergola;  
  - unroofed terraces, patios, decks, steps or landings less than 800mm in height;  
  - a basement that does not project above ground level;  
  - any outbuilding that does not exceed a gross floor area of 10 square metres; and  
  - domestic services normal to a dwelling or residential building;  
  b) a driveway; or  
  c) an area set aside for car parking. |
| Geelong G21 region                    | The area covered by the Colac Otway, Golden Plains, Greater Geelong, Queenscliffe and Surf Coast planning schemes.                                                                                       |
| Gippsland region                     | The area covered by the Bass Coast, Baw Baw, East Gippsland, Latrobe, South Gippsland and Wellington planning schemes.                                                                                   |
| Great South Coast region             | The area covered by the Corangamite, Glenelg, Moyne, Southern Grampians and Warrnambool planning schemes.                                                                                                 |
| Gross floor area                     | The total floor area of a building, measured from the outside of external walls or the centre of party walls, and includes all roofed areas.                                                               |
| Ground level                         | The natural level of a site at any point.                                                                                                                                                                  |
| Habitable room                       | Any room of a dwelling or residential building other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, lobby, photographic darkroom, clothes drying room and other space of a specialised nature occupied neither frequently nor for extended periods. |
| High quality productive agricultural land | Land which is used for animal husbandry or crop raising, and is capable of continuing to sustain agricultural production, and:  
  a) is of prime, or very good, agricultural quality, having regard to soil type, growing season, and availability of infrastructure, and is of sufficient extent to support agricultural activities on an economically viable scale; or  
  b) has been identified through a regional, sub-regional, or local study as being of particularly good quality and strategic significance for agriculture in the regional or local context. |
<p>| Hume region                          | The area covered by the Alpine, Benalla, Greater Shepparton, Indigo, Mansfield, Mitchell, Moira, Murrindindi, Strathbogie, Towong, Wangaratta and Wodonga planning schemes.                                         |
| Land capability assessment           | The assessment of the physical ability of the land to sustain specific uses having regard to its management, and without long term on-site detriment to the environment.                                      |</p>
<table>
<thead>
<tr>
<th>General term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leasable floor area</td>
<td>That part of the net floor area able to be leased. It does not include public or common tenancy areas, such as malls, verandahs, or public conveniences.</td>
</tr>
<tr>
<td>Loddon Mallee North region</td>
<td>The area covered by the Buloke, Campaspe, Gannawarra, Mildura and Swan Hill planning schemes.</td>
</tr>
<tr>
<td>Loddon Mallee South region</td>
<td>The area covered by the Central Goldfields, Greater Bendigo, Loddon, Macedon Ranges and Mount Alexander planning schemes.</td>
</tr>
<tr>
<td>Lot</td>
<td>A part (consisting of one or more pieces) of any land (except a road, a reserve, or common property) shown on a plan, which can be disposed of separately and includes a unit or accessory unit on a registered plan of strata subdivision and a lot or accessory lot on a registered cluster plan.</td>
</tr>
<tr>
<td>Mean building height</td>
<td>The vertical distance between the mean ground level and the finished roof height at its highest point.</td>
</tr>
<tr>
<td>Mean ground level</td>
<td>One half the sum of the highest and lowest levels along ground level of the outer surface of all external building walls.</td>
</tr>
<tr>
<td>Metropolitan Melbourne</td>
<td>The area covered by the Banyule, Bayside, Boroondara, Brimbank, Cardinia, Casey, Darebin, Frankston, Glen Eira, Greater Dandenong, Hobsons Bay, Hume, Kingston, Knox, Manningham, Maribyrnong, Maroondah, Melbourne, Melton, Monash, Moonee Valley, Moreland, Mornington Peninsula, Nillumbik, Port of Melbourne, Port Phillip, Stonnington, Whitehorse, Whittlesea, Wyndham, Yarra and Yarra Ranges Planning Schemes and the area within the urban growth boundary in the Mitchell Planning Scheme.</td>
</tr>
<tr>
<td>Mineral</td>
<td>Any substance which occurs naturally as part of the earth's crust, including: a) oil shale and coal; and b) hydrocarbons and mineral oils contained in oil shale or coal, or extracted from oil shale or coal by chemical or industrial processes. It does not include water, stone, or petroleum.</td>
</tr>
<tr>
<td>Movable building</td>
<td>A structure, other than a tent, caravan, or vehicle, which is designed to be moved from place to place on more than one occasion.</td>
</tr>
<tr>
<td>Native vegetation</td>
<td>Plants that are indigenous to Victoria, including trees, shrubs, herbs, and grasses.</td>
</tr>
<tr>
<td>Net floor area</td>
<td>The total floor area of all floors of all buildings on a site. It includes half the width of any party wall and the full width of all other walls. It does not include the area of stairs, loading bays, accessways, or car parking areas, or any area occupied by machinery required for air conditioning, heating, power supply, or lifts.</td>
</tr>
<tr>
<td>Plot ratio</td>
<td>The gross floor area of all buildings on a site, divided by the area of the site.</td>
</tr>
<tr>
<td>Private open space</td>
<td>An outdoor area of a dwelling or residential building or land for the exclusive use of the occupants.</td>
</tr>
<tr>
<td>Property vegetation plan</td>
<td>A plan which relates to the management of native vegetation within a property, and which is contained within an agreement made pursuant to section 69 of the Conservation, Forests and Lands Act 1987.</td>
</tr>
<tr>
<td>General term</td>
<td>Definition</td>
</tr>
<tr>
<td>---------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Prostitution</td>
<td>The provision by one person to or for another person (whether or not of a different sex) of sexual services in return for payment or reward.</td>
</tr>
<tr>
<td>Public land manager</td>
<td>The Minister, government department, public authority or municipal council having responsibility for the care or management of public land. In relation to Crown land reserved under an Act and managed or controlled by a committee of management, other than Parks Victoria or a municipal council, it means the Minister administering that Act and does not include the committee of management.</td>
</tr>
</tbody>
</table>
| Radio mast                | A mast, for radio transmission or reception in a dwelling, that is:  
a) with antenna, more than 14 metres above the ground;  
b) if attached to a building, with antenna, more than 5 metres above the roof line;  
c) including antenna, wider than 6 metres; or  
d) excluding antenna, wider than 50 centimetres at any point exceeding 3 metres above the ground. |
| Retail                    | The sale of goods or materials, in any quantity or manner, other than by wholesale.                                                                                                                        |
| Secluded private open space| That part of private open space primarily intended for outdoor living activities which enjoys a reasonable amount of privacy.                                                                                  |
| Setback                   | The minimum distance from any allotment boundary to a building.                                                                                                                                              |
| Sexual services           | Has the same meaning as it has in the **Sex Work Act 1994**.                                                                                                                                               |
| Site coverage             | The proportion of a site covered by buildings.                                                                                                                                                              |
| Stone                     | Basalt, freestone, granite, limestone, sandstone, or other building stone, or rock, ordinarily used for building, manufacturing, road making, or construction; or clay (not fine clay, bentonite, or kaolin), earth, gravel, quartz (not quartz crystals), sand, soil, slate, or other similar material. |
| Storey                    | That part of a building between floor levels. If there is no floor above, it is the part between the floor level and ceiling. It may include an attic, basement, built over car parking area, and mezzanine.                                      |
| Stormwater                | The net increase in run-off from urban development due to water not being able to seep into the ground because of impervious surfaces, such as roofs and roads.                                                    |
| Street leg length         | The distance between street intersections or junctions, or points and locations where vehicles must slow down, usually to a maximum speed of 20 kilometres per hour.                                           |
| Street reserve            | Land set aside for a street pavement and verge.                                                                                                                                                           |
| Sustainable agriculture   | The use of farming practices and systems which maintain or enhance:  
a) the economic viability of agricultural production;  
b) the natural resource base; and  
c) other ecosystems which are influenced by agricultural activities.                                                                                     |
<table>
<thead>
<tr>
<th>General term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Telecommunications line</strong></td>
<td>A wire, cable, optic fibre, tube, conduit, waveguide or other physical medium used, or to be used, as a continuous artificial guide for or in connection with carrying communications by means of guided electromagnetic energy.</td>
</tr>
<tr>
<td><strong>Telecommunications network</strong></td>
<td>A system or series of systems that carries, or is capable of carrying, communications by means of guided and unguided electromagnetic energy.</td>
</tr>
<tr>
<td><strong>Telecommunications tower</strong></td>
<td>A tower, pole or mast used as part of a Telecommunications network.</td>
</tr>
<tr>
<td><strong>Tenement</strong></td>
<td>Land comprised in:</td>
</tr>
<tr>
<td></td>
<td>a) a lot which does not adjoin another lot in the same ownership; or</td>
</tr>
<tr>
<td></td>
<td>b) lots in the same ownership and which adjoin each other.</td>
</tr>
<tr>
<td></td>
<td>Lots are considered to adjoin each other if they are separated only by a stream, stream reserve, or unmade or unused government road or rail reserve.</td>
</tr>
<tr>
<td><strong>Utility service provider</strong></td>
<td>A person, other than a public authority or municipal council, having responsibility under an Act for the generation, transmission, distribution or supply of electricity, gas, power, telecommunications, water supply, drainage or sewerage services.</td>
</tr>
<tr>
<td><strong>Verge</strong></td>
<td>The part of the street reserve between the carriageway and the boundary of adjacent lots or other limit to the street reserve. It may accommodate public utilities, a footpath, indented parking, stormwater flows, street lighting poles and planting.</td>
</tr>
<tr>
<td><strong>Wall height</strong></td>
<td>The vertical distance between the top of the eaves at the wall line, parapet or flat roof (not including a chimney), whichever is the highest, and the natural ground level.</td>
</tr>
<tr>
<td><strong>Wholesale</strong></td>
<td>The sale of goods or materials, to be sold by others.</td>
</tr>
<tr>
<td><strong>Wimmera Southern Mallee region</strong></td>
<td>The area covered by the Hindmarsh, Horsham, Northern Grampians, West Wimmera and Yarriambiack planning schemes.</td>
</tr>
</tbody>
</table>
SIGN TERMS

