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, Warrnambool and Wodonga.


Ensure regions and their settlements are planned in accordance with their relevant regional growth plan.

Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.

Create and reinforce settlement boundaries.

Provide for growth in population and development of facilities and services across a regional or sub-regional network.

Plan for development and investment opportunities along existing and planned transport infrastructure.

Promote transport, communications and economic linkages between settlements through the identification of servicing priorities in regional land use plans.

Strengthen transport links on national networks for the movement of commodities.

Deliver networks of high-quality integrated settlements that have a strong identity and sense of place, are prosperous and are sustainable by:

- Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.

- Developing settlements that will support resilient communities and their ability to adapt and change.

- Balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level.

- Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.

- Encouraging an integrated planning response between settlements in regions and in adjoining regions and states in accordance with the relevant regional growth plan.

- Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan.

- Improving transport network connections in and between regional cities, towns and Melbourne.

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
Strategies

Support the role of Central Geelong as a major regional city and revitalise and strengthen its role as Victoria’s second city.

Support the growth of Bannockburn, Colac, Drysdale/Clifton Springs, Lara, Leopold, Ocean Grove and Torquay/Jan Juc as district towns by building on existing and planned infrastructure and focussing growth along key road and rail networks.

Plan for Colac and Winchelsea as new targeted growth nodes.

Provide for long term growth options that build on existing infrastructure, including two further investigation areas north and west of Geelong.

Reinforce the role of district towns in providing services to surrounding areas.

Maintain a significant settlement break between the region and Melbourne.

Provide for settlement breaks between towns to maintain their unique identities.

Require a settlement boundary for all towns.

Protect critical agricultural land by directing growth to towns.
Geelong G21 Regional Growth Plan

SETTLEMENT ROLE AND GROWTH
- Reinforce the role of Geelong as a regional city and Victoria’s second largest city
- Strengthen Central Geelong’s role as a major regional city centre by supporting growth with a focus on identified infill housing opportunity areas and building on the region’s health, education and research capabilities
- Support planned growth and reinforce the role of district towns
- Introduce new targeted growth nodes at Colac and Winchelsea
- Identification of two Further Investigation Areas in Geelong
- Identification of four key settlement breaks

MAJOR INFRASTRUCTURE
- An efficient and equitable public transport, road and freight network leveraged off existing infrastructure
- Airport
- Port of Geelong
- Minor port

EMPLOYMENT GROWTH
- Maintain productive agricultural areas
- Development of a national transport and logistics precinct
- Strengthen and protect the identified existing and planned employment areas
- Future employment nodes

ENVIRONMENT
- Maintain and enhance natural assets and infrastructure
- Lakes and wetlands
- Rivers
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
- The Victorian Transport Plan (Victorian Government, 2008)
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.

Policy documents
Consider as relevant:
- Victorian Coastal Strategy (Victorian Coastal Council, 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)
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:

The Great Ocean Road region

Objective
To manage the sustainable development of the Great Ocean Road region.

Strategies
Protect public land and parks and identified significant landscapes in the Great Ocean Road region. Ensure development responds to the identified landscape character of the area.

Manage the growth of towns by:
- Respecting the character of coastal towns and promoting best practice design for new development.
- Directing urban growth to strategically identified areas.

Manage the impact of development on catchments and coastal areas.
Manage the impact of development on the environmental and cultural values of the area.

Improve the management of access and transport by:
- Managing the Great Ocean Road for tourism and regional access.
- Enhancing the safety and travelling experience of the Great Ocean Road.
- Improving the safety and operational performance of the inland routes from the Princes Highway to the Great Ocean Road.
- Providing travel choices to and in the region.

Encourage sustainable tourism and resource use by:
- Developing a network of tourism opportunities throughout the region.
- Supporting tourism activities that provide environmental, economic and social benefits.
- Supporting the land use and transport needs of key regional industries including tourism.
- Using natural resources with care.

Policy documents
Consider as relevant:
- Victorian Coastal Strategy (Victorian Coastal Council, 2014)
- The Great Ocean Road Region Landscape Assessment Study (Department of Sustainability and Environment, 2003)
- The Great Ocean Road Region - A Land Use and Transport Strategy (Department of Sustainability and Environment, 2004)
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.
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:

- Principle 1: Ensure the protection of significant environmental and cultural values.
- Principle 2: Undertake integrated planning and provide clear direction for the future.
- Principle 3: Ensure the sustainable use of natural coastal resources.
- 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)
12.03 WATER BODIES AND WETLANDS
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)
- *Healthy Waterways Strategy* (Melbourne Water, 2013)
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:

- 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:

13.05 NOISE

31/07/2018 VC148
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.
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)
Agricultural productivity - Geelong G21

Strategy

Support new opportunities in farming and fisheries.
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:

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

31/07/2018
VC148
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.
16.01 RESIDENTIAL DEVELOPMENT
**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 opportunity areas - Metropolitan Melbourne

Strategies

Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.

Manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are:

- In and around the Central City.
- Urban-renewal precincts and sites.
- Areas for residential growth.
- Areas for greyfield renewal, particularly through opportunities for land consolidation.
- Areas designated as National Employment and Innovation Clusters.
- Metropolitan activity centres and major activity centres.
- Neighbourhood activity centres - especially those with good public transport connections.
- Areas near existing and proposed railway stations that can support transit-oriented development.

Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.

Direct new housing to areas with appropriate infrastructure.
Location of residential development - Geelong G21

Strategy

Facilitate infill development in Central Geelong and West Fyans and around activity areas within urban Geelong and district towns.
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.
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.
16.01-7S  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 - Geelong G21

Strategies

Build on the region’s competitive strengths, including tourism and agricultural land resources and economic, social and natural assets.

Support new businesses that provide employment and innovation opportunities in identified employment nodes across the region.

Support industries that utilise skills within the region.
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 - Geelong G21

Strategy

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.
**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 - Geelong G21

Strategy

Plan for the expansion of industrial employment areas at Colac and Winchelsea.
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:
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:

- The Victorian Transport Plan (Victorian Government, 2008)


- Public Transport: Guidelines for land use and development (Victorian Government, 2008)

Transport system - Geelong G21

Strategies
Support improved transit and access within Geelong and the wider region.

Support a greater connection to the Werribee growth corridor and Melbourne.
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
18.05 FREIGHT

31/07/2018 VC148
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 - Geelong G21

Strategy
Recognise and develop a national transport and logistics precinct to the north of Geelong, connecting Avalon Airport, Geelong Port and the Geelong Ring Road Employment Precinct.
INFRASTRUCTURE

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.
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.
Education precincts - Geelong G21

Strategy

Support education hubs at Waurn Ponds and Central Geelong with Deakin and The Gordon.
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)
- Infrastructure Contributions Plan Guidelines (Department of Environment, Land, Water and Planning, 2016)
- 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

Objective
To sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach.

Strategies
Plan and coordinate integrated water management, bringing together stormwater, wastewater, drainage, water supply, water treatment and re-use, to:

- Take into account the catchment context.
- Protect downstream environments, waterways and bays.
- Manage and use potable water efficiently.
- Reduce pressure on Victoria's drinking water supplies.
- Minimise drainage, water or wastewater infrastructure and operational costs.
- Minimise flood risks.
- Provide urban environments that are more resilient to the effects of climate change.

Integrate water into the landscape to facilitate cooling, local habitat improvements and provision of attractive and enjoyable spaces for community use.

Facilitate use of alternative water sources such as rainwater, stormwater, recycled water and run-off from irrigated farmland.

Ensure that development protects and improves the health of water bodies including creeks, rivers, wetlands, estuaries and bays by:

- Minimising stormwater quality and quantity related impacts.
- Filtering sediment and waste from stormwater prior to discharge from a site.
- Managing industrial and commercial toxicants in an appropriate way.
- Requiring appropriate measures to mitigate litter, sediment and other discharges from construction sites.

Manage stormwater quality and quantity through a mix of on-site measures and developer contributions at a scale that will provide greatest net community benefit.

Provide for sewerage at the time of subdivision or ensure lots created by the subdivision are capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.

Ensure land is set aside for water management infrastructure at the subdivision design stage.

Minimise the potential impacts of water, sewerage and drainage assets on the environment.

Protect significant water, sewerage and drainage assets from encroaching sensitive and incompatible uses.

Protect areas with potential to recycle water for forestry, agriculture or other uses that can use treated effluent of an appropriate quality.

Policy documents
Consider as relevant:

- State Environment Protection Policy (Waters of Victoria)
- Water for Victoria - Water Plan (Victorian Government, 2016)
- Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999)
- *Guidelines for Environmental Management: Code of Practice - Onsite Wastewater Management* (Publication 891.4, Environment Protection Authority, 2016)

- *Planning Permit Applications in Open, Potable Water Supply Catchment Areas* (Department of Sustainability and Environment, 2012)
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)
- *Waste Management Policy (Siting, Design and Management of Landfills)* (Environment Protection Authority, 2004)
- *Environment Protection (Industrial Waste Resource) Regulations 2009*
- *Best Practice Environmental Management Guideline (Siting, Design, Operation and Rehabilitation of Landfills)* (Environment Protection Authority, 2001)
- *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.
INTRODUCTION

Municipal profile

The Surf Coast Shire is located in the Corangamite Region of south-west Victoria as shown in Map 1 to this Clause. Geographically positioned south-west of Geelong, the Shire has an area of 1,560 square kilometres with some 55 kilometres of coastline defining its south-eastern boundary.

Map 1 to Clause 21.01 – Regional Context Plan

The Shire contains rich and diverse environmental, cultural and scenic landscapes including rugged coastlines, native forests, rolling to flat rural plains and many rivers, lakes and wetlands. These landscapes contain significant heathlands, grassy woodlands and bushland areas and habitat for many threatened species, including the Orange Bellied Parrot, Hooded Plover, Rufous Bristlebird, Swamp Antechinus and New Holland Mouse. Features of environmental and cultural heritage significance include the Great Otway National Park, indigenous sites, the Marine Park off Point Addis, the Great Ocean Road and the Split Point Lighthouse in Aireys Inlet.

Wetlands and waterways of environmental significance include Lake Murdeduke, listed under the Ramsar Convention and Directory of important wetlands, Lake Modewarre, Lake Dubin, Barwon River and the Karaaf saltmarsh (Breamlea) which all provide habitat for JAMBA and CAMBA listed species.

Traditional occupation of the region was by three aboriginal language groups: the Wathaurong (Wada wurrung) in the north and east extending to Painkalac Creek in Aireys Inlet, the Gadubanud to the south of Painkalac Creek stretching past Lorne, and the Gulidjan west of the Barwon River in Winchelsea.
In the course of time these physical features and cultural influences have created distinctive communities with a diversity of values and expectations. The southern part of the Shire contains nodes of coastal townships dotted along the Great Ocean Road comprising Torquay-Jan Juc, Anglesea, Aireys Inlet, Fairhaven, Moggs Creek and Lorne. Other than Torquay-Jan Juc, these towns are sited on the coastal edge of the Otway Ranges and are surrounded by the Great Otway National Park. Rural lands north of the Otways contain the townships of Winchelsea, Deans Marsh, Moriac and Bellbrae. Torquay-Jan Juc is the main administrative and population centre and is located at the eastern end of the Shire, linked to Geelong by a dual lane highway.

The Surf Coast Shire has considerable and extensive fire history with many of the settlements across the municipality at high risk from bushfire or grassfire. Large numbers of tourists visit these areas during the fire danger period and the Great Ocean Road provides the main access route into and out of the area during a major fire event.

The Surf Coast is a popular tourist and surfing area. Its economy is increasingly reliant on tourism. Employment is dominated by retail, tourism and hospitality, construction, and health and community services. Agriculture, once the dominant sector, is still growing in productive output and makes a significant contribution to the economy, but employs only a small proportion of the Shire’s workforce.

The rural areas of the Shire are not only important for agriculture, but are increasingly valued, in terms of the environment and landscape, for their contribution to the amenity and liveability of the Shire and their tourism and recreation value.

### Key Issues and Influences

Key issues and influences impacting the Surf Coast Shire include:

- Increasing popularity of the coast and coastal towns as permanent, holiday and tourist destinations.
- Reconciling coastal growth with the fragile natural environment, traditional coastal town character and relaxed surfing culture.
- Changing rural industry and influx of lifestyle farms.
- Protection of significant wetlands, waterways and vegetation, habitats and scenic landscapes.
- Threat of bushfire on coastal and hinterland towns within close proximity to forested land.
- Rapid rate of growth in Torquay-Jan Juc and delivery of necessary infrastructure.
- High cost of urban land and consequent pressure to develop urban uses in rural areas.
- Increasing accessibility of the Shire to Geelong and Melbourne.

### Vision and strategic framework plan

The Surf Coast Shire Council Plan 2013-2017 describes the following vision for the Shire:

“Working towards an engaged, innovative and sustainable community.”

This vision is supported by five main themes and a number of strategic objectives and outcomes. The themes are:

**Environment:**

We pursue innovative and sustainable practices that will preserve and enhance our natural environment for all, by being socially responsible and environmentally aware.

**Governance:**

We are committed to delivering a transparent, high performing and sustainable organisation that engages with the community and adopts robust risk management practices.
Communities:
We actively engage with our diverse and growing communities to establish quality services, healthy and safe environments and long term community partnerships.

Infrastructure:
We are committed to understanding and meeting our community’s needs for accessible, well maintained and safe infrastructure.

Development and Growth:
We foster healthy and sustainable communities by supporting tourism and rural businesses, and encouraging clean industries and development that respects the Surf Coast’s environment and lifestyle.

Surf Coast Shire Council is committed to creating sustainable communities, and by sustainable, meaning:

\textit{The principle of ensuring that our actions today do not limit the range of economic, social and environmental options open to future generations.}

Municipal Framework Plan
The underlying principle that directs all local policy and strategies of the Surf Coast Planning Scheme is that \textbf{the natural environment is the single most important attribute and asset of the Surf Coast Shire}. The natural environment of the Surf Coast provides a lifestyle quality treasured by both the permanent and non-permanent population, and is the basis of a thriving tourist industry and broad agricultural base.

The Municipal Land Use Framework Plan (Map 2 to Clause 21.01) sets out the general pattern for land use and development to respond to the key issues and influences to achieve the strategic vision for the municipality.

The purpose of the framework plan is to provide an overview of land use in the Surf Coast Shire and to identify locations where specific land use outcomes will be supported and promoted.

The key strategic directions for sustainable land use and development as identified in the framework plan are:

\textbf{Settlement Built Environment and Heritage}

- To manage population and tourist growth and development in an ecologically sustainable manner.
- To protect the rural landscape and significant biodiversity assets from urban intrusion and to provide clear distinction between townships.
- To direct population growth and development to low bushfire risk locations.
- To concentrate urban growth in the towns of Torquay-Jan Juc and Winchelsea.
- To support and strengthen the individual character and role of the coastal and rural towns within the Shire that contributes to the diversity of experiences, and residential, commercial, recreational and employment opportunities.

\textbf{Environmental Management}

- To protect the fragile coastal and forest environments and scenic landscapes that separates the coastal townships, from urban sprawl and inappropriate development.
- To avoid development in areas of biodiversity and landscape significance where bushfire mitigation measures will compromise those assets.
Tourism

- To promote natural resource based tourism, at a scale and form that respects its setting, the surrounding land uses and the locale.
- To promote Lorne as a primary tourist destination on the Great Ocean Road while protecting and enhancing its highly vegetated coastal urban character, residential amenity and forest hinterland.

Agriculture

- To protect and enhance the rural areas of the Shire for their diverse agricultural, environmental and landscape values and opportunities.

Landscape

- To maintain a clear rural-landscape separation between Torquay-Jan Juc and the Armstrong Creek southern growth corridor of Geelong.
- To protect the undeveloped, natural landscape vista of the Bells Beach Surfing Recreation Reserve.
- To recognise that rural landscape vistas are highly valued for their contribution to the amenity and liveability of rural areas.

Rural Residential Living

- To limit the provision of rural residential / rural living lots outside settlement boundaries to prevent adverse impacts on agricultural, environmental and landscape values.
Key Principle: The single most important attribute and asset of the Surf Coast Shire is the natural environment and the lifestyle and values that it fosters

Managing and protecting rural values and opportunities

Supporting and strengthening the role & rural and historic character of hinterland towns

Maintaining a clear rural-landscape separation

Concentrating urban growth in Torquay/Jan Juc and Winchelsea

Protecting the fragile coastal and forest environments and scenic landscapes

Promoting Lorne as a tourist destination while protecting its vegetated coastal character

Bass Strait

FRAMEWORK PLAN LEGEND
- URBAN GROWTH CENTRE
- COASTAL TOURIST TOWNSHIP
- COASTAL TOWNSHIP
- RURAL TOWNSHIP
- BANWON RIVER
- NATIONAL PARK
- MARINE NATIONAL PARK/SANCTUARY
- GREEN WEDGE / Rural landscape buffer
- ALOHA LICENCE
- BUSHFIRE HAZARD
- GREAT OCEAN ROAD
- HIGHWAY
- MAIN ROAD
- SECONDARY ROAD
- RAILWAY LINE
SETTLEMENT, BUILT ENVIRONMENT, HERITAGE AND HOUSING

This Clause provides local content to support Clause 11 (Settlement), Clause 12.02 (Coastal Areas), Clause 13 (Environmental Risks), Clause 14 (Natural Resource Management), Clause 15 (Built Environment and Heritage), Clause 16 (Housing), Clause 17 (Economic Development) and Clause 19 (Infrastructure) of the State Planning Policy Framework.

Issues

Relatively strong population growth within the coastal towns is expected to continue for the foreseeable future due to sustained interest in the region’s natural environment.

Torquay-Jan Juc is the only coastal town in the Shire with capacity to accommodate substantial growth. Winchelsea also has the capacity and infrastructure to accommodate growth.

Growth of the coastal towns from Anglesea through to Lorne is limited by physical, environmental and bushfire constraints, including the Great Otway National Park and the desire to retain the natural scenic coastal landscape settings between these urban settlements.

The Surf Coast Shire is within one of the most vulnerable bushfire prone regions in the world and forested land presents a bushfire threat to the hinterland towns of Deans Marsh and Bellbrae and the coastal towns of Anglesea through to Lorne, including the western edge of Jan Juc.

Development pressure and insensitive suburban style development are threatening the character of the coastal towns valued by residents and visitors alike.

Insensitive and inappropriate development often results from a poor understanding of local character, stemming from an inadequate analysis of the context in which a property is located.

Substantial swelling of the coastal population is experienced over the summer season from tourists and absentee holiday home owners. Peak overnight populations are estimated to almost triple during this time, with significant changes in household structures and demands for services and facilities.

A significant proportion of dwellings in the coastal towns are not permanently occupied, serving as holiday homes.

The settlements are highly car dependent communities with limited public transport services throughout the Shire and within townships.

Outdoor entertainment and recreation opportunities are an important aspect of both the desirability and liveability of the Surf Coast region.

Increasing pressure for the establishment of large format retail premises (e.g. supermarkets, discount department stores, bulky goods retail outlets) within and outside designated activity centres.

There are limited and poorly designed pedestrian and cycle paths throughout and between the settlements.

Peak summer car parking demands within coastal townships are much greater than in the winter months.

Loss of heritage places within coastal townships due to urban growth and development, particularly redevelopment at higher densities.

Redevelopment that is not sympathetic to the character and values of heritage places.

Objectives

Activity Centre Planning

To support a strong hierarchy of multi-functional, attractive, accessible activity centres across the municipality that can deliver the best possible facilities to residents and visitors and that maintains a vibrant and sustainable local economy.
To encourage a variety of entertainment and recreational opportunities across the municipality which are compatible with the social, economic and cultural characteristics of the local community.

**Settlement Patterns**

To ensure that urban development minimises the impact on the environment and the impact from environmental risks are minimised, makes efficient use of land, infrastructure and resources, and is concentrated in accessible locations.

**Neighbourhood Character**

To protect the individual coastal township character values of low urban density, recessive built form, vegetated coastal landscapes and ecological values of the natural environment from inappropriate urban development.

**Heritage**

To conserve the cultural heritage of the Shire to enhance the community’s appreciation of the history and development of this region.

**Open Space and Infrastructure**

To ensure that open space is landscaped and developed in a manner that is consistent with the character of the local area and incorporates bushfire mitigation measures where relevant.

To build on the existing transportation system in a manner that reduces car dependence, encourages walking and cycling for local trips, integrates pathways with public transport and public open space and manages the summer tourist / holiday peaks.

To facilitate the timely provision of a range of community and recreation facilities to meet the needs of local residents, and to promote community health and cohesion.

---

**Strategies**

**Activity Centre Planning**

- Ensure activity centres are designed and scaled to embrace the local character of the township or neighbourhood in which they are located.
- Facilitate a diversity of uses and activities within activity centres to support local employment opportunities which will make towns more self-contained and thus reduce motor vehicle dependency.
- Encourage the provision of a horizontal and vertical mix of uses within activity centres, including active uses at ground floor level and offices and apartments at upper floors, where appropriate.
- Provide a flexible built form, complementary to the local character, that can evolve over time to meet current and future requirements.
- Facilitate diverse residential opportunities including medium density housing, affordable housing and housing for the aged close to activity centres in appropriate locations.
- Where appropriate, facilitate the establishment of neighbourhood activity centres in new growth areas, providing a range of retail, commercial and community facilities to service local residents.
- Ensure the built form of large format retail premises are integrated into the surrounding area by being ‘sleeved’ by smaller retail units (e.g. shops, cafes) that are consistent with the prevailing rhythm and scale of the street and have active frontages.
- Limit the visual impact of large at-grade car parks from main roads by placing them to the side or rear of buildings and breaking up large areas of parking with landscaping and shade trees.
- Ensure landscaping, including the provision of shade trees, is integrated with the design of car parking areas, open space and streets.
- Require the provision of car parking spaces in all centres to meet the projected usual demand, not peak (seasonal) demand.
- Optimise the efficient use of land through maximising opportunities for basement and roof top parking, on-street parking and the sharing of car parking areas between uses within a centre.
- Ensure activity centres are easily accessible by pedestrians, cyclists and public transport from surrounding residential areas.
- Facilitate a high level of pedestrian permeability and amenity within activity centres.
- Provide bicycle storage facilities in easily identifiable locations.
- Ensure that advertising signage is consistent with the surrounding urban context in terms of scale, format, materials, colours and illumination and is designed to minimise visual clutter through integrating into the overall building form of the development.
- Ensure electronic gaming machines are located so as not to be detrimental to the social, economic and cultural wellbeing of the community.

**Settlement Patterns**

- Designate Torquay-Jan Juc and Winchelsea as the major urban growth centres for the Shire.
- Maintain clear non-urban breaks between townships, particularly Geelong and Torquay and the coastal settlements.

**Neighbourhood Character**

- Ensure residential development densities are compatible to the protection of the indigenous vegetation and the historic neighbourhood character of the Surf Coast settlements.
- Encourage a coastal style of urban form within all coastal towns and coastal localities in all developments.
- Recognise the key role vegetation plays in defining township character and in softening urban development.

**Heritage**

- Promote the preparation of conservation management plans for key or complex heritage places prior to seeking planning and building approvals and the commencement of works

**Open Space and Infrastructure**

- Give priority to the use of indigenous planting in the landscaping of open space and complement this with public artwork where appropriate that is reflective of the locality.
- Avoid landscaping in a connected, continuous form where open space networks are linked to or within close proximity to a bushfire hazard.
- Encourage the delivery and coordination of public transport to best meet the needs of the community both locally and regionally.
- Ensure the provision of open space in all new subdivisions has particular regard to identifying specific community needs.
- Make provision for the distribution of social infrastructure within community hubs across townships to meet local needs and ensure accessibility for all

**Implementation**

The strategies will be implemented by:
Using policy and the exercise of discretion

Requiring neighbourhood character of the coastal towns of Torquay-Jan Juc through to Lorne to be considered in all development application within these settlements.

Using the Streetscape and Landscaping Policy, Clause 22.02 to advance the preferred neighbourhood and streetscape character of urban areas.

Requiring new development and external alterations of existing buildings to be consistent with the Statement of Significance of the relevant heritage place as listed in the Surf Coast Shire Heritage Study Stage 2B – Statements of Significance, July 2009 incorporated document.

Requiring new works (external painting, internal alterations and changes to the mature garden setting) at 1135 Barrabool Road, Barrabool to take into consideration the ‘Barrabool Uniting (formerly Presbyterian) Church and Manse: Heritage Assessment, 2014’ reference document.

Requiring operation and management plans for the ongoing servicing and maintenance of relevant infrastructure, including drainage systems, open space, landscaping and road reserves.

Requiring a range of lot sizes in greenfield subdivision to encourage housing diversity and to avoid future applications for battleaxe subdivision.

Strongly discouraging the establishment of large format retail premises outside designated activity centres.

Using the Gaming Policy (Clause 22.08) to ensure that the use or installation of electronic gaming machines does not have a negative impact on the culture or character of a township or exacerbate problem gambling.

Applying zones and overlays

Applying Design and Development Overlays to Torquay and Jan Juc to ensure development contributes to the preferred neighbourhood character.

Applying a Neighbourhood Character Overlay to Lorne, Anglesea, Aireys Inlet and Fairhaven to protect the coastal character of these towns.

Applying a Design and Development Overlay to Moggs Creek and Eastern View to protect the coastal character of these towns.

Applying a Significant Landscape Overlay to protect the low density vegetation character of Anglesea and Lorne.

Applying a Significant Landscape Overlay to protect the vegetation landscape of central Torquay and Jan Juc.

Applying a Significant Landscape Overlay to protect the Barwon River landscape in Winchelsea.

Applying an Environmental Significance Overlay to protect significant vegetation and habitat in the coastal towns of Torquay/Jan Juc, Anglesea, Aireys Inlet, Fairhaven, Moggs Creek and Lorne.

Applying a Heritage Overlay to protect heritage places of significance.

Undertaking further strategic work

Monitoring the supply and demand of residential and industrial land to ensure that adequate land availability is maintained.

Regularly reviewing the Torquay-Jan Juc and Winchelsea Structure Plans to ensure the appropriate planning for, and capacity to, accommodate urban growth in these townships.

Other actions

Developing sustainable urban coastal design and subdivision guidelines to inform the implementation of policy and for use as educational material.

Completing the assessment of the level of heritage significance of nominated heritage sites, and undertaking a further scoping study to determine any additional places of potential significance.
Planning for the provision of cycle storage facilities at public transport nodes to encourage multi-purpose trips.

Planning for the provision of safe, informal car parking overflow areas to meet short term peak parking demands over the summer tourist period.

**Reference documents**

- Torquay/Jan Juc Retail Strategy (2011)
- Surf Coast Shire Rural Strategy (2007)
- Barrabool Uniting (formerly Presbyterian) Church & Manse: Heritage Assessment (2014)
- Surf Coast Shire Biodiversity Mapping Project (SCS, DELWP, CCMA, 2014)
- Neighbourhood Character Studies and Structure Plans (Lorne, Aireys Inlet to Eastern View, Anglesea and Torquay/Jan Juc)
- Surf Coast Open Space Strategy (2004)
- Surf Coast Housing Strategy (2006)
- Regional Bushfire Planning Assessment, Barwon South-West Region (DPCD 2012)
This Clause provides local content to support Clause 12.01 (Environmental and Landscape Values), Clause 13 (Environmental Risks), Clause 14 (Natural Resource Management) and Clause 14.02-1 (Catchment planning management) of the State Planning Policy Framework.

### Issues

- The loss and degradation of biodiversity and ecosystem processes and function.
- The loss and fragmentation of indigenous vegetation including threatened ecological communities and fauna and flora habitat and decline in native vegetation and loss of biodiversity.
- Continued decline in populations of rare and threatened species including those endemic to the Otways and Surf Coast Shire.
- Increase in agro forestry and sustainable farming practices resulting in significant enhancements being made to patches of remnant vegetation through increasing patch size, improving connectivity, reducing soil erosion and weed management, particularly in the Deans Marsh, Bambra and Pennyroyal areas.
- Land and water degradation, including dune and cliff erosion, dryland salinity, soil depletion and waterlogging.
- Social and recreational use of the coast threatening the inherent values of the coastal and marine environment.
- Declining linear bio-links, such as in road reserves, railway lines, streams and drainage lines, which connect pockets of remnant vegetation, larger reserves and waterbodies that help maintain diversity and connect isolated habitats.
- Threats to the health of waterways and wetlands, estuaries and marine ecosystems.
- Flood management in urban and rural areas.
- Impacts of salinity hot spots on biodiversity, water quality, agricultural production, buildings and infrastructure.
- Impact of development on naturally occurring saline areas, such as lakes, estuaries, coastal wetlands and saltmarshes, through changes to hydrological processes.
- Bushfire risks in both urban and rural areas due to dense vegetation cover, difficult access for emergency vehicles, steep topography and exposure of development at the bush/urban interface and high visitation numbers during the fire season.
- Coastal towns all face potential for a landscape scale bushfire including bushfire penetration into the townships.
- High tourist visitation to areas at risk from bushfire particularly during the bushfire risk season.
- Increasing losses of native vegetation in response to bushfire mitigation measures.
- Impact of climate change on bushfire risk and sea level rise and coastal biodiversity.
- Pest plant and animal invasion impacts on biodiversity of coastal reserves and bushland areas, landscape values and the productivity of agricultural land.

### Objectives

#### Environmental assets

To protect and enhance the Shire’s diverse natural resources in an ecologically sustainable manner for present and future generations.
Environmental risks
To manage the risks of environmental hazards, including bushfire, salinity and flooding, to avoid adverse consequences on the natural and man-made environment.

21.03-3
08/03/2018
C96

Strategies

Environmental assets

- Retain and enhance adequate and appropriately vegetated riparian and wetland buffer zones and retention of natural drainage and waterway corridors with vegetation buffer zones to prevent nutrients and sediments entering waterways, lakes, wetlands and estuaries, and to slow the rate of runoff.

- Promote environmental buffers adjacent the Great Otway National Park.

- Avoid extending settlements or intensifying development in locations identified as containing biodiversity assets, except where assets won’t be fragmented or otherwise compromised and can be protected and incorporated into a proposed open space network.

- Ensure that development on and near the coast is compatible with and enhances the environmental values, visual character and amenity of the coastal environment.

- Identify and protect buffers for coastal vegetation communities likely to be impacted by the coastal impacts of climate change, to allow for landward migration of vegetation communities (e.g. Saltmarshes).

- Improve ecological connectivity across the landscape to link fragmented habitats and strengthen ecosystem resilience to climate change.

- Encourage the ongoing protection, enhancement and re-establishment of indigenous vegetation.

- Encourage the effective management of pest plants and animals including the removal of environmental weeds identified in ‘Weeds of the Surf Coast Shire’ 2013.

- Encourage the reuse and retention of stormwater in urban environments to reduce the impact on downstream hydrology.

Environmental risks

- Discourage buildings, works, land use and subdivision that would be detrimental to the maintenance of the natural systems of land affected by flooding and inundation.

- Direct planning for new urban growth areas away from saline land.

- Minimise development on land within or adjacent to naturally saline waterways including wetlands to prevent their degradation.

- Discourage land use and development that has potential to aggravate or initiate salinity has regard to the salinity risk and takes the appropriate measures to mitigate any adverse impacts.

- Avoid re-zoning and development of land for urban purposes where there is a high risk of flooding.

- Support a limited range of sustainable and socially equitable, coastal dependent, recreational and tourism activities in appropriate locations that complement and promote the coast’s natural and cultural values.

- Direct new urban growth areas and subdivision away from the bushfire hazard.

- Avoid development intensification in areas at risk from bushfire including close to or abutting the national park/urban settlement interface.

- Ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level and bushfire protection measures can be readily implemented.
- Ensure that uses and developments (including social events) appropriately consider fire protection, safety and management measures to minimise risk to life and property at special events or developments where large numbers of people congregate.

### Implementation

These strategies will be implemented by:

**Using policy and the exercise of discretion**

- Effective settlement planning that directs urban growth and infill development to areas where environmental risks are lowest and where new urban development will have minimal impacts on environmental assets.

- Requiring an assessment of the risk to existing residents, property and community infrastructure from bushfire and that it will not increase as a result of future land use and development, where appropriate.

- Requiring the integration and connection of areas of natural value and habitat, including creeks and areas of remnant vegetation, within the open space network, where appropriate.

- Using the Surf Coast Shire’s ‘Indigenous Planting Guide’ to encourage use of indigenous plant species in landscape plans.

- Requiring the preparation of an Environmental Management Plan by a suitably qualified professional as part of any application for a major development or rezoning within close proximity to environmentally sensitive areas.

- Requiring all proposals to meet Clause 14.02-1 (Catchment planning and management) requirements of retaining natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterways to maintain the natural drainage function, stream habitat and wildlife corridors and landscape values, to minimise erosion of stream banks and verges and to reduce polluted surface runoff from adjacent land uses.

- Requiring land management plans that demonstrate best farm and environmental management practices with development and subdivision applications in rural zones.

- Requiring the submission of a salinity impact report for any land uses and developments that can significantly change surface water and groundwater hydrological flow patterns within those areas shown on Map 1 to this Clause – ‘Areas of Potential Salinity Impacts’, with measures to mitigate the expansion of existing areas effected by salinity or the generation of new areas effected by salinity.

- Requiring non habitable buildings in flood prone areas to be aligned so that their longitudinal axis is parallel to the predicted direction of the flood flow.