The following table lists terms which may be used in this planning scheme in relation to signs. A term listed in the first column, under the heading "Sign term", has the meaning set out beside that term in the second column, under the heading "Definition".

<table>
<thead>
<tr>
<th>Sign term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Above-verandah sign</td>
<td>A sign above a verandah or, if no verandah, that is more than 3.7 metres above pavement level, and which projects more than 0.3 metre outside the site.</td>
</tr>
<tr>
<td>Display area</td>
<td>The area of that part of a sign used to display its content, including borders, surrounds and logo boxes. It does not include safety devices, platforms and lighting structures. If the sign does not move or rotate, the area is one side only.</td>
</tr>
<tr>
<td>Animated sign</td>
<td>A sign that can move, contains moving or scrolling parts, changes its message, flashes, or has a moving or flashing border.</td>
</tr>
<tr>
<td>Bed and breakfast sign</td>
<td>A sign at a dwelling that advertises bed and breakfast accommodation in the dwelling.</td>
</tr>
<tr>
<td>Bunting sign</td>
<td>An advertisement that consists of bunting, streamers, flags, windvanes, or the like.</td>
</tr>
<tr>
<td>Business identification sign</td>
<td>A sign that provides business identification information about a business or industry on the land where it is displayed. The information may include the name of the business or building, the street number of the business premises, the nature of the business, a business logo or other business identification information.</td>
</tr>
<tr>
<td>Direction sign</td>
<td>A sign not exceeding 0.3 square metre that directs vehicles or pedestrians. It does not include a sign that contains commercial information.</td>
</tr>
<tr>
<td>Electronic sign</td>
<td>A sign that can be updated electronically. It includes screens broadcasting still or moving images.</td>
</tr>
<tr>
<td>Floodlit sign</td>
<td>A sign illuminated by external lighting provided for that purpose.</td>
</tr>
<tr>
<td>High-wall sign</td>
<td>A sign on the wall of a building so that part of it is more than 10 metres above the ground.</td>
</tr>
<tr>
<td>Home based business sign</td>
<td>A sign at a dwelling that advertises a home based business carried on in the dwelling, or on the land around the dwelling.</td>
</tr>
<tr>
<td>Internally illuminated sign</td>
<td>A sign illuminated by internal lighting or which contains lights or illuminated tubes arranged as an advertisement.</td>
</tr>
<tr>
<td>Major promotion sign</td>
<td>A sign which is 18 square metres or greater that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited.</td>
</tr>
<tr>
<td>Panel sign</td>
<td>A sign with an advertisement area exceeding 10 square metres.</td>
</tr>
<tr>
<td>Pole sign</td>
<td>A sign:</td>
</tr>
<tr>
<td></td>
<td>a) on a pole or pylon that is not part of a building or another structure;</td>
</tr>
<tr>
<td></td>
<td>b) that is no more than 7 metres above the ground;</td>
</tr>
<tr>
<td>Sign term</td>
<td>Definition</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Promotion sign</td>
<td>A sign of less than 18 square metres that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited.</td>
</tr>
<tr>
<td>Reflective sign</td>
<td>A sign finished with material specifically made to reflect external light.</td>
</tr>
<tr>
<td>Sign</td>
<td>Includes a structure specifically built to support or illuminate a sign.</td>
</tr>
<tr>
<td>Sky sign</td>
<td>A sign:</td>
</tr>
<tr>
<td></td>
<td>a) on or above the roof of a building, but not a verandah;</td>
</tr>
<tr>
<td></td>
<td>b) fixed to the wall of a building and which projects above the wall; or</td>
</tr>
<tr>
<td></td>
<td>c) fixed to a structure (not a building) so that part of it is more than 7 metres above the ground.</td>
</tr>
</tbody>
</table>
LAND USE TERMS

The table to this clause lists terms which may be used in this planning scheme in relation to the use of land. A term describing a use or activity in relation to land which is not listed in the table must not be characterised as a separate use of land if the term is obviously or commonly included within one or more of the terms listed in the table.

Meaning of terms

A term listed in the first column, under the heading "Land use term", has the meaning set out beside that term in the second column, under the heading "Definition".

No definition of listed term indicates ordinary meaning

A term listed in the first column, under the heading "Land use term", which does not have a meaning set out beside that term in the second column, under the heading "Definition", has its ordinary meaning.

Terms which specifically include other listed terms

A term listed in the first column, under the heading "Land use term", which has other terms listed beside it in the third column, under the heading "Includes", includes any term so listed in the third column and any term included within that term in the third column, but does not include any other term listed in the first column.

A term listed in the first column which has other terms listed beside it in the third column may also include other terms which are not listed in the first column.

All terms listed in the third column are also listed in the first column.

Terms which do not specifically include other listed terms

If a term listed in the first column, under the heading "Land use term", does not have any term listed beside it in the third column, under the heading "Includes", that term does not include any term listed in the first column.

However, a term listed in the first column which does not have any term listed beside it in the third column may include other terms which are not listed in the first column.

Terms which are included within other listed terms

A term listed in the first column, under the heading "Land use term", which has a term listed beside it in the fourth column, under the heading "Included in", is included within the term so listed in the fourth column and any term which includes that term in the fourth column.

All terms listed in the fourth column are also listed in the first column.

Terms which are not included within other listed terms

If a term listed in the first column, under the heading "Land use term", does not have a term listed beside it in the fourth column, under the heading "Included in", that term is not included within any other term listed in the first column.