- In flood prone areas, for dwelling extensions greater than 20m² and below the nominal flood protection level, requiring the owner to:
  - Enter into an agreement with Council under Section 173 of the Planning and Environment Act 1987, stating that the floor level is below the nominal flood protection level and the owner takes full responsibility for any damage caused by flooding. This agreement must be registered on title; and
  - Use water resistant materials that are designed for flood proofing and any possible flow velocity impacts.

**Applying zones and overlays**

- Applying an Environmental Significance Overlay to protect significant wetlands, waterways and remnant vegetation and habitat in the hinterland and within the coastal townships.

- Applying a Vegetation Protection Overlay to protect significant native vegetation.
- Applying a Significant Landscape Overlay to the Great Ocean Road, Bells Beach and Point Addis hinterlands to protect significant native vegetation and habitat in areas that are also of high landscape significance.

- Applying an Environmental Significance Overlay to Special Water Supply Catchment Areas to protect and maintain water quality and yields in catchments.

- Applying a Floodway Overlay or Land Subject to Inundation Overlay to land identified by the Corangamite Catchment Management Authority as being flood prone.

- Applying a Salinity Management Overlay to areas of salinity and saline wetlands or primary salinity assets.

- Applying an Environmental Significance Overlay to saline wetlands and primary salinity assets with environmental values.

- Applying a Bushfire Management Overlay to areas where there is a potential for extreme bushfire behaviour.

**Undertaking further strategic work**

- Review the current application of the Farming Zone, Rural Conservation Zone and Rural Living Zones to ensure land containing significant biodiversity assets is suitably zoned.

**Other actions**

- Working with the Country Fire Authority and the Department of Environment, Land, Water and Planning to continually improve the effectiveness of the Bushfire Management Overlay.

- Working with the Corangamite CMA and Department of Environment and Primary Industries to investigate the implementation of the Erosion Management Overlay and appropriate overlays to address coastal acid sulphate soils.

- Continuing investigation of opportunities for the reuse of water, both in the public and private realm, in conjunction with relevant State and Regional Authorities.

**Reference Documents**

*Salinity Management Overlay Project Report, EnPlan-DBA with Dahlhaus Environmental Geology and Chris Harty Planning and Environmental Management, Corangamite CMA (2006)*

*Surf Coast Shire – Salinity Management Overlay Salinity Occurrences and Mapping Background Report No 4: Dahlhaus Environmental Geology Pty Ltd (2006)*

*Surf Coast Shire Indigenous Planting Guide (2003)*

*Weeds of the Surf Coast Shire (2013)*

*Remnant Roadside Vegetation of the Surf Coast Shire (1997)*

*Biodiversity Mapping Project, SCS, DEPI & CCMA (2014)*

*Regional Bushfire Planning Assessment, Barwon South-West Region (DPCD 2012)*

*Victoria’s Waterway Management Strategy (DEPI 2014)*
Map 1 to clause 21.03: Areas of potential salinity impacts
TOURISM

This Clause provides local content to support Clause 17.03 (Tourism) of the State Planning Policy Framework.

Issues

- The tourism industry is underpinned by the coastal location, environmental values and scenic qualities of the Surf Coast.
- Tourism benefits the community by injecting money into the local economy, providing jobs, improving facilities, creating opportunities for business and stimulating improved transport services.
- The focus of tourism is broadening as tourist developments seek to capitalise on the environmental and landscape values of the rural hinterland for nature and farm based tourism, while providing opportunities for the diversification of struggling rural enterprises.
- The Great Otway National Park presents opportunities for the development of nature and adventure based activities, focussed around a diversity of passive and active recreational options for visitors.
- The benefits of tourism needs to be balanced against the potential negative impacts, including:
  - impacts on local communities through loss of amenity, overtaxing of services, pressure on infrastructure (water supply, wastewater treatment, waste disposal, roads, car parking) and environmental damage;
  - pressure for higher density and larger scale urban tourist development, which can compromise the low scale and vegetated character of the coastal townships; and
  - pressure for tourism development in rural and environmentally sensitive locations along the coast and in the rural hinterland, which has potential to compromise the natural environment, landscape values and agricultural activities.
  - pressure for tourism development in areas of very high and extreme bushfire risk.
- Uneven concentration of tourist visitations that rely on peak holiday periods, day trips and the coast.
- Hospitality and tourism providers struggle to fill job vacancies and house employees, especially during peak periods.
- Increasing traffic volumes on the Great Ocean Road (especially during the bushfire season) is resulting in congestion, traffic hazards and emergency response difficulties.
- Caravan parks provide a major component of affordable visitor accommodation in the Shire, however privately owned caravan parks are facing uncertain futures due to financial and development pressures.

Objective

Tourist development

To enhance and expand the tourism industry, whilst protecting the environmental, landscape and cultural values of the Shire and the lifestyle of its residents.

Strategies

Tourist development

- Locate high profile, high volume tourism development in appropriate urban areas where their impacts and infrastructure requirements can best be accommodated.
Beyond settlement boundaries avoid tourism and other commercial facilities in land subject to the Significant Landscape Overlay Schedule 1, or where the removal of significant indigenous vegetation cannot be avoided or suitably minimised.

Limit non-agricultural based tourism development to the Lorne coastal hinterland and other selected rural areas. Such developments to be small scale, nature and adventure based tourist activities and accommodation that are compatible with natural processes and have regard to minimising exposure and risk to bushfire.

Encourage agriculture based tourism development in the rural hinterland to assist in diversification of the rural economy. Such development to be small scale and in character with the immediate rural/agricultural environment

Ensure new tourism development uses high quality, low intensity, unobtrusive, site responsive buildings and works based on ecologically sustainable design principles.

Encourage use and development that will increase visitor length of stay and increase visitor numbers in the off-peak period.

Facilitate the provision of appropriate infrastructure to support the tourism industry.

Encourage the development of a diverse range of quality tourist accommodation and facilities to meet changing visitor needs.

Consider provision of caravan parks in appropriately located areas to provide for affordable visitor accommodation.

**Implementation**

The strategies will be implemented by:

**Using policy and the exercise of discretion**

- When deciding on applications for tourist developments in a non-urban zone, consider:
  - Tourism development in the farming areas of the Shire should generally be of a small scale that does not compromise the agricultural use of the land.
  - Tourism development should be of a nature, designed and sited to avoid conflict with existing rural uses, preserve the rural landscapes and environmental values, avoid loss of high quality agricultural land, and be within proximity of existing townships.
  - Tourism development should enhance the environmental condition of the land through protection and re-establishment of native vegetation and control of pest plants and animals, erosion, salinity, stormwater and nutrient runoff. This should be demonstrated through the development and implementation of a management plan.

- Discourage tourism development from locating in:
  - prime farming areas, particularly in areas with an open rural landscape,
  - areas at risk from bushfire unless the risk to life, property and infrastructure can be reduced to an acceptable level.

- Discourage the intensification of tourism development where:
  - significant losses to biodiversity assets cannot be avoided,
  - risks from bushfire cannot be managed.

**Applying zones and overlays**

- Applying a Special Use Zone to land within urban townships specifically suitable for more intensive tourism development.
Applying a Design and Development Overlay to enhance the design and built form of tourist precincts.

- Applying an Environmental Significance Overlay, a Vegetation Protection Overlay and a Significant Landscape Overlay to identify significant biodiversity assets.
- Applying the Bushfire Management Overlay to areas where there is potential for extreme bushfire behaviour.

**Undertaking further strategic work**

- Investigating the development of sustainable design guidelines for tourist developments in rural areas.

**Other actions**

- Investigating with DPCD options for broadening the scope for limited tourism opportunities in the Rural Conservation Zone that support environmental outcomes on the land.

**Reference Documents**

- *Biodiversity Mapping Project, SCS, DEPI & CCMA (2014)*
- *Regional Bushfire Planning Assessment: Barwon South – West Region, DPCD (2012).*
- *Surf Coast Shire Rural Strategy (2007)*
AGRICULTURE
This Clause provides local content to support Clause 14.01 (Agriculture) of the State Planning Policy Framework.

Key Issues and Influences
- Rural activities in the Shire are diverse but there is a continuing shift towards more intensive agricultural industries and lifestyle or part time farming. This is changing the rural landscape of parts of the Shire.
- While comparatively modest, the economic value of agriculture continues to grow and there is potential for further development of agricultural production, including irrigated agriculture based on the use of recycled water from the Black Rock Wastewater Treatment Plant.
- Intensive farming, including poultry and piggery production, is focussed mainly north of the Princes Highway where there is sufficient land to meet buffer requirements.
- Much of the rural land in the Shire is held in multiple ‘old Crown’ titles and if individually developed with houses would result in a significant loss and fragmentation of land available for future rural production.
- Hobby farming or rural residential type living, through inappropriate small lot excisions and construction of dwellings unrelated to farming, impacts on the agricultural industry and the rural landscape.
- The significant population growth within the Shire is expected to continue and will increase pressure for inappropriate urban intrusion into productive agricultural and scenic landscape areas.
- Demand for rural lifestyle properties increases the price of land above its productive value, affecting farm affordability and agricultural activity.
- There is increasing pressure for tourism and other development to locate in the rural areas, which may adversely impact on environmental, landscape, social and agricultural values.

Agriculture

Objective 1
To encourage sustainable agricultural activities, to grow and maintain prosperous and sustainable rural communities.

Strategies
- Support agricultural activities and associated rural industries that will maintain and build on the economic base of the Shire.
- Promote agricultural activities and farm management practices that are ecologically sustainable and maintain or increase the productive capacity of the land.
- Support the use of existing small lots for innovative or niche productive activities that are not dependent upon or associated with the development of a dwelling on the lot.
- Support infrastructure and resources that will enhance productive agriculture.

Objective 2
To protect the ability of future generations to productively farm the land.
Strategies

- Discourage the subdivision of rural land for new emerging industries, or niche activities, where there is a reasonable likelihood that the industry can be accommodated on an existing small lot or part of a larger lot.

- Discourage the subdivision of rural land so as to maintain technically viable farming land parcels, preserve long term farming and farming related opportunities and maintain valued rural landscapes.

- Discourage the use and development of good quality agricultural land for activities that are not reliant on the soil.

- Strongly discourage the establishment of intensive, non-agricultural based activities in the rural area, unless a sound strategic justification can be mounted, and it can be established that the activity will have minimal impact on surrounding rural uses.

- Apply minimum lot sizes in the rural zones to ensure that rural lot sizes remain technically viable.

Objective 3

To avoid the loss of agricultural productivity associated with land use conflicts, particularly between farming activities and non-farm related residential development.

Strategies

- Strongly discourage fragmentation and non-productive use of agricultural land.

- Discourage the proliferation of housing on small lots and additional houses unrelated to the rural use of the land.

- Strongly oppose the establishment of new, or the expansion of existing, rural living/low density residential nodes outside urban township boundaries.

Implementation

The strategies will be implemented by:

Using policy and the exercise of discretion

- Applying the Rural Tenement Policy - Clause 22.01 to limit housing entitlements and subdivision in rural areas to protect agricultural land.

Applying zones and overlays

- Identifying minimum lot sizes for subdivision and permit triggers for dwellings in the schedules to the rural zones to protect agricultural land.

- Applying the Special Use Zone to land in Gum Flats Road that is for the specific purpose of testing vehicles and driver training and education.

Undertaking further strategic work

- Reviewing the appropriateness of allowing subdivision of land in the Thomsons Creek catchment area to 40 hectares subject to meeting conditions specified in the Schedule to the Farming Zone.

- Investigating the appropriateness of applying the Restructure Overlay to old, small lot subdivisions in the rural areas of the Surf Coast Shire.

- Investigating the application of a suitable zone and planning controls to facilitate horticultural development associated with recycled water access in the area between Mt Duneed and Torquay.
Reference Documents

Surf Coast Shire Rural Strategy (2007)
RURAL LANDSCAPE

This Clause provides local content to support Clause 12 (Environmental and landscape values) of the State Planning Policy Framework.

Issues

- Landscape character is the interplay of geology, topography, vegetation, water bodies and other natural features, combined with the effects of land use and built development, which makes one landscape different from another.

- The physical landscapes of the Surf Coast Shire make an important contribution to the amenity of the Surf Coast, enhancing the lifestyle of residents and adding value to the tourism economy.

- As the cost of coastal land continues to rise development pressure in rural areas increases and is often associated with tourism activity, hobby farming or infrastructure development.

- Ensuring that new land use and development is complementary to the highly valued rural landscapes is important for economic and social reasons.

- Understanding the values of the different rural landscapes is necessary to appropriately manage future use and development.

Rural Landscape Precincts

The rural areas of the Shire have been categorised into five landscape precincts based primarily on landscape features, but also taking into account land use, agricultural quality, tenement/allotment patterns and environmental values (refer to Map 1 to Clause 21.06).
- Winchelsea Plains – characterised by generally flat topography, with the Barwon River valley bisecting the flat plains. The RAMSAR listed Lake Murdeduke is the dominant feature to the west, with international significance for wading birds, while to the east the landscape becomes more undulating gently rising to the volcanic cone of Mt Pollock. The current settlement pattern allotment and tenement sizes, and the agricultural capability of the precinct are conducive to agriculture, and this is reflected in the continuing use of the land for broadacre farming and the growing intensive animal husbandry industry of pig and poultry production. Rural living development is very limited in this precinct. Farm houses and outbuildings are scattered throughout the pastoral landscape and long distance views to the low horizon are available throughout the precinct. The majority of the original native vegetation has been removed, and what remains (particularly of the native grasses) has high environmental value. Similarly, the remaining wetlands and riparian vegetation have high ecological value for the habitat they provide to native wildlife and migratory birds.

- Barrabool Hills – a distinctive upland ridge that slopes steeply down to the Barwon River on the northern side and more gently southward to the Princes Highway. This scenic corner of the municipality features Mount Moriac, the highest relief in the Shire north of the Princes Highway. The Hills, comprising this precinct and west to Mt Pollock (in the Western Plains precinct) is classified by the National Trust of Australia as significant at a regional level for its aesthetic qualities, geological and geomorphological properties and association with indigenous peoples. Aboriginal Affairs Victoria has listed numerous sites in the Barrabool Hills. It is also recorded as having historical importance at a local level, with twelve sites covered by the Heritage Overlay. The Hills offer extensive views of the surrounding pastoral landscape and have been depicted in many well known paintings of early Victorian landscapes. The current allotment and tenement sizes are conducive to agriculture and much land is still used for broadacre farming. The topography, agricultural capability and its strategic location near the major market of Geelong provide opportunities for more intensive horticultural production, subject to the availability of water. The settlement pattern of the area is relatively sparse with smaller lots concentrated in pockets along a few roads.

- Mixed Farming – takes in a band of predominantly undulating, cleared pastoral land bisected by the Barwon River in the west and Thompsons Creek in the east, ending in low, environmentally significant, open swamp behind coastal dunes at Breamlea. The eastern saltmarsh area has a strong sense of isolation and openness, In the west the allotment and tenement sizes are conducive to agriculture, particularly broadacre farming. In the east the potential exists for sustaining an irrigated agricultural industry should recycled water become available. The settlement pattern is scattered and varies in density. The precinct includes the rural settlement of Freshwater Creek and the rural residential hamlets of Lower Duneed and Connewarre in the east. The township of Moriac is centrally located in the precinct and land to the west is sparsely settled.

- Cape Otway Road to the Northern Foothills and Coast – visually attractive undulating landscape of open farm land, framed by dense bushland. It extends from the steepening valleys and foothills of the northern slopes of the Otway Ranges in the west, through the lifestyle bush blocks of Wensleydale and Gherang to the semi-pastoral hills of Bellbrae to the urban edge of Jan Juc in the east. The gently rolling hills, with some incised creeks and gullies, and pockets of remnant vegetation contribute to a sheltered, enclosed landscape. Buildings tend to be located away from roads, often in valleys or among trees. While the main land use in the precinct is farming, it occurs predominantly for lifestyle purposes. Dairying, particularly concentrated around Deans Marsh, has declined and timber, grass seed production, vines and olive groves are emerging. There are a number of rural tourism businesses primarily around Deans Marsh and Bellbrae. The landscape and environmental values of this precinct are the primary reasons for its attractiveness for tourist and lifestyle use and development.
Otway Ranges and Coast – comprises substantial tracts of dense forest in hilly terrain edged with exposed areas of low coastal heath. This precinct is dominated by the Great Otway National Park. The Great Ocean Road hugs the coastline offering dramatic coastal views and is an important domestic and international visitor tourist destination. The townships, settlements and nearby hinterland of the Great Ocean Road are also popular tourist destinations. By its nature the precinct is also one of the most fire prone areas within the State of Victoria. Bells Beach forms the north eastern boundary of this precinct and is listed on the Victorian Heritage Register for its surfing, cultural and aesthetic heritage values. The scenic landscape value of the Bells Beach Surfing Recreation Reserve and surrounds derives from the coming together of the pastoral landscape and seascape and from the relative absence of built structures visible beyond the Torquay/Jan Juc settlement boundary. The hinterland to Bells Beach (bounded by Bones Road, Addiscot Road, Bells Beach Road and Jarosite Road) provides an important rural and bush setting on route to the Bells Beach Reserve. The adjacent area of Point Addis, located on the southern side of the Great Ocean Road is bounded by the Great Otway National and includes the remote and scenically dramatic Point Addis beach. Both areas provide stunning coastal views with rugged cliffs, coastal vegetation, sandy beaches, rocky reefs and world renowned surf breaks. The settlements of Anglesea to Eastern View sit within fragile heathlands and open dry woodlands meaning that any development between townships is highly visible along the coast. In contrast the Lorne hinterland is characterised by dense, tall forest where there may be potential for some small scale tourist accommodation but will be limited by bushfire risk, environmental values and physical site constraints.

### Objectives

**21.06-2**

To protect and enhance the landscape values of the rural precincts as described in Clause 21.06-2 above.

To protect and maintain open and uncluttered rural landscapes, including vistas from main road corridors.

To protect the rural landscape from urban intrusion and to provide clear distinction between townships.

To recognise the importance of maintaining the visual landscape qualities of the Great Ocean Road and Bells Beach environs both for residents and visitors to the coast.

### Strategies

**21.06-3**

- Encourage the siting and design of new buildings to complement existing farm structures, avoid locating on hilltops and ridges and to nestle into the landscape where possible.

- Promote indigenous revegetation around buildings and structures, wetlands and along waterways to assist blending new development with the surrounding landscape.

- Ensure new buildings are sited and designed in the Barrabool Hills to foster the historic rural landscape qualities of the area.

- Ensure tourism facilities are limited in their intensity and scale to avoid adverse visual impact on the natural environment and rural landscape and to retain the marketing characteristics of low key, eco-based tourist values.

- Direct tourism and other commercial facilities to land within settlement boundaries or in locations with easy access to existing infrastructure. Beyond settlement boundaries, avoid these uses in land subject to the Significant Landscape Overlay Schedule 1 or where the removal of indigenous vegetation cannot be avoided or suitably minimised.

- Manage development in Nationally and Internationally significant areas to ensure landscape, native vegetation and natural features remain visually dominant over the built environment. These areas include the Bells Beach hinterland (bounded by Bones Road, Addiscot Road, Bells
Road and Jarosite Road) and other land zoned Rural Conservation Zone that is subject to either the Significant Landscape Overlay Schedule 1 or the Vegetation Protection Overlay Schedule 1.

- Ensure development is visually recessive within the viewshed of the Great Ocean Road between Anglesea and the Shire’s western boundary identified by the Significant Landscape Overlay Schedule 1 and Design and development Overlay Schedule 11.
- Ensure any development is visually recessive within the viewshed of the Bells Beach Surfing Recreation Reserve identified by the Significant Landscape Overlay Schedule 1.
- Encourage new development, including intensive animal industries and dwellings, to adopt a clustered development pattern rather than being dispersed throughout the landscape.
- Discourage the subdivision of land below the minimum lot sizes specified in the schedules to the rural zones.
- Discourage any proposal to use, rezone or subdivide land for rural residential or urban residential development.
- Discourage uses not associated with an agricultural activity in any rural area outside the Rural Activity Zone.
- Maintain clear, non urban breaks between Geelong and Torquay and between the coastal settlements.
- Oppose any rezoning proposals that would allow more intensive development in the Bells Beach hinterland and Point Addis.
- Protect the visual prominence of the Great Ocean Road and significant public viewing points along the Otway Coast and Ranges.
- Support the concept of a buy-back scheme for private land with significant environmental value along the Great Ocean Road and in prime tourist locations along the coast.
- Oppose intensification of development and subdivision of large freehold coastal properties between Aireys Inlet and the Shire boundary west of Lorne, due to their high visual exposure, steep slopes and limited access.
- Oppose subdivision and tourist development in the Mt Sabine area, Bells Beach viewshed and Point Addis.

**Implementation**

The strategies will be implemented by:

**Using policy and the exercise of discretion**

- Development that is likely to detrimentally affect the scenic landscape, environmental and cultural values of land within the Bells Beach hinterland will not be supported.
- Require a minimum 20 metre wide native vegetation landscape buffer as a condition of any planning permit for timber production along any Category 1 or Category 2 road or any other tourist road.
- In considering any application for a non-agricultural land use and/or development apply the following development principles:
  - Buildings should be of modest scale and nestle into the landscape;
  - Buildings should be subservient to the landscape so as not to detract from its visual qualities;
  - Proposals should include net gain environmental outcomes; and
  - Development should be self-sufficient in the provision of infrastructure and associated costs.
Applying zones and overlays

- Applying a Significant Landscape Overlay, an Environmental Significance Overlay and a Design and Development Overlay to areas with high scenic landscape value to protect the visual amenity of these landscapes, including the Great Ocean Road corridor, Bells Beach and Point Addis.

- Applying permit triggers in the schedules to the rural zones for buildings within road setback areas to minimise the visual impact of development along main and tourist access roads.

- Applying the permit trigger in the schedules to the rural zones for timber production.

Undertaking further strategic work

- Investigating the preparation of siting and design guidelines for buildings and farm structures within the rural precincts and determining the level of status to give to such guidelines.

- Investigating the need for further protection of the landscape qualities of the Barrabool Hills as requested by the National Trust of Australia (Vic).

- Investigating ways to encourage shelter belt planting.

Reference Documents

*Surf Coast Shire Rural Strategy (2007)*

*Surf Coast Landscape Assessment Study North of the Princes Highway (2007)*

*The Great Ocean Road Region Landscape Assessment Study (2003)*
RURAL RESIDENTIAL LIVING

This Clause provides local content to support Clause 16 (Housing) of the State Planning Policy Framework.

Key Issues and Influences

- Rural residential living is a highly sought after lifestyle in Surf Coast Shire, especially in attractive locations along the coast and within commuting distance of Geelong and Melbourne.

- Rural residential development is not generally the most sustainable or efficient use of land as it leads to urban sprawl and requires the provision of services in more remote areas to benefit relatively few households.

- Many areas where people seek to develop land for rural residential development is of high landscape or environmental significance or agriculturally valuable and therefore unsuited to such development.

- Land adjoining a recognised conservation area is often unsuitable for rural residential or rural living development because it can compromise flora and fauna values, for example by introducing environmental weeds and domestic animals into an adjoining national or state park.

- Providing rural residential development on land in close proximity to recognised industrial areas often leads to amenity complaints by residents that compromise the viability of industrial operations.

- Rural residential and rural living development raises land values in rural areas which has a negative impact on farm viability and can increase expectations about future subdivision.

- Three areas have been identified as having potential for future rural residential and rural living development. These are Torquay/Jan Juc, Winchelsea and Moriac. The three areas provide a variety of location choices and are well served with physical and community infrastructure. The identification of these areas will provide land use stability and certainty that will minimise the effects of increased land values on the agricultural economy and facilitate efficient infrastructure planning.

Providing Rural Living and Rural Residential Development

Objective 1

To restrict lot sizes for rural residential purposes so that land is used more efficiently.

Strategies

- In the Low Density Residential Zone, encourage lot sizes in the range of 0.4 ha to 1ha unless:
  - a larger lot is required for the on-site treatment of wastes,
  - a larger lot is needed to protect pockets of significant remnant vegetation, or
  - the land has a high landscape value.

- In the Rural Living Zone, encourage lot sizes in the range of 8.0 ha.

- Where some form of agricultural pursuit is pursued lots should be large enough to sustain the keeping of animals and to justify the cost of purchasing farm type equipment to maintain and manage the land in an environmentally sustainable way.

- Lots between 2ha and 4ha are considered to be environmentally and technically unsustainable and, generally discouraged.
Objective 2
To ensure that rural residential and rural residential development does not result in the loss of productive agricultural land or detract from the landscape, cultural heritage or environmental values of adjoining land.

Strategies
- Direct new rural residential or rural living subdivision and development away from:
  - Land classified as high or very high quality for agriculture
  - Land of high biological significance due to its flora and fauna values, and
  - Land of high landscape, cultural heritage, or archaeological significance.
- Land having any of the following characteristics is not considered suitable for rural residential or rural living development unless development envelopes can be designated without these characteristics:
  - A fire hazard rating of high or very high.
  - Subject to flooding more frequently than once in 100 years.
  - Subject to soil contamination to a degree which would require specialist management for growing plants.
  - Subject to salinity, which poses a threat of damage to development structures and associated infrastructure or threatens to increase the extent of salinity effect.
  - Contaminated as a result of previous land uses to an extent that would make the land unsuitable for residential use, unless remediation works have been undertaken to the satisfaction of the EPA.
  - Slopes steeper than 20 percent (1 in 5).

Objective 3
To ensure that rural residential and rural living development is appropriately located so as to avoid loss of agricultural land, amenity and hazard to residents, or the loss of productivity to adjoining land owners arising from land use conflict.

Strategies
- Direct new rural residential or rural living subdivision to existing areas and areas identified in Torquay/Jan Juc, Winchelsea and Moriac as having ‘potential future development areas’.
- Direct new rural residential or rural living subdivision and development away from land where any of the following circumstances apply:
  - The land adjoins an existing or proposed industrial area, unless there is an adequate buffer zone that will protect the amenity of future residents,
  - The land is likely to be adversely affected by an existing or seriously entertained use or development on adjacent or nearby land, or
  - The land is in an area where such development would increase expectations for subdivision of surrounding agricultural land or conflict with reasonable farming operations.

Objective 4
To allow for rural residential development in Torquay/Jan Juc, Winchelsea and Moriac, to satisfy demand for this style of living in areas where it can be efficiently serviced and does not encroach on future urban growth areas.
Strategies

- Limited opportunities for low density residential development will be provided on the edges of Torquay Jan Juc and will be prevented from sprawling beyond the settlement boundary.

- Consider requests for additional rural residential development around Torquay Jan Juc on the basis of the following analysis of existing and potential rural residential development sites:

Existing Rural Residential Areas

- **The Torquay Heights estate (north of South Beach Road).** This estate comprises 2 ha lots and is virtually fully developed. The estate is not currently serviced with water or sewerage. Given its proximity to the Torquay urban area there is some potential and logic to increase development densities. However, having regard to its location on the ridgeline which defines Torquay’s northern settlement boundary, the low density amenity that attracted the existing residents, and a preference for maintaining a range of low density lot sizes in the Torquay-Jan Juc area, it is considered that any such increase in development density should be limited to a two lot re-subdivision of existing lots, with the smaller lot being not less than 0.7 ha in area.

- **The Briody Drive estate south (comprising land on Grossmans Road south of Deep Creek).** This land has been subdivided for rural residential purposes, however it is capable of being fully serviced and is in the immediate proximity of a number of major community facilities including the town’s two schools. It is therefore proposed to investigate the potential to resubdivide the area at conventional residential densities. Resubdivision of small acreage lots is often difficult and requires special attention to design to avoid unsatisfactory lot designs and an adverse impact on amenity of existing dwellings. Accordingly, any future rezoning should not proceed until the land is fully sewered and an outline development plan has been approved showing how the land will be redeveloped. Such a rezoning would not proceed without the support of a majority of the owners in the estate.

- **The Briody Drive estate north (comprising land on Coombes Road north of Deep Creek).** This area has been zoned for rural residential development for some time but has not been fully subdivided or developed in line with market demand. Again, this land is very close to Torquay’s primary schools and has been rezoned to allow resubdivision into 0.4 ha lots. All applications for subdivision of land will be required to provide a detailed site assessment by a suitably qualified person that addresses all issues relating to waster water disposal and management in accordance with the **State Environment Protection Policy - Waters of Victoria** and the **Code of Practice – Septic Tanks** (EPA Publication 451).

- **Coombes Road Rural Residential Precinct.** The land comprises 101.4 hectares bounded by Coombes Road to the north, Grossmans Road to the south, Ghazeepore Road to the west and Messmate Road to the east. The land is currently being subdivided and developed into low density residential allotments down to 0.4 ha in size reflecting site specific constraints including vegetation, topography, existing road layout and land features.

- **Grossmans Road Rural Residential Precinct (west of Ghazeepore Road).** This land comprises approximately 50 ha in area and is bounded by Grossmans Road in the south, Ghazeepore Road in the east and the ridge line to the north and west. Approval has been given to use and develop the eastern 21 ha of this area for the purpose of a retirement village and associated community and recreational facilities. The western 29 ha is to be used and developed for rural residential living with lots varying in area between 2,500 sqm and 4,000 sqm. All development within the precinct will be fully serviced including reticulated water and sewerage.

- **Boondilla Estate (comprising land west of the Surf Coast Highway, east of Messmate Road and immediately north of Coombes Road).** The land comprises 32 hectares in area. Lots down to 0.4 hectare will be permitted. Subdivision of Boondilla Estate must allow for the creation of a Biolink (refer to Schedule 3 of the Development Plan Overlay).
- The Bells Boulevard rural residential area. This area comprises an undulating landscape with a mixture of native bush and open grass/grazing land. Part of the area comprises a Red Ironbark sclerophyll forest which has been identified in the Rural Environment Study: Report on Environmental Resources (1996) as having biological significance in respect of its regional flora values and national fauna value (containing habitat for the Swift Parrot). No further subdivision or redevelopment will be supported in the area of biological significance.

- Within the Bells Boulevard East Low Density Residential Area, potential may exist to increase densities. However, any increase in lot density within this area would require a more detailed analysis of the physical conditions of the site and surrounding land.

- The Addiscot Road Estate. This is a ‘bush block’ subdivision located in the Bells Beach area and is an area of high landscape value which would not otherwise have been subdivided under the objectives and constraints identified in this strategy. It contains significant native vegetation and no further subdivision will be supported.

- Jan Juc contains three pockets of land zoned Low Density Residential (with minimum average lot sizes 0.4 hectare). The Castaway Crescent area is fully developed. The other two areas, in Strathmore Drive and off Delview Drive, are not yet developed. An outline development plan has been prepared for the Strathmore Drive area to co-ordinate the redevelopment of the existing lots.

‘Potential Future Development Areas’

- Land north of Coombes Road, west of Messmate Road and up to the northern ridge line. This land is currently zoned Farming and it is anticipated that development of the land may occur in the medium to long term subject to a supply and demand analysis. Land to the north east has been nominated for future industrial use incorporating a 50 metre amenity buffer to the potential rural residential estate.

- Land west of Strathmore Drive along Great Ocean Road to Bells Boulevard, north of the Jan Juc Creek tributary, and east of Strathmore Drive. There is scope to increase densities in this location, subject to the availability of reticulated water and sewerage and protection of the landscape character of the area which is particularly prominent due to its elevation and proximity to the Great Ocean Road.

Spring Creek Corridor

The Spring Creek corridor west of Duffields Road is an area identified for long term urban growth and as such is not identified as a ‘potential future development area’ for rural residential or rural living. The corridor has been mostly cleared of original vegetation save for remnant pockets along the creek and minor tributaries. A majority of the lots (particularly in their current shape and configuration) are not technically viable for agricultural uses.

Future urban development is a long term objective and in the interim to this area being required for residential growth, the corridor could be resubdivided to provide lots suitable for hobby farm type purposes (possibly in the range of 8 to 15 ha.). This would need to be done in a way that does not pre-empt potential long term urban expansion along the corridor.

It is emphasised that any resubdivision would be purely a transitional measure and a detailed study would be needed to demonstrate the practicality of such an approach; to address key environmental and landscape value issues; and to prepare an outline development plan showing the creation of ‘superlots’ that can be resubdivided to accommodate fully serviced residential development.

- Investigate opportunities for additional rural residential development in Winchelsea as identified in Clause 21.09 and in Map 1 to Clause 21.09 – Winchelsea Framework Plan.

- Direct new rural residential development in Moriac to the areas specified in Clause 21.13 and identified in Map 1 to Clause 21.13- Moriac Structure Plan.
Implementation

The strategies will be implemented by:

**Using policy and the exercise of discretion**

- Applying the minimum lot sizes listed in Table 1 to Clause 21.07 to any proposed subdivision within the Low Density Residential Zone within the listed localities.

### Table 1 Minimum lot sizes to be applied in the Low Density Residential Zone

<table>
<thead>
<tr>
<th>Locality</th>
<th>Minimum lot size (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fairhaven</td>
<td></td>
</tr>
<tr>
<td>Ridge Road</td>
<td>0.4</td>
</tr>
<tr>
<td>Timbara Cluster</td>
<td>0.4</td>
</tr>
<tr>
<td>Thompsons Creek</td>
<td></td>
</tr>
<tr>
<td>Lower Duneed</td>
<td>1.0</td>
</tr>
<tr>
<td>Connewarre</td>
<td>1.0</td>
</tr>
<tr>
<td>Moriac</td>
<td></td>
</tr>
<tr>
<td>West side township</td>
<td>1.0</td>
</tr>
</tbody>
</table>

- Applying the minimum lot sizes listed in Table 2 to Clause 21.07 to any proposed subdivision within the Rural Living Zone within the listed localities.