Table to Clause 73.03

<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abattoir</td>
<td>Land used to slaughter animals, including birds. It may include the processing of animal products.</td>
<td></td>
<td>Rural industry</td>
</tr>
<tr>
<td>Accommodation</td>
<td>Land used to accommodate persons.</td>
<td>Camping and caravan park</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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<td>-----------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Corrective institution</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Dependent person's unit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group accommodation</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Host farm</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Residential aged care facility</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential building</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Residential village</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retirement village</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult sex product shop</td>
<td>Land used to sell or hire sexually explicit material, including: a) publications classified as restricted under the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995; and b) materials and devices (other than contraceptives and medical treatments) used in conjunction with sexual behaviour.</td>
<td>Shop</td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td>Land used to: a) propagate, cultivate or harvest plants, including cereals, flowers, fruit, seeds, trees, turf, and vegetables; b) keep, breed, board, or train animals, including livestock, and birds; or c) propagate, cultivate, rear, or harvest living resources of the sea or inland waters.</td>
<td>Animal husbandry</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Aquaculture</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Crop raising</td>
<td></td>
</tr>
<tr>
<td>Airport</td>
<td></td>
<td>Transport terminal</td>
<td></td>
</tr>
<tr>
<td>Amusement park</td>
<td></td>
<td>Outdoor recreation facility</td>
<td></td>
</tr>
<tr>
<td>Amusement parlour</td>
<td>A building that contains: a) three or more coin, card, or token operated amusement machines;</td>
<td>Place of assembly</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Agriculture</td>
</tr>
<tr>
<td>Animal husbandry</td>
<td>Land used to keep, breed, board, or train animals, including birds.</td>
<td>Animal production</td>
<td>Animal husbandry</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Animal training</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Apiculture</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Domestic animal husbandry</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Horse husbandry</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Racing dog husbandry</td>
<td></td>
</tr>
<tr>
<td>Animal production</td>
<td>Land used to keep or breed farm animals for the production of livestock,</td>
<td>Grazing animal production</td>
<td>Animal</td>
</tr>
<tr>
<td></td>
<td>eggs, fibre, meat, milk or other animal products.</td>
<td>Intensive animal production</td>
<td>husbandry</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pig farm</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Poultry farm</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Poultry hatchery</td>
<td></td>
</tr>
<tr>
<td>Animal training</td>
<td>Land used to train animals, other than domestic animals, horses, or racing</td>
<td></td>
<td>Animal</td>
</tr>
<tr>
<td></td>
<td>dogs.</td>
<td>training</td>
<td>husbandry</td>
</tr>
<tr>
<td>Apiculture</td>
<td>Land used to keep honeybee hives and to extract honey or other bee hive</td>
<td></td>
<td>Animal</td>
</tr>
<tr>
<td></td>
<td>products.</td>
<td>training</td>
<td>husbandry</td>
</tr>
<tr>
<td>Aquaculture</td>
<td>Land used to keep or breed aquatic animals, or cultivate or propagate</td>
<td></td>
<td>Agriculture</td>
</tr>
<tr>
<td></td>
<td>aquatic plants.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Art and craft centre</td>
<td>Land used to manufacture, display, and sell, works of art or craft, such</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>as handicrafts, paintings, and sculptures.</td>
<td></td>
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</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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<td>-------------------------------</td>
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</tr>
<tr>
<td>Art gallery</td>
<td>Land used to display works of art, including ceramics, furniture, glass, paintings, screen based art, sculptures, and textiles.</td>
<td></td>
<td>Exhibition centre</td>
</tr>
<tr>
<td>Bank</td>
<td></td>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Bar</td>
<td>Land used to sell liquor for consumption on the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling.</td>
<td></td>
<td>Food and drink premises</td>
</tr>
<tr>
<td>Beauty salon</td>
<td></td>
<td>Shop</td>
<td></td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td>A dwelling used, by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence.</td>
<td></td>
<td>Dwelling</td>
</tr>
<tr>
<td>Betting agency</td>
<td>Land used for gambling by wagering, and where there is the ability to receive a monetary reward.</td>
<td></td>
<td>Gambling premises</td>
</tr>
<tr>
<td>Boat and caravan storage</td>
<td>Land used to store boats, caravans, or vehicle-towed boat trailers.</td>
<td></td>
<td>Store</td>
</tr>
<tr>
<td>Boat launching facility</td>
<td>Land used to launch boats into the water and to retrieve boats from the water.</td>
<td>Boat ramp Slipway</td>
<td>Recreational boat facility</td>
</tr>
<tr>
<td>Boat ramp</td>
<td></td>
<td></td>
<td>Boat launching facility</td>
</tr>
<tr>
<td>Bottle shop</td>
<td>Land used to sell packaged liquor for consumption off the premises.</td>
<td></td>
<td>Shop</td>
</tr>
<tr>
<td>Broiler farm</td>
<td>Land used to keep broiler chickens for the production of meat.</td>
<td></td>
<td>Poultry farm</td>
</tr>
<tr>
<td>Brothel</td>
<td>Land made available for prostitution by a person carrying on the business of providing prostitution services at the business’s premises.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bus terminal</td>
<td></td>
<td>Transport terminal</td>
<td></td>
</tr>
<tr>
<td>Camping and caravan park</td>
<td>Land used to allow accommodation in caravans, cabins, tents, or the like.</td>
<td></td>
<td>Accommodation</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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<tr>
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<td>-------------------</td>
</tr>
<tr>
<td>Caretaker's house</td>
<td>A dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation, or plant.</td>
<td></td>
<td>Dwelling</td>
</tr>
<tr>
<td>Carnival</td>
<td>Land, other than an Exhibition centre or trade fair, used for a temporary fair or amusements which provide entertainment such as side shows, merry-go-rounds, and stalls for games or snacks.</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Car park</td>
<td>Land used to park motor vehicles. It may include charging of electric vehicles.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Car sales</td>
<td>Motor vehicle, boat, or caravan sales</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Car wash</td>
<td>Service industry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cattle feedlot</td>
<td>Land used for a cattle feedlot as defined by the Victorian Code for Cattle Feedlots 1995.</td>
<td></td>
<td>Intensive animal production</td>
</tr>
<tr>
<td>Cemetery</td>
<td>Land used to dispose of human remains by burial. It may include funeral chapels or the like.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child care centre</td>
<td>Land used to care for five or more children who are not permanently resident on the land.</td>
<td>Kindergarten</td>
<td>Education centre</td>
</tr>
<tr>
<td>Cinema</td>
<td>Land used to provide screen based entertainment or information to the public.</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td>Land used to provide screen based entertainment or information to the public, in association with the provision of meals or sporting, amusement, entertainment, leisure or retail facilities.</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Circus</td>
<td>Land used, by performers, to provide entertainment such as acrobatic feats, tricks of skill, and exhibiting animals.</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Commercial display area</td>
<td>Land used only to display goods.</td>
<td></td>
<td>Warehouse</td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Land used to provide accommodation and care services. It includes permanent, temporary</td>
<td></td>
<td>Residential building</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
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<td></td>
</tr>
<tr>
<td>Conference centre</td>
<td>Function centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Convenience restaurant</td>
<td>Land used to prepare and sell food and drink for immediate consumption, where substantial provision is made for consumption both on and off the premises.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Convenience shop</td>
<td>A building with a leasable floor area of no more than 240 square metres, used to sell food, drinks, and other convenience goods. It may also be used to hire convenience goods.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corrective institution</td>
<td>Accommodation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crematorium</td>
<td>Land used to cremate human remains. It may include funeral chapels or the like.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crop raising</td>
<td>Agriculture</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Horticulture</td>
<td></td>
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<td></td>
<td>Rice growing</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Timber production</td>
<td></td>
<td></td>
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<tr>
<td>Dance studio</td>
<td>Indoor recreation facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Data centre</td>
<td>Utility installation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Department store</td>
<td>Shop</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dependent person's unit</td>
<td>Accommodation</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>A movable building on the same lot as an existing dwelling and used to provide accommodation for a person dependent on a resident of the existing dwelling.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Display home centre</td>
<td>One or more buildings constructed as a dwelling, but used for display, to encourage people to buy or construct similar dwellings. It may include a sales office.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dog breeding</td>
<td>Domestic animal husbandry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
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</tr>
<tr>
<td>Domestic animal boarding</td>
<td>Land used to board domestic animals, such as boarding kennels and a cattery. It includes domestic animal day care.</td>
<td>Dog breeding</td>
<td>Domestic animal husbandry</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Domestic animal boarding</td>
<td></td>
</tr>
<tr>
<td>Domestic animal husbandry</td>
<td>Land used to keep, breed, board or train domestic animals.</td>
<td></td>
<td>Animal husbandry</td>
</tr>
<tr>
<td>Drive-in theatre</td>
<td>Land used to professionally clean or launder clothing or household articles. It may include the use of dry cleaning processes.</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Dry cleaner</td>
<td>Land used to professionally clean or launder clothing or household articles. It may include the use of dry cleaning processes.</td>
<td></td>
<td>Service industry</td>
</tr>
<tr>
<td>Dry cleaning agent</td>
<td>Land used to arrange for professional cleaning or laundering of clothing or household articles predominantly at another location. It does not include the use of dry cleaning processes on the land.</td>
<td></td>
<td>Shop</td>
</tr>
<tr>
<td>Dwelling</td>
<td>A building used as a self-contained residence which must include:</td>
<td>Bed and breakfast</td>
<td>Accommodation</td>
</tr>
<tr>
<td></td>
<td>a) a kitchen sink;</td>
<td>Caretaker's house</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) food preparation facilities;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) a bath or shower;</td>
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<td></td>
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<tr>
<td></td>
<td>d) a toilet and wash basin.</td>
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<td></td>
<td>It includes outbuildings and works normal to a dwelling.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education centre</td>
<td>Land used for education.</td>
<td>Child care centre</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Employment training centre</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Primary school</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Secondary school</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tertiary institution</td>
<td></td>
</tr>
<tr>
<td>Earth and energy resources industry</td>
<td>Land used for the exploration, removal or processing of natural earth or energy resources. It includes any activity incidental to this purpose including the construction and use of temporary accommodation.</td>
<td>Greenhouse gas sequestration</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Greenhouse gas sequestration</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>exploration</td>
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<td></td>
<td></td>
<td>Geothermal energy exploration</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Geothermal energy extraction</td>
<td></td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mineral exploration</td>
<td></td>
<td>Mineral exploration</td>
<td></td>
</tr>
<tr>
<td>Mineral extraction</td>
<td></td>
<td>Mineral extraction</td>
<td></td>
</tr>
<tr>
<td>Petroleum exploration</td>
<td></td>
<td>Petroleum exploration</td>
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<tr>
<td>Petroleum extraction</td>
<td></td>
<td>Petroleum extraction</td>
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</tr>
<tr>
<td>Stone exploration</td>
<td></td>
<td>Stone exploration</td>
<td></td>
</tr>
<tr>
<td>Stone extraction</td>
<td></td>
<td>Stone extraction</td>
<td></td>
</tr>
<tr>
<td>Electoral office</td>
<td>An office used for electioneering by a candidate in a local, State, or Federal Government election.</td>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Emergency services facility</td>
<td>Land used to provide facilities for emergency services, such as fire prevention and ambulance services. It may include administrative, operational or storage facilities associated with the provision of emergency services.</td>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Employment training centre</td>
<td></td>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td>Energy generation facility</td>
<td>Land used to generate energy for use off site other than geothermal energy extraction. It includes any building or other structure or thing used in or in connection with the generation of energy.</td>
<td>Renewable energy facility</td>
<td>Renewable energy facility</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Waste-to-energy facility</td>
<td></td>
</tr>
<tr>
<td>Equestrian supplies</td>
<td></td>
<td>Restricted retail premises</td>
<td></td>
</tr>
<tr>
<td>Exhibition centre</td>
<td>Land used to display works of art, artefacts, or historical, cultural, or other like works or artefacts.</td>
<td>Art gallery</td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Food and drink premises</td>
<td>Land used to prepare and sell food and drink for immediate consumption on, or off, the premises.</td>
<td>Bar</td>
<td>Retail premises</td>
</tr>
<tr>
<td>Freeway service centre</td>
<td>Land which has direct access to a freeway and is used to provide essential services and facilities which encourage drivers to stop and take an effective break in the interests of driver safety.</td>
<td>Convenience restaurant</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Hotel</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Restaurant</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Take away food premises</td>
<td></td>
</tr>
</tbody>
</table>