### Table 2 Minimum lot sizes to be applied in the Rural Living zone

<table>
<thead>
<tr>
<th>Locality</th>
<th>Minimum lot size (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gherang</td>
<td>4.0</td>
</tr>
<tr>
<td>Wensleydale</td>
<td>4.0</td>
</tr>
</tbody>
</table>

- Requiring the preparation of outline development plans for any area rezoned for low density residential or rural living in order to maximise efficiency and ensure appropriate staging of development.

**Applying zones and overlays**

- Applying the Low Density Residential Zone to areas identified as suitable for rural residential style development.

**Reference Documents**

*Rural Land Use Strategy (1997)*

*Rural Environment Study: Report on Environmental Resources (1996)*

*Rural Residential and Rural Living Strategy (1997)*

*Torquay Jan Juc Comprehensive Strategy Plan (1996)*

*Torquay North West Outline Development Plan (2002)*
TORQUAY-JAN JUC STRATEGY

Overview

Torquay-Jan Juc is the main urban growth centre of the Surf Coast Shire. It is a popular destination for surfers, tourists, holiday makers and retirees, but is also becoming increasingly popular for permanent settlement by those valuing a coastal lifestyle. It is amongst Victoria’s fastest growing areas and is expected to grow to 25,000-30,000 people by the year 2040. In addition, during the summer months the township’s population increases substantially with holidaymakers and overnight visitors.

The coastline and areas of remnant vegetation and landscape quality surrounding Torquay-Jan Juc contribute strongly to the character and amenity of the town.

The economy of Torquay-Jan Juc is largely based on tourism and the surfing industry. Torquay is the home of major international surf companies such as Rip Curl and Quiksilver and the Surf City tourist precinct on the Surf Coast Highway is a primary destination for many tourists and others visiting Torquay.

Key Issues and Influences

Settlement, Built Environment and Housing

- State and regional policies identifying Torquay-Jan Juc as a growth node in the Great Ocean Road and G21 regions.
- Making adequate provision for additional residential land and key services and infrastructure (e.g. schools, retail and employment areas, open space and community facilities, public transport) to support future growth.
- Balancing growth and development densities against a community desire to maintain the coastal character of Torquay-Jan Juc whilst also achieving overarching sustainability objectives. The five values identified in *Sustainable Futures Plan Torquay Jan Juc 2040* (2012) to help manage this are:
  - Value 1: Places for People – The importance of a close knit community
  - Value 2: The Natural Environment – Protecting and enhancing the natural environment
  - Value 3: The Built Environment – Fostering the unique coastal look and feel
  - Value 4: Services and Infrastructure – Planning for services and infrastructure with development
  - Value 5: A Local Economy – Providing employment opportunities locally.
- Increasing housing diversity and affordability in response to socio-demographic change.

Environment and Landscape

- Loss and degradation of stands of remnant vegetation, in particular Bellarine Yellow Gum and Coastal Moonah Woodland vegetation communities (both listed under the *Flora Fauna Guarantee Act 1988*).
- Listing of Jan Juc as one of Victoria’s high risk bushfire towns.
- Erosion of significant landscape qualities and coastal viewsheds through the visual prominence of buildings and removal of vegetation.
- Loss of vegetation and historic buildings in established areas through redevelopment.
- Protection of the Great Ocean Road including Bells Beach on Australia’s National Heritage List.
Pressures to expand the settlement boundary to facilitate residential development (often at lower densities which consume large quantities of land) into areas of high landscape significance.

**Economic Development**

- Pressure is growing for the establishment of a (discount) department store within the town. Development of this type of retail outlet in an inappropriate location could undermine the essence and attractiveness of the town resulting in a net community loss.

- Attracting a (discount) department store into the town centre that can be suitably integrated into the streetscape, maintaining the strip shopping experience for residents and visitors and the sense of ‘main street’.

- Regional development, particularly the Armstrong Creek urban growth area, creating opportunities for Torquay-Jan Juc such as additional visitation, regional employment and higher order retail, but also competition and a higher level of escape expenditure, especially if Torquay does not obtain sub-regional status through securing a (discount) department store in the short to medium term.

- Integrating the western and eastern ends of the Torquay Town Centre with a focus of day to day resident shopping in the central area and western end of the centre and maximising the foreshore end of the centre for visitors.

- The need to promote visitor activities along key boulevards (Bell Street and The Esplanade) but in condensed locations to ensure the visitor experience is engaging and continuous and can be experienced on foot.

- The continued growth of Torquay as a tourist/holiday destination, but also as a weekend and night-time shopping and entertainment attraction for the new Armstrong Creek population.

**Transport and Infrastructure**

- Traffic implications for Torquay-Jan Juc arising from the completion of the Geelong Ring Road, including its connection to the Surf Coast Highway, and development of the Armstrong Creek urban growth area.

- Busy roads such as the Surf Coast Highway and The Esplanade creating barriers to local access, including access to the beach.

- Existing imbalance in the distribution of passive open space, with historical over-reliance on the foreshore.

- The limited capacity of drainage infrastructure in the older parts of Torquay which will struggle to cope with redevelopment using traditional drainage models.

- Improved public transport underpinning Torquay-Jan Juc’s future development, including connection to Armstrong Creek.

- Provision of neighbourhood responsive streets particularly in new estates that are permeable and well-connected and designed to reflect the coastal character requiring an innovative application of engineering standards.

**Settlement, Built Environment and Housing**

**Objective**

To accommodate and manage the projected population growth and demographic change of Torquay-Jan Juc in an environmentally sustainable manner that respects and celebrates the distinct surfing identity and coastal character of the town and responds to Value 1 ‘Places for People’ and Value 3 ‘The Built Environment’ from the Sustainable Futures Plan Torquay Jan Juc 2040 (2012).
Strategies

- Contain and consolidate urban development within the defined settlement boundary as indicated on Map 1 of Clause 21.08 – Torquay-Jan Juc Framework Map.
- Preserve the clear delineation between the urban township and the rural landscape of the Thompson Creek valley, afforded by the northern ridgeline.
- Retain the green break between the Torquay-Jan Juc settlement boundary shown on Map 1 to Clause 21.08 and Bellbrae.
- Facilitate new residential growth in Torquay North up to South Beach Road, north west of Messmate Road up to the ridgeline and to the west in the Spring Creek Valley up to one kilometre west of Duffields Road.
- Promote a range of lot sizes and housing types, including medium density development in appropriate locations, in the new growth areas and ensure good access to surrounding areas, public transport, public open space and other facilities.
- Encourage lower housing densities in the Spring Creek valley up to one kilometre west of Duffields Road.
- Provide a range of housing types, sizes and configurations at suitable densities to cater for the changing housing needs of current and future populations, taking account of the differential capacity of the various areas to accommodate housing growth and change (in accordance with Map 2 to Clause 21.08 – Torquay-Jan Juc Residential Development Framework).
- Encourage a variety of well-designed medium and higher density housing types and sizes in the form of units, townhouses, terrace housing and low-rise apartments (including smaller sized dwellings with only one or two bedrooms) in Old Torquay and within walking distance of neighbourhood activity centres, ensuring such developments value add to the evolving urban character.
- Support a moderate level of housing growth and change in general residential areas in the form of well-designed single dwellings and dispersed medium density developments (second dwellings, dual occupancies, villa units, townhouses) that contribute positively to the preferred neighbourhood and coastal landscape character.
- Limit housing growth and change in areas with significant vegetation or landscape values, high bushfire risk or predominant single dwelling character.
- Protect existing areas within the Low Density Residential Zone to continue to provide low density housing types and to provide a transition to surrounding rural land.
- Ensure new residential development is of a high standard and builds on the coastal character by incorporating contemporary designs, with an articulated built form and a range of visually interesting building materials, colours and façade treatments that respond to the local context and preferred character of the neighbourhood.
- Promote the development of retirement villages that are of a scale commensurate with their neighbourhood, that integrate with the surrounding road and pathway network and that are in areas that are fully reticulated, within walking distance of existing or proposed centres, services and facilities and served by public transport.

21.08-3

Environment and Landscape

Objective

To protect and enhance significant environmental, landscape and cultural heritage features which contribute to the ecological values, coastal character and residential amenity of Torquay-Jan Juc in response to Value 2 “The Natural Environment” from the Sustainable Futures Plan Torquay Jan Juc 2040 (2012).
Strategies

- Maintain non-urban breaks to Geelong and Bellbrae to protect the landscape and rural values of the Thompson Creek and Spring Creek valleys beyond the settlement boundary.

- Place high priority on the protection and enhancement of remnant vegetation throughout Torquay-Jan Juc, particularly Coastal Moonah Woodland community species and the Bellarine Yellow Gum.

- Recognise the contribution of places of cultural heritage significance to the character of Torquay-Jan Juc.

- Minimise the visual appearance of development on surrounding land as viewed from the Bells Beach Recreation Reserve to preserve the reserve’s heritage values and the sense of cultural experience afforded by this stretch of coastline. Discourage new subdivision and development within this vista.

- Ensure the siting and design of new development sensitively responds to interfaces with environmentally sensitive areas, including:
  - Foreshore and creek environments;
  - Karaaf Wetlands;
  - Areas of identified significant vegetation and fauna habitat; and
  - Other nature reserves and public parks.

- Ensure that landscaping and trees remain a major element in the appearance and character of Torquay-Jan Juc’s residential environments by protecting or re-establishing vegetation, in particular locally indigenous canopy trees and shrubs, that softens the appearance of development within the streetscape and when viewed from public spaces.

- Ensure development layout responds to the area’s natural features, establishes a natural environment character throughout the development area and applies medium density in areas close to activity centres and lower densities for sites containing significant vegetation or that are visually prominent.

- In areas of high bushfire risk, manage the impact of bushfire protection measures on native vegetation cover and neighbourhood character.

- Ensure future residential subdivisions meet the requirements of Clause 56.07-4 that address the potential impact of increased urban stormwater runoff.

- Consider the longer term impacts of climate change on land use and development in Torquay-Jan Juc.

Economic Development

Objective 1

To support a strong hierarchy of mixed use, sustainable, attractive and accessible activity centres in Torquay-Jan Juc and ensure sufficient retail and commercial facilities are provided to cater for the growing population and visitors in response to Value 5 ‘A Local Economy’ from the Sustainable Futures Plan Torquay Jan Juc 2040 (2012).

Strategies

- Reinforce the hierarchy and role of the established and planned activity, tourist and employment centres in accordance with Map 3 to Clause 21.08 – Torquay-Jan Juc Activity Centre Hierarchy.
Consolidate and strengthen the role of the Torquay Town Centre as the major retail centre in Torquay-Jan Juc, promoting its status as a sub-regional centre and the place where higher order retailing and major activity will be directed, generally in accord with Map 4 of Clause 21.08 – Torquay Town Centre Precinct Plan.

Encourage the establishment of a neighbourhood activity centre in Torquay North providing a range of shopping and commercial services, including a full-line supermarket, to provide a hub to the growing community.

Consider the establishment of small local activity centres (no more than 1 to 5 shops with a total retail floor area of 80-400 square metres) in areas where other activity centres are beyond convenient walking distance.

Reinforce the tourist retailing role of Surf City and encourage activities in this area that will promote the surfing culture of this precinct.

Encourage the establishment of a suitably integrated (discount) department store in the Torquay town centre.

Ensure that development within the activity centres is of outstanding built form and design, using colours, materials, architectural features and landscaping that promotes and celebrates the surfing, beach and coastal image of Torquay-Jan Juc.

Encourage mixed-use development within activity centres, with shop-top apartments and offices, at an intensity and scale that is in keeping with the scale and character of the centre.

Objective 2
To protect land within the employment precincts as an industrial land resource to maximise local employment growth in response to Value 5 ‘A Local Economy’ from the Sustainable Futures Plan Torquay Jan Juc 2040 (2012).

Strategies

- Encourage land in the West Coast Business Park to be used for a range of uses such as light industry, service industries, warehousing, trade supplies retail and bulky goods retail to cater for necessary industrial services, local manufacturing and employment opportunities.

- Encourage small and medium sized specialist (surf and leisure related) bulky goods retail outlets to locate within the Baines Crescent precinct.

- Ensure that development adjacent the Surf Coast Highway in the West Coast Business Park enhances the entrance to Torquay through design and landscaping.

- Preserve long term options on the east side of Messmate Road for employment generating land uses.

- Continue to build on the local surf industry and support its continuing growth.

Objective 3
To grow a vibrant and sustainable local tourism industry while marrying with the Torquay-Jan Juc lifestyle and promoting/showcasing the community’s values.

Strategies

- Strengthen the role of the Surfing and tourist activity precincts at Surf City, Bell Street and The Esplanade.

- Ensure that all tourist development is of high quality design and respectful of the low-rise character of Torquay-Jan Juc, using colours, materials, architectural features and landscaping that builds on the surfing, beach and coastal character of the town.
## Transport and Infrastructure

### Objective 1

To plan and deliver a range of services and infrastructure in association with new development in response to Value 4 ‘Services and Infrastructure’ from the Sustainable Futures Plan Torquay Jan Juc 2040 (2012).

**Strategies**

- Provide a linked network of walking and cycling paths throughout Torquay-Jan Juc, enabling direct access to all activity centres (neighbourhoods targeted at a 400-800 metre radius) and to and through all areas of public open space.
- Develop community hubs within close proximity to all major and neighbourhood centres that provide multi-use facilities and shared spaces.
- Ensure services and facilities are distributed effectively amongst the established and new growth areas and cater for different life stages, from early years to ageing in place.
- Facilitate the provision of dedicated facilities to acknowledge and promote the local arts community.
- Improve access to aged care services and facilities.
- Encourage the distribution of recycled water into new subdivision (third pipe).

### Objective 2

To promote street design that makes a positive contribution to the urban landscape and the coastal character of Torquay-Jan Juc, and enhances walking and cycling, use of public transport and social interaction.

**Strategies**

- Design urban arterials and collector streets to present as parkways/avenues that link key destinations, and local streets that present as an extension of the open space system primarily through the planting of large shade trees.
- Replicate the interconnected, grid based street network of Old Torquay in future infill developments.
- Develop The Esplanade in a manner that acknowledges its important role and function of providing access to the foreshore and being the visual link between the town and the coast.
- Encourage the improvement of the public bus service, both within the urban areas of Torquay-Jan Juc and between Torquay and Geelong.

### Objective 3

To increase the provision and quality of all forms of open space to meet the broad range of needs of the Torquay-Jan Juc community, and to site new open space to ensure its accessibility to all members of the community.

**Strategies**

- Provide a network of high quality open space in growth areas easily accessible by pathways, serving a range of different functions and linked to existing networks and areas.
- The open space areas and buffers along creek corridors to create a network of access pathways enabling movement between neighbourhoods and the rest of towns.
- Develop Grass Tree Park as a major district conservation park providing both passive and conservation values for the town and surrounding rural communities.
Implementation

These strategies will be implemented by:

Using policy and the exercise of discretion

- Assessing the timing of new development proposals against the need for land supply, the completion of existing development areas, the availability of infrastructure and the broader regional context.
- Using local policy (Clause 22.02) to encourage the use of predominantly indigenous plant species in landscaping and the use of shade trees in street tree planting.
- Using local policy (Clause 22.09) to recognise the differential capacity of Torquay-Jan Juc’s residential areas to accommodate housing growth and change and to promote appropriate densities and design outcomes that contribute to the preferred neighbourhood character.
- Discouraging new subdivision and development within the vista of the Bells Beach Recreation Reserve.
- Reinforcing and strengthening Torquay-Jan Juc’s activity centres through strongly discouraging the establishment of anchor stores outside designated major or neighbourhood activity centres.
- Discouraging the establishment of commercial uses such as restaurants, cafes etc in the residential zones along The Esplanade and Bell Street.
- Encouraging large bulky goods retail outlets to establish in Armstrong Creek.
- Supporting the establishment of discretionary non-residential land uses along the north side of Bristol Road directly opposite Torquay Central in the interim to protect its potential future rezoning.
- Reinforcing the fine grained subdivision and development pattern of strip shopping within all major, neighbourhood and local activity centres, with large format retail premises and large surface car parking sleeved to ensure streets provide an active, safe and vibrant edge.
- Ensuring car parking is designed and sited in accordance with the Car Parking Precinct Plans for the Torquay Town Centre and the Tourist Activity Precinct on the Surf Coast Highway.