SOUTH GIPPSLAND PLANNING SCHEME
<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freezing and cool storage</td>
<td>Land used to store, sell, and distribute fuel.</td>
<td>Liquid fuel depot Solid fuel depot</td>
<td>Store</td>
</tr>
<tr>
<td>Fuel depot</td>
<td>Land used, by arrangement, to cater for conferences, private functions, and in which food and drink may be served. It may include entertainment and dancing.</td>
<td>Conference centre Reception centre</td>
<td>Warehouse</td>
</tr>
<tr>
<td>Function centre</td>
<td>Land used to organise and conduct funerals, memorial services, or the like. It includes the storage and preparation of bodies for burial or cremation.</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Funeral parlour</td>
<td>Land used to store, sell, and distribute fuel.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gambling premises</td>
<td>Land used for gambling by gaming or wagering, and where there is the ability to receive a monetary reward.</td>
<td>Betting agency Gaming premises</td>
<td>Retail premises</td>
</tr>
<tr>
<td>Gaming premises</td>
<td>Land used for gambling by gaming, and where there is the ability to receive a monetary reward.</td>
<td></td>
<td>Gambling premises</td>
</tr>
<tr>
<td>Garden supplies</td>
<td>Land used to sell and distribute garden supplies such as sand, soil, railway sleepers, screenings, rock, and the like.</td>
<td></td>
<td>Landscape gardening supplies</td>
</tr>
<tr>
<td>Geothermal energy exploration</td>
<td>Land used for geothermal energy exploration in accordance with the Geothermal Energy Resources Act 2005.</td>
<td></td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td>Geothermal energy extraction</td>
<td>Land used for geothermal energy extraction in accordance with the Geothermal Energy Resources Act 2005.</td>
<td></td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td>Golf course</td>
<td></td>
<td></td>
<td>Outdoor recreation facility</td>
</tr>
<tr>
<td>Golf driving range</td>
<td></td>
<td></td>
<td>Outdoor recreation facility</td>
</tr>
<tr>
<td>Grazing animal production</td>
<td>Land used for animal production where the animals’ food is obtained by directly grazing, browsing or foraging plants growing on the land. It includes:</td>
<td></td>
<td>Animal production</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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</tr>
<tr>
<td></td>
<td>• emergency, seasonal and supplementary feeding;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• the incidental penning, feeding and housing of animals for weaning or other husbandry purposes.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>In this definition:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency feeding</td>
<td><em>Emergency feeding</em> means providing feed to animals when an emergency event such as a flood, bushfire or biosecurity event, restricts or prevents the animals from grazing, browsing or foraging plants growing on the land;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seasonal feeding</td>
<td><em>Seasonal feeding</em> means providing feed to animals when seasonal conditions, including drought, restrict or prevent the animals from grazing, browsing or foraging plants growing on the land;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supplementary feeding</td>
<td><em>Supplementary feeding</em> means providing feed to animals to supplement the food the animals obtain by directly grazing, browsing or foraging plants growing on the land.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Greenhouse gas sequestration</td>
<td>Land used for greenhouse gas substance injection and monitoring in accordance with the <em>Greenhouse Gas Geological Sequestration Act 2008</em>.</td>
<td>Earth and energy resources industry</td>
<td></td>
</tr>
<tr>
<td>Greenhouse gas sequestration exploration</td>
<td>Land used for the exploration of greenhouse gas sequestration formations in accordance with the <em>Greenhouse Gas Geological Sequestration Act 2008</em>.</td>
<td>Earth and energy resources industry</td>
<td></td>
</tr>
<tr>
<td>Group accommodation</td>
<td>Land, in one ownership, containing a number of dwellings used to accommodate persons away from their normal place of residence.</td>
<td>Accommodation</td>
<td></td>
</tr>
<tr>
<td>Hairdresser</td>
<td></td>
<td>Shop</td>
<td></td>
</tr>
<tr>
<td>Hall</td>
<td></td>
<td>Place of assembly</td>
<td></td>
</tr>
<tr>
<td>Helicopter landing site</td>
<td>Land used for the take-off and landing of a helicopter, with or without a permanent landing pad,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
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<tr>
<td>but without permanent facilities for the assembly and distribution of goods or passengers.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heliport</td>
<td>An occupation carried on in a dwelling, or on the land around a dwelling, by a resident of the dwelling. It may include a use defined elsewhere, but not a Brothel.</td>
<td></td>
<td>Transport terminal</td>
</tr>
<tr>
<td>Horse husbandry</td>
<td>Land used to keep, breed, board or train horses.</td>
<td>Horse riding school</td>
<td>Animal husbandry</td>
</tr>
<tr>
<td>Horse riding school</td>
<td></td>
<td>Horse stables</td>
<td>Horse husbandry</td>
</tr>
<tr>
<td>Horse stables</td>
<td></td>
<td></td>
<td>Horse husbandry</td>
</tr>
<tr>
<td>Horticulture</td>
<td>Land used to propagate, cultivate, or harvest flowers, fruit, vegetables, vines, or the like.</td>
<td>Market garden</td>
<td>Crop raising</td>
</tr>
<tr>
<td>Hospital</td>
<td>Land used to provide health services (including preventative care, diagnosis, medical and surgical treatment, and counselling) to persons admitted as in-patients. It may include the care or treatment of out-patients.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Host farm</td>
<td>An agricultural property used to provide accommodation for persons, away from their normal place of residence, to experience living on land used for agricultural purposes.</td>
<td></td>
<td>Accommodation</td>
</tr>
<tr>
<td>Hotel</td>
<td>Land used to sell liquor for consumption on and off the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling.</td>
<td></td>
<td>Food and drink premises</td>
</tr>
<tr>
<td>Indoor recreation facility</td>
<td>A building used for indoor leisure, recreation, or sport.</td>
<td>Dancing studio</td>
<td>Minor sports and recreation facility</td>
</tr>
<tr>
<td>Industry</td>
<td>Land used for any of the following operations:</td>
<td>Materials recycling</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) any process of manufacture;</td>
<td>Refuse disposal</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Transfer station</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
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</tr>
<tr>
<td></td>
<td>b) dismantling or breaking up of any article;</td>
<td></td>
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<tr>
<td></td>
<td>c) treating waste materials;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) winning clay, gravel, rock, sand, soil, stone, or other materials (other than Mineral, stone, or soil extraction);</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>e) laundering, repairing, servicing or washing any article, machinery, or vehicle, other than on-site work on a building, works, or land; or f) any process of testing or analysis.</td>
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</tr>
<tr>
<td></td>
<td>If on the same land as any of these operations, it also includes:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) storing goods used in the operation or resulting from it;</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>b) providing amenities for people engaged in the operation;</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>c) selling by wholesale, goods resulting from the operation; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) accounting or administration in connection with the operation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>If Materials recycling, goods resulting from the operation may be sold by retail.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td>Land open to the public and used by non-paying persons for leisure or recreation, such as a cycle track, park, picnic or barbecue area, playground, plaza, and walking or jogging track.</td>
<td></td>
<td>Minor sports and recreation facility</td>
</tr>
<tr>
<td>Intensive animal production</td>
<td>Land used for animal production where the animals’ food is imported from outside the immediate building, enclosure, paddock or pen.</td>
<td>Cattle feedlot</td>
<td>Animal production</td>
</tr>
<tr>
<td></td>
<td>It does not include:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• an abattoir or sale yard; or</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>• grazing animal production, pig farm, poultry farm or poultry hatchery.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intensive dairy farm</td>
<td>Land used for intensive animal production where cattle are kept or bred for the production of milk.</td>
<td></td>
<td>Intensive animal production</td>
</tr>
<tr>
<td>Jetty</td>
<td></td>
<td></td>
<td>Marina</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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</tr>
<tr>
<td>Kindergarten</td>
<td>Land used to propagate, grow, and sell plants, or sell and distribute garden supplies.</td>
<td>Garden supplies</td>
<td>Child care centre</td>
</tr>
<tr>
<td>Landscape gardening supplies</td>
<td>Land used to clean or launder clothing or household items using self-service machines.</td>
<td>Plant nursery</td>
<td>Retail premises</td>
</tr>
<tr>
<td>Laundromat</td>
<td>Land used for leisure, recreation, or sport.</td>
<td>Major sports and recreation facility</td>
<td>Shop</td>
</tr>
<tr>
<td>Leisure and recreation</td>
<td>Land used to store, sell by wholesale, and distribute fuel.</td>
<td>Minor sports and recreation facility</td>
<td></td>
</tr>
<tr>
<td>Library</td>
<td>Land used to sort mail for distribution.</td>
<td>Race course</td>
<td>Leisure and recreation</td>
</tr>
<tr>
<td>Liquid fuel depot</td>
<td>Land used for leisure, recreation or sport, and where there is substantial provision made for spectators, such as a grandstand, and to which spectators are usually charged admission.</td>
<td>Fuel depot</td>
<td></td>
</tr>
<tr>
<td>Mail centre</td>
<td>Land used to dismantle, treat, process, store, recycle, or sell refuse, used or surplus materials.</td>
<td>Leisure and recreation</td>
<td></td>
</tr>
<tr>
<td>Major sports and recreation facility</td>
<td>Land used, as an incidental part of an industry, to retail goods made materially different on the land by that industry.</td>
<td>Jetty</td>
<td></td>
</tr>
<tr>
<td>Manufacturing sales</td>
<td>Land used to moor boats, or store boats above or adjacent to the water. It may include boat recovery facilities, and facilities to repair, fuel, and maintain boats and boat accessories.</td>
<td>Mooring pole Pier Pontoon</td>
<td>Recreational boat facility</td>
</tr>
<tr>
<td>Market</td>
<td>Land used to sell goods, including foodstuffs, from stalls.</td>
<td>Retail premises</td>
<td></td>
</tr>
<tr>
<td>Market garden</td>
<td>Land used to propagate, grow, and sell plants, or sell and distribute garden supplies.</td>
<td>Horticulture</td>
<td></td>
</tr>
<tr>
<td>Materials recycling</td>
<td>Land used to propagate, grow, and sell plants, or sell and distribute garden supplies.</td>
<td>Industry</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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</tr>
<tr>
<td>Medical centre</td>
<td>Land used to provide health or surgical services (including preventative care, diagnosis, medical and surgical treatment, pathology services, and counselling) to out-patients only.</td>
<td></td>
<td>Office</td>
</tr>
<tr>
<td>Milk depot</td>
<td>Land used to receive milk and milk products for distribution to consumers, but where milk is not processed or pasteurised.</td>
<td></td>
<td>Warehouse</td>
</tr>
<tr>
<td>Mineral exploration</td>
<td>Land used for the exploration of minerals in accordance with the <em>Mineral Resources (Sustainable Development) Act 1990</em>.</td>
<td></td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td>Mineral extraction</td>
<td>Land used for extraction of minerals in accordance with the <em>Mineral Resources (Sustainable Development) Act 1990</em>.</td>
<td></td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td>Minor sports and recreation facility</td>
<td>Land used for leisure, recreation, or sport, without substantial provision for spectators, and which is usually open to non-paying spectators.</td>
<td>Indoor recreation facility</td>
<td>Leisure and recreation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Open sports ground</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Outdoor recreation facility</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Restricted recreation facility</td>
<td></td>
</tr>
<tr>
<td>Minor utility installation</td>
<td>Land used for a utility installation comprising any of the following:</td>
<td>Water retarding basin</td>
<td>Utility installation</td>
</tr>
<tr>
<td></td>
<td>a) sewerage or water mains;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) storm or flood water drains or retarding basins;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) flow measurement device or a structure to gauge waterway flow;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) siphons, water storage tanks, disinfection booster stations and channels;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>e) gas mains providing gas directly to consumers;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>f) a sewerage treatment plant, and any associated disposal works, required to serve a neighbourhood;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>g) a pumping station required to serve a neighbourhood;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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</tr>
</tbody>
</table>
| h) power lines designed to operate at less than 220,000 volts but excluding any power lines directly associated with an Energy generation facility or Geothermal energy extraction; or
i) an electrical sub-station designed to operate at no more than 66,000 volts but excluding any sub-station directly associated with an Energy generation facility or Geothermal energy extraction. |                           |                           |                                    |
<p>| Mooring pole  | Land used to provide accommodation in serviced rooms for persons away from their normal place of residence, and where provision is made for parking guests’ vehicles convenient to the rooms.                         | Marina                    | Residential hotel                 |
| Motel         | Land used to repair or service motor vehicles, and includes the fitting of accessories.                                                                                                                   | Panel beating             | Service industry                  |
| Motor racing track | Land used to race, rally, scramble, or test, vehicles, including go-karts, motor boats, and motorcycles, and includes other competitive motor sports. It may include training. | Leisure and recreation    |                                    |
| Motor repairs | Land used to sell or hire motor vehicles, boats, or caravans. It may include the minor repair or servicing of motor vehicles, boats, or caravans, and the sale or fitting of accessories.                      | Car sales                 | Retail premises                   |
| Museum        | Land used to display archaeological, biological, cultural, geographical, geological, historical, scientific, or other like works or artefacts.                                                                  |                           | Exhibition centre                 |
| Natural systems | Land in substantially its natural state which is used to maintain ecological systems, or to preserve an area of historic, scientific, aesthetic, or cultural significance.              |                           |                                    |
| Nightclub     | A building used to provide entertainment and dancing. It may include the provision of food and                                                                                                              |                           | Place of assembly                 |</p>
<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office</td>
<td>Land used for administration, or clerical, technical, professional or other like business activity. No goods or materials intended for manufacture, sale, or hire may be stored on the land. Other than electoral office and medical centre, it does not include any other defined use.</td>
<td>Bank</td>
<td>Electoral office Medical centre Real estate agency Travel agency</td>
</tr>
<tr>
<td>Open sports ground</td>
<td>Land used for organised games of sport, but which is available for informal outdoor leisure or recreation when not being used or prepared for an organised game. It may include lights, change rooms, pavilions, and shelters.</td>
<td>Minor sports and recreation facility</td>
<td></td>
</tr>
<tr>
<td>Outdoor recreation facility</td>
<td>Land used for outdoor leisure, recreation, or sport. It does not include an Open sports ground or informal outdoor recreation.</td>
<td>Amusement park Golf course Golf driving range Paintball games facility Zoo</td>
<td>Minor sports and recreation facility</td>
</tr>
<tr>
<td>Paintball games facility</td>
<td>Land used to repair or replace damaged motor vehicle bodies and panels, and carry out any associated mechanical work or spray painting.</td>
<td>Outdoor recreation facility</td>
<td></td>
</tr>
<tr>
<td>Panel beating</td>
<td></td>
<td>Motor repairs</td>
<td></td>
</tr>
<tr>
<td>Party supplies</td>
<td></td>
<td>Restricted retail premises</td>
<td></td>
</tr>
<tr>
<td>Petroleum exploration</td>
<td>Land used for petroleum exploration in accordance with the Petroleum Act 1998.</td>
<td>Earth and energy resources industry</td>
<td></td>
</tr>
<tr>
<td>Petroleum extraction</td>
<td>Land used for petroleum extraction in accordance with the Petroleum Act 1998.</td>
<td>Earth and energy resources industry</td>
<td></td>
</tr>
<tr>
<td>Pier</td>
<td></td>
<td>Marina</td>
<td></td>
</tr>
<tr>
<td>Pig farm</td>
<td>Land used to keep or breed pigs.</td>
<td>Animal production</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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</tr>
<tr>
<td>Place of assembly</td>
<td>Land where people congregate for religious, spiritual or cultural activities, entertainment, or meetings.</td>
<td>Amusement parlour, Carnival, Cinema, Cinema-based entertainment facility, Circus, Drive-in theatre, Exhibition centre, Function centre, Hall, Library, nightclub, Place of worship, Restricted place of assembly</td>
<td>Place of assembly, Landscape gardening supplies, Marina, Retail premises, Animal production, Animal husbandry, Major sports and recreation facility</td>
</tr>
<tr>
<td>Place of worship</td>
<td>Land used for religious activities, such as a church, chapel, mosque, synagogue, and temple.</td>
<td></td>
<td>Place of assembly, Landscape gardening supplies</td>
</tr>
<tr>
<td>Plant nursery</td>
<td>Land used to propagate, grow, and sell plants. It may include the sale of gardening equipment and horticultural products.</td>
<td></td>
<td>Landscape gardening supplies</td>
</tr>
<tr>
<td>Pontoon</td>
<td></td>
<td></td>
<td>Marina</td>
</tr>
<tr>
<td>Postal agency</td>
<td></td>
<td></td>
<td>Retail premises</td>
</tr>
<tr>
<td>Poultry farm</td>
<td>Land used to keep or breed poultry.</td>
<td>Broiler farm</td>
<td>Animal production</td>
</tr>
<tr>
<td>Poultry hatchery</td>
<td>Land used to incubate and hatch poultry eggs.</td>
<td></td>
<td>Animal production</td>
</tr>
<tr>
<td>Primary produce sales</td>
<td>Land used to display and sell primary produce, grown on the land or adjacent land. It may include processed goods made substantially from the primary produce.</td>
<td></td>
<td>Retail premises</td>
</tr>
<tr>
<td>Primary school</td>
<td></td>
<td></td>
<td>Education centre</td>
</tr>
<tr>
<td>Race course</td>
<td></td>
<td></td>