Applying zones and overlays

- Applying a Significant Landscape Overlay to the residential areas of Old Torquay and Jan Juc to protect the vegetated character of the townships.
- Applying a Vegetation Protection Overlay to areas of significant native vegetation and *Eucalyptus leucoxylon* ssp. *Bellarinensis* (Bellarine Yellow Gum).
- Applying Design and Development Overlays to the residential areas of Torquay-Jan Juc to encourage built form and landscaping outcomes that respect and contribute to the preferred neighbourhood character.
- Applying Design and Development Overlays to the activity, tourist and employment centres to encourage urban form that reinforces the coastal character and surfing culture of the town.
- Applying a Development Plan Overlay to the area between Pearl and Payne Streets to facilitate integration of Torquay Central with the balance of the town centre.
- Applying a Development Plan Overlay to each new growth area specifying a range of guidelines to assist in implementing the values and principles for growth as outlined in the Sustainable Futures Plan Torquay- Jan Juc 2040 (2012).
- Applying the Parking Overlay to designated areas to manage the supply and design of car parking.
- Applying the Development Contributions Plan Overlay to enable the levying of development contributions to contribute to the provision of physical and community infrastructure.
Undertaking further strategic work

- Investigating the potential to increase lot densities within the Bells Boulevard East Low Density Residential Area (refer to Map 3 to Clause 21.08). Any such investigation should include a detailed analysis of the physical conditions of the site and surrounding land, and assess the potential impacts of an increase in lot density upon, including but not limited to:
  - Flora and fauna values, including vegetated drainage lines and roadside vegetation;
  - The landscape character and visual amenity of the area;
  - Bushfire risk and the need to provide defendable space within lot boundaries;
  - The safe and efficient operation of the surrounding road network;
  - The amenity of adjoining properties;
  - Servicing implications;
  - The visibility of development from key public vantage points; and
  - The relationship of the area to Bells Boulevard as a gateway to the Bells Beach Surfing Recreation Reserve.

- Investigating the potential for increasing housing densities in the Low Density Residential area between Strathmore Drive, Great Ocean Road, Bells Boulevard and the upper tributary of Jan Juc Creek, ensuring that any proposal would not detract from the landscape character of the area which is highly prominent due to its elevation and proximity to the Great Ocean Road.

- Establishing the exact settlement boundary on the northern ridgeline of Torquay when outline development plans are prepared for the relevant area, with the aim of avoiding any visual intrusion of development north of the ridgeline.

- Undertaking a review of the Significant Landscape Overlay Schedule 1 to ensure its relevance and effectiveness in protecting the significant landscape values of the Bells Beach environs.

- Reviewing the planting guide for Torquay-Jan Juc to include a broadened selection of suitable tree species to be used for educative purposes.

- At the appropriate time investigating the rezoning of the rear half of the lots fronting Boston Road between Pearl and Payne Streets for commercial development to facilitate the integration of the Gilbert Street end of the town centre with Torquay Central.

- When retail demand warrants, investigating extending the Commercial 1 Zone to land on the north side of Bristol Road as far as necessary to establish a clear linkage between the Gilbert Street end of the town centre and Torquay Central, but not further west than the commercial zoning opposite.

- Developing urban design guidelines and parking management plans for the Bell Street and Jan Juc activity centres.

- Identifying impediments to the development of tourist uses in the Special Use Zone on the Esplanade at the eastern end of Gilbert Street and work with investors to create further tourism activity in this location.

- Preparing a parking management plan for the Baines Crescent precinct.

- Developing an Infrastructure Plan for Torquay-Jan Juc and updating the existing Development Contributions Plan to include the new growth areas for the provision of new infrastructure and community facilities.

- Developing an Outline Development Plan for the Messmate Road area.

- At the appropriate time, investigating the potential for urban growth to the north-east of Torquay to facilitate growth beyond 2030.
Developing and applying environmental guidelines to new development.

Undertaking a strategic planning exercise with community engagement for the Spring Creek Valley past the one kilometre west of Duffields Road to identify preferred land uses that assist in establishing and maintaining a green break to Bellbrae.

Review and confirm the location for a Neighbourhood Activity Centre to serve the west of Torquay-Jan Juc.

Undertaking a structure planning project to identify, support and encourage diverse and higher density housing opportunities within 400 metres of activity centres, in particular within proximity of the Torquay Town Centre.

Investigating opportunities and appropriate locations for the establishment of caravan parks and other forms of tourist accommodation.

Developing a masterplan for The Esplanade between Bell Street and Zeally Bay Road that addresses the overall role, function and appearance of the boulevard.

Reviewing the planning framework applying to the Torquay Town Centre and investigating opportunities to reinvigorate and redevelop the central business area, including the provision and management of car parking, and to include opportunities to accommodate discount department store(s), in consultation with Torquay Commerce and Tourism and other stakeholders.

Reviewing the Design and Development Overlay Schedule 13 as it applies to land within Old Torquay in light of Old Torquay’s role as an urban consolidation area to accommodate future growth.

Other actions

- Working with the City of Greater Geelong to encourage the early provision of sub-regional shopping facilities at the Armstrong Creek Major Activity Centre.
- Working with investors and landholders to assemble an appropriate site for a department store in the Torquay Town Centre.
- Working with landholders and investors to develop a strong neighbourhood activity centre in Torquay North.
- Working with landholders, investors and the community to facilitate the redevelopment of the Surf World/Surf City complex to strengthen surf related tourism and retailing, entertainment and community facilities.
- Planning for the provision of safe, informal car parking overflow areas to meet short term peak parking demands over the summer tourist period.
- Encouraging the development of regional cycle routes linking Torquay with Geelong and the surrounding region.
- Working with the Department of Transport to facilitate the provision of a transit corridor from Armstrong Creek to Torquay.
- Working with the Department of Education and Early Childhood Development on the provision of a new primary school in Torquay North.

Reference Documents

Torquay and Jan Juc Structure Plan (2007)
Torquay-Jan Juc Neighbourhood Character Study and Vegetation Assessment (2006)
Sustainable Futures Plan Torquay- Jan Juc 2040 (2012)
Torquay-Jan Juc Neighbourhood Character Study Review (2012)
Torquay North Outline Development Plan (Revised, 2012)
Torquay Town Centre Parking and Access Strategy 2011-16 (2011)
Torquay/Jan Juc Retail Strategy (2011)
Map 1 to Clause 21.08: Torquay-Jan Juc Framework Map
Map 2 to Clause 21.08: Residential Development Framework
Map 3 to Clause 21.08: Activity Centre Hierarchy
Map 4 to Clause 21.08: Torquay Town Centre Precinct Plan
Map 5 to Clause 21.08: Bells Boulevard East Low Density Residential Area
Overview

Winchelsea is a small rural town on the banks of the picturesque Barwon River. It is midway between Geelong and Colac on the Princes Highway (approximately ½ hour travel time by road or rail). It is the largest inland town in the Surf Coast Shire and is the major service centre for the surrounding farming community. The town has a welcoming country feel and a strong historical character. The scenic Barwon River, which meanders through the centre of town, was an important resource and focal point for indigenous peoples and later European settlers, and is still highly valued by the local Winchelsea community today. Winchelsea features a number of valued historical buildings, the Barwon Park Mansion and a bluestone bridge dating back to the 1860s, when the town was established as a European settlement. Winchelsea is a popular stop for people heading towards the Great Ocean Road, the Otways and western Victoria, being the first town travellers pass through when driving from Melbourne.

In the broader district there is an active tourism industry, with a number of wineries, berry farms, restaurants, cafes and accommodation.

Winchelsea is one of two Surf Coast Shire towns identified in the G21 Regional Growth Plan 2013 for growth. In recent times, significant infrastructure improvements such as the Princes Highway duplication, the provision of reticulated gas and the construction of the Geelong Ring Road have placed the town of Winchelsea on the path towards steady population growth.

Key Issues and Influences

- State and regional policies identify Winchelsea as a population growth node in the Great Ocean Road and G21 regions.

- A strong historical and country village character, which is greatly valued by the community, provides an opportunity for tourism growth.

- Balancing population growth and higher development densities against a community desire to maintain the country village character.

- More affordable housing and rental prices compared to Geelong and coastal settlements in Surf Coast Shire.

- A continuing trend towards an ageing population and single person households, with a higher than average number of people identifying as living with a disability.

- A strong demand for larger residential allotments to accommodate rural residential style living, with many farmers retiring into “town”.

- Winchelsea benefits from a strong connection to the rural hinterland and plays a role as a service centre for the surrounding rural districts.

- The Princes Highway, running through the centre of Winchelsea, brings the majority of traffic to and through town. This creates an opportunity for development along the Princes Highway to reinforce the country village character of the town, and is particularly important at the entrance points to town and in the commercial heart of the town either side of the Barwon River.

- The Princes Highway running east west and the Barwon River flowing north south effectively divide the town into four quadrants and connections between each of these is critically important to ensure good access to all facilities and services.

- Important historical buildings and structures including Barwon Park Mansion, the Bluestone Bridge over the Barwon River, the Globe Theatre and the former Winchelsea Shire building (now Tea Rooms).

- The Barwon River is the focal point of the town and provides a substantial corridor of open space. There is an opportunity to enhance public access to the river for recreational purposes, to attract visitors to town and to connect the four quadrants of the town.
Vistas of the Barwon River environs and riparian corridor are an important part of the character of the area.

The importance of the Winchelsea Common, the Collins Street Low Density Residential Estate and the Barwon River corridor as the few remaining areas within the town retaining remnant vegetation.

The town is well serviced by a railway station, hospital, community and recreation facilities, reticulated services including natural gas, commercial areas and an industrial estate. These provide opportunities for both population attraction and diversification of the economy.

An opportunity exists to diversify the economy and provide local employment opportunities through a “mixed economy” pathway. This pathway encourages and facilitates business and industry ventures in local services (particularly health and education) and liveability/tourism sectors.

Winchelsea has a need for long day child care to support working families.

Opportunities for significant tourist trade exist with access from the Princes Highway and the promotion of Winchelsea Deans Marsh Road as providing an alternate route to Lorne and the Great Ocean Road region.

The Princes Highway presents significant opportunities for commercial enterprise. It is a major truck route from the western district to Geelong and Melbourne.

Winchelsea benefits from a railway station providing increased commuter opportunities through passenger rail.

The existing Water Reclamation Plant (sewerage treatment) has limited capacity for growth. There is a need to work closely with Barwon Water on options to expand and ensure new development will not impede future expansion.

**Objectives**

**Settlement, Built Environment and Heritage**

To accommodate and manage the projected population growth and ageing demographics of Winchelsea in a manner that respects and celebrates the authentic country village atmosphere and rich cultural heritage of the town.

**Environment**

To protect and enhance the significant environmental assets, landscape values and scenic vistas of the Winchelsea district, in particular the Barwon River and surrounding environs as a focal point of the town.

**Economic Development**

To foster local economic growth and employment opportunities through supporting a “mixed economy” pathway in accordance with *Growing Winchelsea: Shaping Future Growth 2015*.

To maximise tourism opportunities by promoting the country village and historical character of Winchelsea through commercial development.

**Transport and Infrastructure**

To facilitate active transport opportunities and connections with public transport.

**Strategies**

**Settlement, Built Environment and Heritage**

Ensure that any new development is generally consistent with Map 1 and 2 to Clause 21.09 – Winchelsea Framework Map and Winchelsea Commercial Centre Framework Map.
Encourage residential development in the southeast growth corridor consistent with the Winchelsea Growth Area Outline Development Plan (2011).

Ensure that new subdivisions contribute to the country village character of Winchelsea by providing wide streets, open spaces, and adequate space for front gardens with a generous setback from the street.

Encourage the provision of smaller lot sizes as part of future residential subdivision in close proximity to the town centre and community facilities.

Encourage dwelling diversity, including the provision of 1 and 2 bedroom dwellings, in close proximity to the commercial and health precincts allowing for people to ‘age in place’.

Provide where possible housing and associated infrastructure suited to all abilities to accommodate the high proportion of older residents and people with a disability.

Encourage aged care facilities (e.g. special accommodation and nursing homes) and older persons housing (e.g. retirement villages) in areas that are fully reticulated, close to services and facilities and served by public transport.

Discourage further subdivision in the Quambatook Estate, Trebeck Court and Barkly Street Estates that do not have capacity for increased density due to the inability to treat wastewater and stormwater flows, flooding potential and significant environmental assets.

Maintain the existing low density residential development surrounding the Winchelsea Water Reclamation Plant.

Encourage the retention and conservation of Winchelsea’s heritage buildings and historical fabric and ensure that any new use and development contributes to the heritage significance of the place and its longevity.

Recognise, protect, and celebrate culturally significant heritage places and areas of indigenous cultural heritage significance such as the Barwon River and environs.

Encourage provision of new schools in the southeast growth corridor. The “possible school precinct location” shown on Map 1 to Clause 21.09 – Winchelsea Framework Map should be investigated further as part of a future planning scheme amendment process.

Support the co-location of health, education and other community services in the Health and Education Precinct within the area bounded by the Princes Highway, Hesse Street, Armitage Street and Murrell Street.

**Environment**

Encourage the retention of native vegetation along the Barwon River and minimise visual intrusion of buildings and works.

Encourage the landscaping of the Winchelsea Industrial Estate to enhance the visual amenity of the western town entry.

Encourage the protection of Red Gums in the new residential growth areas.

**Economic Development**

Facilitate commercial ventures in the health, education, “green industry” (e.g. renewable energy, local food production) and tourism sectors.

Encourage health, allied health and education focused business uses to locate in the “Health and Education Precinct” identified on Maps 1 and 2 to Clause 21.09 – Winchelsea Framework Map and Winchelsea Commercial Centre Framework Map.

Encourage uses compatible with tourism (e.g. cafes, antiques) to locate in the commercial precinct between the Barwon River and Austin Street, north of the Princes Highway as well as in the Winchelsea Town Centre.
Encourage the long term consolidation and growth of new commercial retail activities into a defined activity centre in accordance with Map 1 and 2 to Clause 21.09 – Winchelsea Framework Map and Winchelsea Commercial Centre Framework Map.

Avoid commercial and industrial use and development along the Princes Highway outside of commercial and industrial zones.

Direct industrial use and development to the Winchelsea Industrial Estate to prevent conflict with residential areas and to maintain rural land for agriculture.

Encourage the restoration of historic buildings and old shops. Support the establishment of associated tourism based commercial development.

Ensure subdivision and development in the industrial estate presents a high quality interface with the Princes Highway.

Respect and build on the historical and rural character of the town in commercial areas through the provision of signage, street lighting, street furniture and urban design features complementary to a country village or heritage theme.

New commercial development and external alterations to existing commercial buildings should respect and complement a country village or heritage theme (and include features in the design such as pitched roofs, wide eaves, or verandahs), particularly in the Main Street town centre and along the Princes Highway.

Where signage is appropriate, new commercial signs should complement a country village or heritage theme.

**Transport and Infrastructure**

- Provide pedestrian access and cycle routes that link new subdivisions to the town centre, community facilities and public transport.
- Ensure that older residents or people with special needs are considered when community infrastructure and pedestrian accesses are provided.
- Provide a network of safe and sustainable pathways to link key community assets, public spaces and recreation areas.
- Improve connectivity by providing a pedestrian/cycling link across the Barwon River at Hesse Street.
- Ensure that development of land surrounding the railway station maintains and enhances pedestrian links to the station.

**Implementation**

These strategies will be implemented by:

**Policy Guidelines**

- Require new commercial development to be designed and oriented to have active frontages to public streets and an outlook over the Barwon River reserve where possible. Uses that can utilise outdoor spaces (such as restaurants with outdoor dining areas) will be encouraged to locate along the river frontage.
- Apply the ‘Architectural Guidelines’ from the Winchelsea Townscape Study 1995 to development and display of advertising signs within the Commercial I Zone.
- Require developments for multi-dwellings to include provision for smaller dwellings, particularly when in close proximity to an activity centre.
- Require commercial development to be designed to give pedestrians priority over vehicular transport through the provision of clear pedestrian connections throughout the activity centre and to surrounding residential areas.
Where appropriately designed, encourage landscaping works associated with commercial development to be located within flood affected areas (subject to the approval of the floodplain manager).

Support appropriate non-residential uses (those with a health, allied health or education focus) within the General Residential Zone in the Health and Education Precinct.

Encourage population servicing industries (particularly health and education), “green” industries (eg. renewable energy, local food production) or industries that support liveability/tourism sectors.

**Other Implementation**

- Continue to implement the Winchelsea Industrial Estate Master Plan, with a particular focus on improving road access and enhancing the visual amenity of the estate.

- Continue to work with the National Trust of Australia to enhance and promote the Barwon Park Mansion as a major tourist attraction for Winchelsea.

- New street names should reflect the historic development of Winchelsea.

- Develop a second sporting oval on land to the south of Eastern Reserve.

**Undertaking further strategic work**

- Subject to majority landowner support, and if initiated by landowners, investigating the potential for increased densities at the Collins Street Low Density Residential Estate.