<td>Major sports and recreation facility</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Land used to keep, breed, board or train racing dogs.</td>
<td>Racing dog training</td>
<td>Animal husbandry</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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</tr>
<tr>
<td>Racing dog training</td>
<td>Land used to assemble and distribute goods and passengers and includes facilities to park and manoeuvre vehicles. It may include the selling of food, drinks and other convenience goods and services.</td>
<td></td>
<td>Racing dog husbandry</td>
</tr>
<tr>
<td>Railway station</td>
<td>Land used to assemble and distribute goods and passengers and includes facilities to park and manoeuvre vehicles. It may include the selling of food, drinks and other convenience goods and services.</td>
<td></td>
<td>Transport terminal</td>
</tr>
<tr>
<td>Real estate agency</td>
<td></td>
<td></td>
<td>Office</td>
</tr>
<tr>
<td>Reception centre</td>
<td></td>
<td></td>
<td>Function centre</td>
</tr>
<tr>
<td>Recreational boat facility</td>
<td>Land used to provide facilities for boats operated primarily for pleasure or recreation, including boats operated commercially for pleasure or recreation.</td>
<td></td>
<td>Boat launching facility</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Marina</td>
</tr>
<tr>
<td>Refuse disposal</td>
<td>Land used to dispose of refuse, by landfill, incineration, or other means.</td>
<td></td>
<td>Industry</td>
</tr>
<tr>
<td>Renewable energy facility</td>
<td>Land used to generate energy using resources that can be rapidly replaced by an ongoing natural process. Renewable energy resources include the sun, wind, the ocean, water flows, organic matter and the earth’s heat. It includes any building or other structure or thing used in or in connection with the generation of energy by a renewable resource. It does not include a renewable energy facility principally used to supply energy for an existing use of the land.</td>
<td>Wind energy facility</td>
<td>Energy generation facility</td>
</tr>
<tr>
<td>Research and development centre</td>
<td>Land used to develop or test electronic technology, biotechnology, or any other scientific discipline. It may include administration, promotion, conference, display, laboratory, assembly, and manufacturing areas.</td>
<td></td>
<td>Industry</td>
</tr>
<tr>
<td>Research centre</td>
<td>Land used only for scientific research.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reservoir</td>
<td>A natural or artificial lake used as a source of water supply that is owned or managed by a public authority.</td>
<td></td>
<td>Utility installation</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
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</tr>
<tr>
<td>Residential aged care facility</td>
<td>Land used to provide accommodation and personal or nursing care for the aged. It may include recreational, health or laundry facilities and services for residents of the facility.</td>
<td>Community care accommodation, Residential hotel, Rooming house</td>
<td>Accommodation</td>
</tr>
<tr>
<td>Residential building</td>
<td>Land used to accommodate persons, but does not include camping and caravan park, corrective institution, dependent person's unit, dwelling, group accommodation, host farm, residential village or retirement village.</td>
<td>Residential hotel, Rooming house</td>
<td>Accommodation</td>
</tr>
<tr>
<td>Residential hotel</td>
<td>Land used to provide accommodation in serviced rooms for persons away from their normal place of residence. If it has at least 20 bedrooms, it may include the sale of liquor for consumption on, or off, the premises, function or conference rooms, entertainment, dancing, amusement machines, and gambling.</td>
<td>Motel</td>
<td>Residential building</td>
</tr>
<tr>
<td>Residential village</td>
<td>Land, in one ownership, containing a number of dwellings, used to provide permanent accommodation and which includes communal, recreation, or medical facilities for residents of the village.</td>
<td></td>
<td>Accommodation</td>
</tr>
<tr>
<td>Restaurant</td>
<td>Land used to prepare and sell food and drink, for consumption on the premises. It may include: a) entertainment and dancing; and b) the supply of liquor other than in association with the serving of meals, provided that tables and chairs are set out for at least 75% of patrons present on the premises at any one time. It does not include the sale of packaged liquor.</td>
<td></td>
<td>Food and drink premises</td>
</tr>
<tr>
<td>Restricted place of assembly</td>
<td>Land used by members of a club or group, or by members' guests, for religious or cultural activities, entertainment, or meetings. It may</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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</tr>
<tr>
<td>Include food and drink for consumption on the premises, and gaming.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Restricted recreation facility</strong></td>
<td>Land used by members of a club or group for leisure, recreation, or sport, such as a bowling or tennis club, gymnasium and fitness centre. It may include food and drink for consumption on the premises, and gaming. It may also include use by members' guests, or by the public on payment of a fee.</td>
<td></td>
<td>Minor sports and recreation facility</td>
</tr>
</tbody>
</table>
| **Restricted retail premises** | Land used to sell or hire:  
   a) automotive parts and accessories;  
   b) camping, outdoor and recreation goods  
   c) electric light fittings;  
   d) animal supplies including equestrian and pet goods;  
   e) floor and window coverings;  
   f) furniture, bedding, furnishings, fabric and manchester and homewares;  
   g) household appliances, household electrical goods and home entertainment goods;  
   h) party supplies;  
   i) swimming pools;  
   j) office equipment and supplies;  
   k) baby and children’s goods, children’s play equipment and accessories;  
   l) sporting, cycling, leisure, fitness goods and accessories; or  
   m) goods and accessories which:  
   ▪ Require a large area for handling, display and storage of goods; or  
   ▪ Require direct vehicle access to the building by customers for the purpose of loading or unloading goods into or from their vehicles after purchase or hire. | Equestrian supplies  
Party supplies  
Shop |                                               |                                                       |
<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail premises</td>
<td>Land used to:&lt;br&gt; a) sell goods by retail, or by retail and wholesale;&lt;br&gt; b) sell services; or&lt;br&gt; c) hire goods.</td>
<td>Food and drink premises&lt;br&gt; Gambling premises&lt;br&gt; Landscape gardening supplies&lt;br&gt; Manufacturing sales&lt;br&gt; Market&lt;br&gt; Motor vehicle, boat, or caravan sales&lt;br&gt; Postal agency&lt;br&gt; Primary produce sales&lt;br&gt; Shop&lt;br&gt; Trade supplies</td>
<td></td>
</tr>
<tr>
<td>Retirement village</td>
<td>Land used to provide permanent accommodation for retired people or the aged and may include communal recreational or medical facilities for residents of the village.</td>
<td>Accommodation</td>
<td></td>
</tr>
<tr>
<td>Rice growing</td>
<td></td>
<td>Crop raising</td>
<td></td>
</tr>
<tr>
<td>Road freight terminal</td>
<td></td>
<td>Transport terminal</td>
<td></td>
</tr>
<tr>
<td>Rooming house</td>
<td>Land used for a rooming house as defined in the <em>Residential Tenancies Act 1997</em>.</td>
<td>Residential building</td>
<td></td>
</tr>
<tr>
<td>Rural industry</td>
<td>Land used to:&lt;br&gt; a) handle, treat, process, or pack agricultural produce;&lt;br&gt; b) service or repair plant, or equipment, used in agriculture; or&lt;br&gt; c) manufacture mud bricks.</td>
<td>Abattoir&lt;br&gt; Sawmill</td>
<td>Industry</td>
</tr>
<tr>
<td>Rural store</td>
<td>Land used to store unprocessed agricultural produce, or products used in agriculture.</td>
<td></td>
<td>Store</td>
</tr>
<tr>
<td>Saleyard</td>
<td>Land used to hold, sell, and buy farm animals.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sawmill</td>
<td>Land used to handle, cut, and process timber from logs.</td>
<td></td>
<td>Rural industry</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
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</tr>
<tr>
<td>Secondary school</td>
<td>Includes Definition</td>
<td></td>
<td>Education centre</td>
</tr>
<tr>
<td>Service industry</td>
<td>Land used to launder, repair, service or wash articles, machinery, or vehicles.</td>
<td>Car wash, Dry cleaner, Motor repairs</td>
<td>Industry</td>
</tr>
<tr>
<td>Service station</td>
<td>Land used to sell motor vehicle fuel from bowsers, and lubricants. It may include the:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) selling of motor vehicle accessories or parts;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) selling of food, drinks and other convenience goods;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) hiring of trailers;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) servicing or washing of motor vehicles; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>e) installing of motor vehicle accessories or parts.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shipping container</td>
<td>Land used to store shipping containers. It may include the cleaning, repair, servicing, painting or fumigation of the shipping containers.</td>
<td></td>
<td>Store</td>
</tr>
<tr>
<td>storage</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shop</td>
<td>Land used to sell goods or services, or to hire goods. It includes:</td>
<td>Adult sex product shop, Beauty salon, Bottle shop, Convenience shop, Dry cleaning agent, Department store, Hairdresser, Laundromat, Restricted retail premises, Supermarket</td>
<td>Retail premises</td>
</tr>
<tr>
<td></td>