- Investigate the need for and feasibility of expanding the town centre along Hesse Street (west side).

- In the longer term, investigate the feasibility of developing a new employment precinct north of the railway line in the Cressy Road area.

- Prepare updated urban design guidelines for the Princes Highway corridor and the Winchelsea Town Centre. This should include landscape and thematic tree planting programs to improve the character of major town gateways and commercial areas.

- Investigate the preparation and implementation of a Development Contributions Plan for the provision of new community facilities and infrastructure.

- Prepare a precinct structure plan for the Winchelsea Town Centre (including all land in the Commercial 1 Zone east and west of the Barwon River and the intervening Crown Land).

**Reference Documents**

- *Growing Winchelsea – Shaping Future Growth 2015*
- *Winchelsea Industrial Estate Master Plan 2010*
- *Surf Coast Housing Policy Project 2006*
- *Surf Coast Open Space Strategy 2016 - 2025*
- *Winchelsea Townscape Study 1995*
- *Winchelsea Growth Area Outline Development Plan 2011*
Map 1 to Clause 21.09: Winchelsea Framework Map
Map 2 to Clause 21.09: Winchelsea Commercial Centre Framework Map
LORNE STRATEGY

Overview

Lorne is located on the Great Ocean Road approximately 140 kilometres south-west of Melbourne. Nestled in a beautiful, heavily treed, amphitheatre encircling Louttit Bay, the spectacular natural beauty of Lorne and its environs make it a popular and attractive place to visit and live. Much of the residential areas, both within the town and on the periphery, have been assessed as being subject to extreme bushfire risk. The town and hinterland contains remnant vegetation of State and National significance.

Key Issues and Influences

- Notwithstanding intensive development activity, Lorne is characterised by an aging population, declining household size and a decreasing proportion of permanently occupied housing.

- Conserving, enhancing and reinstating the preferred character of a tall canopy treed setting with recessive buildings throughout Lorne, including areas that are substantially cleared of vegetation.

- The town’s character centres on its indigenous vegetation cover and the dominance of the vegetation over the built form. The tall gum trees (including Southern Blue-gum, Brooker’s Gum, Manna Gum, Messmate and Mountain Grey Gum) provide a backdrop to the town, canopy cover within the town and a border to the water’s edge around Louttit Bay.

- Growth is constrained by the Great Otway National Park, highly significant remnant vegetation and extreme bushfire risk providing barriers to the expansion of the town.

- Other important neighbourhood character elements include low profile buildings with a sense of space between properties, views of surrounding landscape features and historic buildings scattered within the town.

- Balancing development demands with achieving the preferred township character. In particular, the continual conflict between maintaining the tall tree canopy versus the desire for views and greater building site coverage.

- The cultural landscape heritage and individually significant heritage buildings in the vicinity of Smith Street and Mountjoy Parade south of the town centre.

- Larger parcels of private land surrounding the settlement serve as a buffer between the town and the Great Otway National Park.

- The economy is strongly focused on tourism, and benefits from its association with the Great Ocean Road.

- Managing development within the settlement boundary on lots that have a direct interface with (or are within close proximity to) the bushfire hazard generated by the Great Otway National Park.

- There is an ongoing risk of a landscape scale bushfire penetrating and spreading throughout the town having severe impacts on the community and the towns infrastructure.

- The Lorne hinterland contains a number of small scale tourist establishments in a highly valued and attractive environment, some of which are located on steep terrain, have hazardous access and all have a direct interface with the bushfire hazard generated by the Great Otway National Park.

- Industrial land is limited in Lorne, and its role is generally to accommodate business activities that directly service the local community.

- Declining affordability and diversity of housing.

- Maintaining the year round viability of the commercial and industrial areas.
The streetscape amenity of the commercial areas, including the quality of built form.

- Maintaining the informal character of the town whilst providing adequate infrastructure, such as drainage, street lighting and footpaths.
- Heavy reliance on public car parking due to a lack of parking spaces on private land, particularly peak parking in the commercial area which coincides with high levels of foreshore activity.
- The intrusiveness of constructed parking areas on the visual and environmental sensitivity of the foreshore.

### Objectives

#### Settlement, Built Environment and Heritage

To support sustainable urban development in Lorne in a manner that enhances the distinctive, vegetated, low density coastal character of the town whilst addressing risks associated with bushfire.

To preserve historic places and landscapes which contribute to the character and history of Lorne.

#### Environment

To protect and enhance the indigenous vegetation cover in Lorne, with particular emphasis on remnant vegetation, including patches supporting threatened species, and the tall tree canopy.

To protect and enhance the biodiversity and habitat values of the township environs.

#### Economic Activity

To provide for an appropriate range of commercial and community services and facilities in the commercial core of the town catering for the needs of both the permanent and visitor population.

To promote Lorne and its hinterland as a year round tourist destination whilst protecting its natural environment and scenic values.

#### Infrastructure

To ensure new infrastructure is compatible with the preferred neighbourhood character for Lorne.

To achieve an appropriate balance between the provision of car parking spaces and maintaining environmental and amenity values.

### Strategies

#### Settlement, Built Environment and Heritage

- Recognise that Lorne has limited growth opportunities due to physical limitations and the desire to protect and enhance the preferred neighbourhood character.
- Contain urban development within a defined settlement boundary as shown on Map 1 to Clause 21.10 – Lorne Framework Map.
- Maintain and enhance the vegetated landscape and encourage its dominance over the built environment.
- Avoid development intensification within close proximity to the Great Otway National Park bushfire hazard or in other areas assessed as being of high bushfire risk.
- Encourage new development that displays a coastal style of architecture, using design, materials, features and colours that contribute to the identity of Lorne, maintains a low rise building form, blends with the surrounding landscape and provides openness between properties.
- Seek to achieve a reasonable sharing of views of scenic landscape features from private land.
- Encourage the development of higher density housing and tourist accommodation within Tourist Accommodation Precincts along Smith Street and at the eastern end of Point Grey.
- Encourage dwelling diversity and smaller dwellings/ lots within comfortable walking distance of Lorne’s commercial area.
- Apply minimum subdivision lot sizes based on proximity to services or environmental and bushfire constraints.
- Encourage provision of accommodation for key workers during peak periods.
- Restructure inappropriate old subdivisions that threaten the low density character of the township.
- Encourage walkability through providing, and requiring land in subdivisions to be set aside for, new footpaths.
- Encourage good pedestrian access between residential, community, commercial and recreational spaces, promoting community connectedness.
- Protect historic places, including buildings, gardens, landscapes and setting.
- Recognise the importance of views between the ocean and Mountjoy Parade as a significant contributor to the character of the town.
- Conserve and enhance the Mountjoy Parade heritage precinct.

**Environment**

- Ensure buildings are sited, designed and constructed to minimise the extent of required defendable space to reduce the impact on existing remnant vegetation.
- Contain urban development within the existing settlement boundary of the town as shown on Map 1 to Clause 21.10 – Lorne Framework Plan.
- Avoid intensifying development on sites containing significant biodiversity assets.
- Protect threatened species and their habitat by;
  - Encouraging improved management practices and avoiding removal.
  - Encouraging the planting of locally indigenous vegetation species to compensate for the removal of, or to complement, existing native vegetation in a way that does not increase the bushfire risk.
  - Encouraging the removal of environmental weeds and exotic plant species (excluding trees with heritage value).

**Economic Activity**

- Concentrate retail development and activity in the core retail precinct.
- Encourage a diversity of tourism, recreation, leisure and accommodation activities at the periphery of the core retail precinct.
- Encourage the establishment of sustainable tourism activities in the hinterland where risks to persons and property from bushfire will not be increased and where environmental assets identified through the ‘Biodiversity Mapping Project’ 2014 will not be significantly impacted.

**Infrastructure**

- Encourage new roads and footpaths to be designed and constructed to achieve an informal appearance, with an emphasis on retaining vegetation within road verges and alternatives to concrete kerb and channel drainage.
- Ensure that sufficient on-site car parking is provided to meet the needs of residents and employees.
- Encourage customer car parking to be available to the public at all times, whether on public or private land.
Implementation

These strategies will be implemented by:

Using policy and the exercise of discretion

- Requiring new development to consider the location of any significant vegetation on the site as part of a site analysis, with due consideration being given to the location of vulnerable parts of the building and the creation of defendable space.
- Using the Streetscape and Landscaping Policy, Clause 22.02 to encourage the use of indigenous plant species in landscaping and to achieve appropriate landscape outcomes.
- Using the Mountjoy Parade Heritage Precinct policy, Clause 22.03 to protect the heritage precinct between Mountjoy Parade and Smith Street.
- Requiring landscape bonds to secure the protection of retained vegetation, the completion of landscaping and subsequent maintenance.
- Requiring provision for on-site residential and staff parking for new developments while varying the requirement for off-site customer parking within the Central Retail Core.
- Avoiding the intensification of development in areas identified as containing significant biodiversity assets and/or being at extreme risk from bushfire.

Applying zones and overlays

- Applying the Rural Conservation Zone to private land outside the settlement boundary.
- Applying a Significant Landscape Overlay to the residential and rural hinterland areas of Lorne to protect the vegetated landscape character of the town.
- Applying a Design and Development Overlay to the residential areas of the town to control density and fencing to protect the coastal urban character.
- Applying a Design and Development Overlay to the Lorne commercial and tourist accommodation to improve the image and appearance of the precincts.
- Applying a Design and Development Overlay to the Lorne business park to enhance the visual character and image of the industrial area.
- Applying a Neighbourhood Character Overlay to the residential areas of the town to protect the coastal urban character.
- Applying a Restructure Overlay to small narrow lots in Alpha Terrace, Holliday Road, Howard Street and Minapre Street to control subdivision and development in accordance with the Lorne Restructure Plan 2006 (Revised July 2007).
- Applying an Environmental Significance Overlay to significant biodiversity assets.
- Applying the Bushfire Management Overlay to areas where there is potential for extreme bushfire behaviour.

Undertaking further strategic work

- Investigating the potential, if any, for low density residential development or sustainable tourist accommodation on sites identified on Map 2 of Clause 21.10 – Investigation Areas. Any investigation should consider bushfire risks, access and the need to protect significant biodiversity assets on the site.
- Investigate appropriate zone/overlay responses for low density residential development in the investigation areas that are contiguous with the urban edge of Lorne.
- Reviewing as necessary the supply and demand for commercial floor space in and around the core retail precinct in Mountjoy Parade to assess any need for further commercial development.
- Reviewing the commercial and tourist development urban design guidelines and associated controls.

- Reviewing as appropriate the supply and demand of public and private car parking associated with the commercial core and recreational facilities of Lorne, including the foreshore.

- Reviewing as appropriate the supply and demand for industrial floor space in the Erskine Falls Road Industrial Estate to assess any need for further industrial land in Lorne in the context of regional and local trends.

**Reference Documents**

*Surf Coast Housing Policy Project (Planisphere 2006)*

*Lorne Neighbourhood Character Study (Surf Coast Shire 2006)*

*Lorne Strategy Plan Review (Revised 2004)*

*Regional Bushfire Planning Assessment, Barwon South-West Region (DPCD 2012)*

*Biodiversity Mapping Project, (SCS, DEPI & CCMA, 2014)*

*Landscaping Your Surf Coast Garden For Bushfire (2015)*
Map 1 to Clause 21.10: Lorne Framework Map
Map 2 to Clause 21.10: Investigation Areas

Investigate potential for:
- Low Density Residential/Sustainable Tourism
- Sustainable Tourism

[Map showing investigation areas with different shaded regions for different purposes]
Overview

Anglesea is a small coastal town on the Great Ocean Road between Torquay and Aireys Inlet. It has a low percentage of permanent residents and is a popular holiday destination for families. The town is bordered by environmentally significant Crown land on three sides and by the coastline to the south. Much of the town, particularly along the northern and western edges, have been assessed as being subject to extreme bushfire risk. The surrounding Crown land includes the Anglesea Heath which is registered on the National Estate and is of State and National significance.

Key Issues and Influences

- Marginal projected population increase due to limited opportunities for new residential development, and changing household composition with forecast growth in retiree and lone person households.
- Declining affordability and limited dwelling diversity, particularly smaller dwellings near the town centre and designated tourist nodes, to cater for an ageing population and the growth in single person households.
- Growth is constrained, with the ocean, environmentally significant vegetation, the coal mine and the high bushfire risk providing barriers to expansion of the town.
- Large parts of Anglesea and the surrounding significant natural landscape are visible from the Great Ocean Road and public viewing points.
- Recognising the importance of significant native vegetation to Anglesea’s character and the following key neighbourhood character attributes:
  - The dominance of the indigenous vegetation over the built environment.
  - Low profile buildings contained within the tree canopy, with small footprints and screened by vegetation.
  - A sense of openness between properties due to the absence of solid fencing, the use of post and wire fences or no fences at all.
  - The use of vegetation to achieve a sense of privacy.
  - Gravel roads, and roads with an informal appearance, complemented by vegetation in the roadside.
- The loss of neighbourhood character as a result of re-subdivision, infill development, replacement of older housing stock by larger and bulkier houses, demand for views and requirements to maintain defendable space for bushfire protection.
- There is an ongoing risk of a landscape scale bushfire penetrating and spreading throughout the town having severe impacts on the community and the town’s infrastructure.
- Protecting neighbourhood character from inappropriate development of narrow allotments in Point Roadknight.
- Anglesea provides local convenience and tourist-related retailing to a limited permanent population, visitors staying in the locality and people travelling through the town to other destinations along the Great Ocean Road.
- Tourism is a vital component of the local economy and Anglesea is well placed to capitalise on the growing popularity of nature and adventure based tourism due to its natural setting and camp facilities, which affords opportunities to lengthen the tourism visitation period.
- The mining of brown coal on land to the north and west of Anglesea, with gravel and sand deposits also mined commercially on the site.
Visual impacts from the redevelopment of sites at Four Kings and Diggers Parade, which are visible from the Great Ocean Road and Anglesea River environs.

Amenity issues from the appearance and operation of the Anglesea Industrial Estate, and constraints to its expansion due to surrounding residential and environmentally significant land.

The foreshore and riverbank reserves are the primary areas for public open space. These may be affected in the longer term by the impacts of climate change, resulting in potential loss of open space and the need to identify new areas.

Salinity, inundation and potential coastal acid sulfate soils (CASS) affected areas associated with the Anglesea River estuary, and the potential for increased risks in the face of predicted climate change impacts, including sea level rise, storm surge, coastal inundation and riverine flooding.

Managing development within the settlement boundary on lots that have a direct interface with (or are within close proximity to) the bushfire hazard generated by the Great Otway National Park.

Traffic congestion on the Great Ocean Road, creating barriers to local access and pedestrian movement, and lack of car parking during peak holiday periods.

Objectives

Settlement, Built Environment and Housing
To preserve and enhance the distinctive low-density, non-suburban coastal character of Anglesea and retain the sense of houses dispersed in a bush setting.

To provide for a broader range of accommodation and housing options in appropriate areas to meet the needs of households and to support a diverse community.

Environment and Landscape Values
To protect and enhance the unique environmental, cultural and landscape values of Anglesea and adjoining land.

To manage the impact of bushfire protection measures on Anglesea’s native vegetation cover and neighbourhood character.

Economic Activity
To provide for an appropriate range of retail, commercial and tourist-related services and facilities in the commercial centres of Anglesea to cater for the needs of both the permanent and visitor population.

To promote commercial and tourist development that is of a design, scale and built form that reflects Anglesea’s coastal village character and respects the amenity of adjacent residential areas.

To consolidate the Anglesea Industrial Estate with light industrial uses compatible with adjoining residential development, enhance the visual appearance of the estate and limit environmental impacts.

To promote a variety of sustainable tourist facilities and activities in and around Anglesea that provides social and economic benefits, having regard to bushfire, respecting the environmental, cultural, landscape and community values of the locality.

Community and Physical Infrastructure
To provide for an appropriate range of community and recreation services and facilities that meet the needs of the current and future population and promotes inclusion and participation.

To encourage infrastructure that is compatible with the neighbourhood character and environmental values of Anglesea.
Strategies

Settlement, Built Environment and Housing

- Recognise that Anglesea has limited growth opportunities due to environmental constraints and the desire to protect and enhance the preferred neighbourhood character.

- Apply minimum subdivision lot sizes and maximum development densities that, together with limits to building footprint and hard surface area, ensure adequate area is maintained for vegetation around buildings and for the maintenance of defendable space for bushfire protection.

- Limit the total floor area of buildings relative to the size of an allotment to avoid excessive building bulk and houses that are dominant in the streetscape.

- Encourage building design that reflects a coastal style of architecture, using forms, materials, features and colours that respect and contribute positively to the coastal landscape character of Anglesea.

- Retain a sense of openess between properties by discouraging solid fences and encouraging the use of vegetation to achieve privacy.