<td>• the selling of bread, pastries, cakes or other products baked on the premises;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• demonstrations of products including music performances in shops selling recorded music.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>It does not include:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• food and drink premises;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• gambling premises;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• landscape gardening supplies;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• manufacturing sales;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• market;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• motor vehicle, boat, or caravan sales;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• postal agency;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• primary produce sales;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• trade supplies.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sign</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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<tr>
<td>----------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>-----------------------------------------------</td>
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</tr>
<tr>
<td>Slipway</td>
<td>Land used to sell solid fuel, such as briquettes, coal, and fire wood.</td>
<td></td>
<td>Boat launching facility</td>
</tr>
<tr>
<td>Solid fuel depot</td>
<td>Land used to sell solid fuel, such as briquettes, coal, and fire wood.</td>
<td></td>
<td>Fuel depot</td>
</tr>
<tr>
<td>Stone exploration</td>
<td>Land used to search for stone, including:</td>
<td></td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td></td>
<td>a) conducting geological, geophysical, and geochemical surveys;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) costeanning and bulk sampling;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) drilling; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) taking samples for chemical, physical, or other testing.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stone extraction</td>
<td>Land used for the extraction or removal of stone in accordance with the Mineral Resources (Sustainable Development) Act 1990.</td>
<td></td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td>Store</td>
<td>Land used to store goods, machinery, or vehicles.</td>
<td></td>
<td>Warehouse</td>
</tr>
<tr>
<td></td>
<td>Boat and caravan storage</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Freezing and cool storage</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rural store</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Shipping container storage</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Vehicle store</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supermarket</td>
<td>Land used to prepare and sell food and drink for immediate consumption off the premises. It may include up to 10 seats available for consumption on the premises.</td>
<td></td>
<td>Shop</td>
</tr>
<tr>
<td>Take away food premises</td>
<td>Land used to prepare and sell food and drink for immediate consumption off the premises. It may include up to 10 seats available for consumption on the premises.</td>
<td></td>
<td>Food and drink premises</td>
</tr>
<tr>
<td>Telecommunications facility</td>
<td>Land used to accommodate any part of the infrastructure of a Telecommunications network. It includes any telecommunications line, equipment, apparatus, telecommunications tower, mast, antenna, tunnel, duct, hole, pit, pole, or other structure or thing used, or for use in or in connection with a Telecommunications network.</td>
<td></td>
<td>Utility installation</td>
</tr>
<tr>
<td>Tertiary institution</td>
<td>Land used to accommodate any part of the infrastructure of a Telecommunications network. It includes any telecommunications line, equipment, apparatus, telecommunications tower, mast, antenna, tunnel, duct, hole, pit, pole, or other structure or thing used, or for use in or in connection with a Telecommunications network.</td>
<td></td>
<td>Education centre</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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</tr>
<tr>
<td>Timber production</td>
<td>Land used to propagate, cultivate, manage and harvest timber.</td>
<td></td>
<td>Crop raising</td>
</tr>
<tr>
<td>Timber yard</td>
<td>Land used to sell sawn, dressed, and treated timber, wood fibre boards, and the like. It includes cutting the timber and boards to order, and selling hardware, paints, tools, and materials used in conjunction with the use and treatment of timber.</td>
<td></td>
<td>Trade supplies</td>
</tr>
</tbody>
</table>
| Trade supplies        | Land used to sell by both retail and wholesale, or to hire, materials, tools, equipment, machinery or other goods for use in:  
  a) automotive repairs and servicing;  
  b) building;  
  c) commerce;  
  d) industry;  
  e) landscape gardening;  
  f) the medical profession;  
  g) primary production; or  
  h) local government, government departments or public institutions. | Timber yard       | Retail premises      |
<p>| Tramway               | Land used to provide a system of transport in vehicles connected to a network of tracks, and includes tram stops, shunting areas and associated passenger facilities. |                   | Industry             |
| Transfer station      | Land used to collect, consolidate, temporarily store, sort or recover refuse, used or surplus materials before transfer for disposal, recycling or use elsewhere. |                   | Industry             |
| Transport terminal    | Land used to assemble and distribute goods or passengers. It includes facilities to park and manoeuvre vehicles. It does not include a Tramway. | Airport, Bus terminal, Heliport, Railway station, Road freight terminal, Wharf | Office               |
| Travel agency         |                                                                           |                   | Office               |
| Utility installation  | Land used:                                                                |                   | Data centre          |</p>
<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>a) for telecommunications;</td>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) to transmit or distribute gas or oil;</td>
<td>Reservoir</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) to transmit, distribute or store power, including battery storage;</td>
<td>Telecommunications facility</td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) to collect, treat, transmit, store, or distribute water; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>e) to collect, treat, or dispose of storm or flood water, sewage, or</td>
<td></td>
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<tr>
<td></td>
<td>sullage.</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>It includes any associated flow measurement device or a structure</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>to gauge waterway flow.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle store</td>
<td>Land used to park or store vehicles in connection with a goods or passenger</td>
<td>Store</td>
<td></td>
</tr>
<tr>
<td></td>
<td>transport business.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Veterinary centre</td>
<td>Land used to:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) diagnose animal diseases or disorders;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) surgically or medically treat animals; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) prevent animal diseases or disorders.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>It may include keeping the animals on the premises for treatment.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td>Land used to store or display goods.</td>
<td>Commercial display area</td>
<td></td>
</tr>
<tr>
<td></td>
<td>It may include the storage and distribution of goods for wholesale and</td>
<td>Fuel depot</td>
<td></td>
</tr>
<tr>
<td></td>
<td>the storage and distribution of goods for online retail. It does not</td>
<td>Mail centre</td>
<td></td>
</tr>
<tr>
<td></td>
<td>include premises allowing in-person retail or display of goods for retail,</td>
<td>Milk depot</td>
<td></td>
</tr>
<tr>
<td></td>
<td>or allowing persons to collect goods that have been purchased online.</td>
<td>Store</td>
<td></td>
</tr>
<tr>
<td>Waste-to-energy facility</td>
<td>Land used for the combustion, treatment or bio-reaction of waste</td>
<td>Energy generation facility</td>
<td></td>
</tr>
<tr>
<td></td>
<td>to produce energy for use off site. It includes the activities to collect,</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>temporarily store, process, or transfer waste materials for energy</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>production.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water retarding basin</td>
<td>Land used to store storm or flood water on a temporary basis.</td>
<td>Minor utility installation</td>
<td></td>
</tr>
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<td></td>
</tr>
<tr>
<td>Land use term</td>
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<td></td>
</tr>
<tr>
<td>Wharf</td>
<td>Land used to provide facilities for ships, such as bulk and container ships, passenger ships, and defence force marine craft.</td>
<td>Transport terminal</td>
<td></td>
</tr>
</tbody>
</table>
| Wind energy facility | Land used to generate electricity by wind force. It includes land used for:  
|                   | a) any turbine, building or other structure or thing used in or in connection with the generation of electricity by wind force  
|                   | b) an anemometer.  
|                   | It does not include turbines principally used to supply electricity for domestic or rural use of the land.                                                                                          | Renewable energy facility |
| Winery           | Land used to display, and sell by retail, vineyard products, in association with the growing of grape vines and the manufacture of the vineyard products. It may include the preparation and sale of food and drink for consumption on the premises. |                           |
| Zoo              |                                                                                                                                                                                                          | Outdoor recreation facility |
NESTING DIAGRAMS

The information in the table to Clause 73.03 is set out in the following diagrams as a means of indicating the nesting of land use terms.

The table to Clause 73.03 prevails if there is any inconsistency between the table and the diagrams or list.

Land use terms that are not nested are listed at Clause 73.04-17.

Land use terms in bold font are defined in Clause 73.03.
Agriculture group (sub-group of Animal production)

- Grazing animal production
  - Intensive animal production
    - Cattle feedlot
      - Intensive dairy farm
    - Pig farm
    - Poultry farm
      - Broiler farm
        - Poultry hatchery

Education centre group

- Child care centre
- Kindergarten
  - Employment training centre
    - Education centre
      - Primary school
        - Secondary school
          - Tertiary institution
Office group

- Bank
- Electoral office
- Office
- Medical centre
- Real estate agency
- Travel agency
Place of assembly group
73.04-10 Recreational boat facility group

Recreational boat facility

- Boat launching facility
  - Boat ramp
  - Slipway

- Marina
  - Jetty
  - Mooring pole
  - Pier
  - Pontoon
Retail premises group
Retail premises group (sub-group of Shop)

- Adult sex product shop
- Beauty salon
- Bottle shop
- Convenience shop
- Dry cleaning agent
- Department store
- Hairdresser
- Laundromat
- Restricted retail premises
  - Equestrian supplies
  - Party supplies
- Supermarket
Transport terminal group

- Airport
- Bus terminal
- Heliport
- Railway station
- Road freight terminal
- Wharf
Utility installation group

- Data centre
- Minor utility installation
- Water retarding basin
- Reservoir
- Telecommunications facility
Land use terms that are not nested

Art and craft centre
Brothel
Car park
Cemetery
Crematorium
Display home centre
Emergency services facility
Freeway service centre
Funeral parlour
Helicopter landing site
Home based business
Hospital
Natural systems
Research centre
Saleyard
Service station
Sign
Tramway
Veterinary centre
Winery
APPLICATION OF ZONES, OVERLAYS AND PROVISIONS

The schedule to this clause must include a general explanation of the relationship between the Municipal Planning Strategy, the objectives and strategies in Clauses 10 to 19 and the controls on the use and development of land in this planning scheme.

A planning authority must take into account the schedule to this clause when it prepares an amendment to this planning scheme.

A responsible authority must not take into account the schedule to this clause when it makes a decision under this planning scheme.
FURTHER STRATEGIC WORK

The schedule to this clause may specify the planning authority’s approach to further strategic work. A planning authority may take into account the schedule to this clause when it prepares an amendment to this planning scheme.

The responsible authority must not take into account the schedule to this clause when it makes a decision under this planning scheme.