- Retain the informal appearance of access driveways and roadsides when constructing roads and footpaths.

- Constrain the development potential of narrow lots in pockets of Point Roadknight.

- Encourage a greater diversity of housing types and sizes, in particular the construction of compact well-designed dwellings on smaller lots, within walking distance of the activity centres and community precinct.

- Support high quality mixed-use medium density development at Four Kings and Diggers Parade that contributes positively to the character of Anglesea.

- Encourage appropriate infill development and redevelopment of strategic sites of lower bushfire risk within the town boundaries sympathetic to the scale and character of Anglesea.

- Support and facilitate proposals for affordable housing in appropriate locations and in keeping with the character of Anglesea.

- Retain caravan parks and school camps as an important provider of low cost visitor and temporary accommodation in Anglesea.

Environment and Landscape Values

- Contain urban development within the existing settlement boundary of the town as shown on Map 1 to Clause 21.11 – Anglesea Framework Map.

- Retain and enhance the existing native vegetation cover, with emphasis on indigenous species and Coastal Moonah Woodland vegetation in particular, where this does not unduly increase bushfire risk.

- Recognise the environmental sensitivity of private residential land abutting the Anglesea Heathlands in O’Donohue Road and Harvey Street.

- Encourage a reasonable sharing of views of scenic landscape features from private land.

- Discourage subdivision and development of land that has potential to adversely impact on the environmental values of abutting or adjacent public land.

- Ensure that the use and development of land surrounding the Anglesea River does not result in adverse impacts on the environmental and scenic values of the estuary, and that the risks of coastal hazards are given due consideration.

- Direct development away from vegetated areas to minimise bushfire risk and clearance of vegetation.
Ensure buildings are sited, designed and constructed to minimise the extent of required defendable space to reduce the impact on existing vegetation.

Manage the vegetation within the defendable space in a manner that respects the vegetated character of Anglesea whilst meeting the minimum requirements for bushfire protection.

**Economic Activity**

- Reinforce the primacy of the Anglesea shopping centre as the commercial focal point and discourage the location of non-tourist related retail uses outside the centre.
- Facilitate the incremental growth of the Anglesea shopping centre to the north-east and north-west up to Walker Street, commensurate with the demand for retail floor space.
- Encourage a mix of tourist-related uses, including cafes and restaurants, accommodation and tourist retailing, within the tourist development precincts at Four Kings and Diggers Parade.
- Improve the visual appearance of the commercial centres through appropriate building design and articulation, active frontages and high quality landscaping.
- Ensure that development in the main shopping centre is attractively designed and presents a streetscape image that is consistent with its village character.
- Ensure that development on prominent sites at Four Kings and Diggers Parade contributes positively to the character of Anglesea and respects the heritage value of adjoining traditional beach houses on the Great Ocean Road.
- Improve the pedestrian and public environment within the commercial centres and connections to and from surrounding areas.
- Contain future industrial development within the existing estate and limit environmental impacts on adjoining Crown land.
- Maintain a landscaped buffer between the industrial estate and adjoining residential land.
- Discourage land uses from establishing in the industrial estate which have potential for amenity conflicts with adjoining residential areas.
- Promote activities that increase visitation and visitor length of stay to reduce seasonality, with a particular emphasis on nature and adventure based tourism and events.
- Encourage the establishment of a broader range of well-designed and sited tourist accommodation options, including low scale eco-tourism operations and ancillary uses.

**Community and Physical Infrastructure**

- Reinforce the McMillan Street Community Precinct as Anglesea’s primary community hub.
- Encourage the provision of aged care services and accommodation in appropriate locations.
- Encourage the improvement of public or community transport services, both within Anglesea and to other centres including Torquay and Geelong.
- Improve pedestrian and cycle access and connections between residential, community, commercial and recreational precincts.
- Ensure that new roads and footpaths are designed to achieve an informal appearance, with an emphasis on retaining vegetation within road verges and alternatives to concrete kerb and channel drainage.
- Achieve an appropriate balance between the provision of car parking spaces and maintaining environmental and amenity values.
- Maintain informal car parking overflow areas to meet short term peak parking demands over the summer and Easter holiday periods.
Implementation

The strategies will be implemented by:

Using policy and the exercise of discretion

- Using the Streetscape and Landscaping Policy, Clause 22.02 to encourage the use of indigenous plant species in landscaping and to achieve appropriate landscape outcomes.

- Requiring any development or works within CASS risk areas (generally below the 5m AHD contour) that may cause the disturbance of CASS to have been assessed against the CASS Best Practice Guidelines (DSE, 2010) to determine hazard from CASS. If a CASS hazard is identified a CASS Management Plan (or other suitable plan) consistent with the Best Practice Guidelines should be developed.

- Avoiding the intensification of development in areas identified as containing significant biodiversity assets and/or being at extreme risk from bushfire.

Applying zones and overlays

- Applying the Rural Conservation Zone to private land outside the settlement boundary.

- Applying a Special Use Zone and the Environmental Significance Overlay to protect the ecological and scenic values of the Anglesea Heathland.

- Applying a Significant Landscape Overlay to the residential areas of the town to protect native vegetation, including scattered stands of remnant Moonah.

- Applying the Design and Development Overlay to the Anglesea town centre and industrial estate to achieve desired urban design outcomes.

- Applying a Restructure Overlay to narrow lots in Point Roadknight to minimise impacts on neighbourhood character.

- Applying the Bushfire Management Overlay to areas where there is potential for extreme bushfire behaviour.

Undertaking further strategic work

- Preparing an Urban Design Framework or Structure Plan for the Anglesea Shopping Centre to guide the form and location of future growth, the interface and (pedestrian) connectivity with surrounding areas, access and parking, public open space and amenities.

- Preparing urban design guidelines and a streetscape plan for the Great Ocean Road ‘boulevard’ between Noble Street and Four Kings.

- Investigating the preparation of a parking management plan for the commercial centres.

- Investigating the options for future use of the water basin site at 69B Harvey Street.

- At the appropriate time investigating the potential, if any, for residential development of land north of Betleigh Street, subject to a detailed assessment of bushfire risk and associated environmental impacts.

- Reviewing the minimum lot size/density provisions in the central areas of Anglesea to encourage housing diversity.

- Undertaking further research to develop a thorough understanding of the housing market in Anglesea, including the demand for smaller housing types (in particular from retirees and empty nesters wishing to downsize) and affordable housing, and options/tools/incentives for delivery.

- Conducting an assessment of remaining potential heritage places in Anglesea as part of the next stage of the Surf Coast Shire Heritage Study.

- Investigating the options for protecting the environmental qualities of the Anglesea River estuary.
- Investigating opportunities for relocation of the Anglesea Industrial Estate arising from the future closure of the Anglesea landfill site.
- Investigating the feasibility of providing an Abbeyfield model aged care facility at the McMillan Street Community Precinct.

Reference Documents

- Anglesea Great Ocean Road Study (2016)
- Anglesea Structure Plan (2012)
- Anglesea Neighbourhood Character Study (2003)
- Anglesea Streetscape Project (1996)
- Regional Bushfire Planning Assessment, Barwon South-West Region (DPCD 2012)
- Surf Coast Shire Biodiversity Mapping Project, (SCS, DELWP, CCMA 2014)
- Landscaping Your Surf Coast Garden For Bushfire (2015)

Map 1 to Clause 21.11: Anglesea Framework Map
AIREYS INLET TO EASTERN VIEW STRATEGY

Overview

The settlements of Aireys Inlet, Fairhaven, Moggs Creek and Eastern View are situated along the Great Ocean Road between the townships of Anglesea and Lorne. Though the permanent population of these towns is relatively small compared to other coastal towns, the area is very popular as a holiday and retirement destination. The settlements are contained by dense bushland and spectacular coastline, abutting the Great Otway National Park. Much of the townships, particularly along the northern edges, have been assessed as being subject to extreme bushfire risk.

Key Issues and Influences

- The settlements, coastal reserves and surrounding hinterland support a vast range of threatened flora and fauna, including the Powerful Owl, Grey Goshawk, Rufous Bristlebird, Swamp Antechinus, Hooded Plover, Anglesea Grevillea and Southern Spider-orchid.
- The indigenous vegetation is of Local to High State conservation significance, and includes the endangered Merrans Sun Orchid and the Coastal Moonah Woodland community.
- The open valley landscape of the Painkalac Creek, separating the timbered hillsides of Aireys Inlet and Fairhaven, has high environmental, geomorphological, scenic and cultural values and contains flora and fauna of high State ecological significance.
- Confining urban development within the existing settlement boundaries due to the significant conservation value of adjoining land, extreme bushfire risk and difficulties in providing infrastructure; and in the case of Moggs Creek and Eastern View also by a lack of reticulated services.
- Despite physical characteristics varying across the settlements, the towns have a distinctive low density, generally vegetated coastal character. Valued neighbourhood characteristics, include:
  - indigenous tree canopy dominated by Ironbark, Messmate, Manna Gum, Moonah and Drooping Sheoak species
  - indigenous remnant understorey
  - generous spacing between buildings
  - low building scale
  - availability of views
  - informal fencing of property boundaries
  - informal road network.
- Limited housing diversity, particularly smaller dwellings within walking distance of commercial and community facilities suitable for older persons wishing to downsize.
- The Split Point Lighthouse as a tourist icon of local and heritage value and the importance of its sole dominant visual presence on the foreshore bluff.
- The visual prominence of development on the western side of the Great Ocean Road from Fairhaven to Eastern View due to the steep topography, low vegetation height and the siting of some houses on ridgelines, particularly along the escarpment abutting the Great Ocean Road.
- Managing development within the settlement boundary and avoiding further development intensification on lots that have a direct interface with (or are within close proximity to) the bushfire hazard generated by the Great Otway National Park.
- There is an ongoing risk of a landscape scale bushfire penetrating and spreading throughout the town having severe impacts on the community and the towns infrastructure.
- Balancing the preservation of the ambience of the night sky from street lighting and other illumination against road design, safety needs and enjoyment of facilities.

- The local economy is strongly focused on tourism, and benefits from the association with the Great Ocean Road, surfing/beaches and Great Otway National Park.

- Retail and commercial development is largely contained within the ‘Top Shops’ and ‘Bottom Shops’ centres on the Great Ocean Road in Aireys Inlet, with limited scope to extend the Top Shops centre. Several other established businesses are located on residential zoned land along the Great Ocean Road between the two centres, which provide a valuable service to both visitors and residents.

- Car parking supply is likely to become an issue as the centres incrementally develop due to a lack of parking opportunities on the Great Ocean Road.

- Negative impacts on the character of the towns from inappropriate development of the commercial centres, particularly adjacent to the Painkalac Creek.

- Minimal opportunity for industrial uses due to amenity and environmental conflicts.

- Limited services for the aged and the importance of land at 2 Fraser Drive, Aireys Inlet providing opportunities for housing for older persons.

- Salinity, flooding and coastal acid sulfate soils affected areas associated with the Painkalac Creek and estuary.

21.12-2

Objectives

Settlement, Built Environment and Heritage

To protect and enhance the small-scale, coastal bushland amenity of the townships and their low density non-suburban character.

To protect the heritage significance and visual prominence of the Split Point Lighthouse and associated buildings.

Environment and Landscape

To protect and enhance State and Nationally significant biodiversity and habitat and areas of landscape significance within the townships and surrounding land and the vistas of natural landscape features viewed from public places.

To preserve the ambience of the night sky from artificial illumination.

Economic Activity

To promote economic development and tourism opportunities that are compatible with the towns’ low key coastal village character and natural environment.

To encourage commercial development that is of a design, scale and built form that is consistent with the coastal, non-suburban character of Aireys Inlet and respects the amenity of adjacent residential areas.

To improve the pedestrian and public environment including connections to the commercial centres.

To promote development at the ‘Bottom Shops’ commercial area that positively responds to Painkalac Creek and its environs.

21.12-3

Strategies

Settlement, Built Environment and Heritage

- Confine residential development within the defined settlement boundaries as depicted on Map 1 to Clause 21.12 – Aireys Inlet to Eastern View Framework Map, and retain the larger vegetated allotments outside the township areas as buffers to the surrounding forest and National Park.
- Recognise that the townships have limited growth opportunities due to bushfire risk, environmental and physical limitations and the desire to protect and enhance the preferred neighbourhood character.

- Maintain and enhance the vegetated landscape and encourage its dominance over the built environment in a manner that does not increase the risk of bushfire.

- Apply adequate subdivision lot sizes with sufficient space for the maintenance of defendable space for bushfire protection.

- Encourage new development that displays a coastal style of architecture, maintains a low rise building height and blends with the surrounding landscape.

- Limit the size and footprint of dwellings and hard surfaces so buildings can be screened by vegetation, with bushfire responsive landscaping undertaken and a sense of space around buildings is maintained.

- Discourage the establishment of private recreational structures which decrease areas available for the retention or planting of vegetation, such as tennis courts and swimming pools.

- Encourage a reasonable sharing of views of significant landscape features from private land.

- Ensure new development provides good pedestrian connectivity both within the development and to the surrounding areas, including the beaches, forest and local commercial centres.

- Ensure that future roadworks and pathways (either gravel or sealed surfaces of a suitable colour, material and texture) retain the informal character and appearance established in the Aireys Inlet to Eastern View Neighbourhood Character Study, 2004.

- Encourage the undergrounding of powerlines.

- Limit the scale and intensity of buildings around the Split Point Lighthouse to ensure development does not intrude on views to the lighthouse or compete with its visual presence.

**Environment and Landscape**

- Discourage the removal of native vegetation, require the planting of locally indigenous vegetation species to compensate for the removal of native vegetation (without increasing bushfire risk) and encourage the removal of environmental weeds.

- Discourage land use and development, including tourist development and accommodation, that is likely to have an adverse impact on the environmental and scenic values of the settlements, surrounding hinterland and the abutting Great Otway National Park.

- Restrict subdivision and development of private land outside the settlement boundaries to protect the vegetated landscape setting and maintain buffers to the Great Otway National Park.

- Avoid development on the ridgelines and hillsides that is visually prominent when viewed from the Great Ocean Road at Fairhaven, Moggs Creek and Eastern View.

- Protect the scenic open landscape character and environmental values of the Painkalac Creek valley by restricting development and earthworks and avoiding vegetation removal close to the creek and wetlands.

- Ensure buildings are sited, designed and constructed to minimise the extent of required defendable space, to reduce the impact on existing remnant vegetation.

- Manage the vegetation within the defendable space area in a manner that respects the vegetated character of the town whilst meeting the requirements for bushfire protection.

- Discourage street lights, save for the discrete lighting of intersections for safety purposes, and other artificial illumination that present a suburban character and impact on the night skies.
Economic Activity

- Restrict new retail development to the existing commercial centres at the Top and Bottom Shops to create viable and attractive activity centres that provide for an appropriate range of retail and commercial services for both residents and visitors.
- Support established commercial uses along the Great Ocean Road between the two centres.
- Recognise the potential of the Aireys Pub site to provide additional tourist-oriented uses.
- Promote opportunities for appropriately scaled and located tourist accommodation and activities, in particular nature and adventure based tourism.
- Improve the visual appearance of the commercial centres through appropriate building design and articulation, setbacks and landscaping.
- Ensure that adequate area is set aside for outdoor dining, shade trees and pedestrian and bicycle access at the shop front edge.
- Ensure permeability is maintained to surrounding residential areas.
- Provide adequate car parking that takes into consideration the commercial components of the whole centre and provides for daily, not peak demand.
- Ensure surface car parking does not detract from the public realm and focus car parking away from the active street edge.
- Protect the environmental qualities of the Painkalac Creek reserve.
- Ensure that new development is well articulated and provides an active frontage to the Great Ocean Road, and where possible, a functional interface to Painkalac Creek.
- Ensure a high quality landscape outcome that responds to the surrounding natural and built form environment for all development.
- Design internal car parks to prevent light spillage into the adjoining neighbourhood and the Painkalac Creek environs.
- Ensure that opportunities are provided for pedestrian permeability from the Great Ocean Road through to Painkalac Creek.

Implementation

The strategies will be implemented by:

Using policy and the exercise of discretion

- Restricting development in the Painkalac Creek valley to a single dwelling on each of lots 1, 2 and 3 on PS431010.
- Requiring submission of an environmental management plan for development of land within the Painkalac Creek valley to address any impact on the Painkalac Creek environs such as erosion, sediment discharge and stormwater runoff and any effects related to climate change and coastal acid sulfate soils.
- Avoiding the intensification of development in areas identified as containing significant biodiversity assets and/or being at extreme risk from bushfire.

Applying zones and overlays

- Applying the Rural Conservation Zone to private land outside the settlement boundaries to land with high scenic, landscape and ecological values.
- Applying the Environmental Significance Overlay to areas of ecological importance to protect habitat values and significant vegetation.
- Applying the Neighbourhood Character Overlay to the urban residential areas to protect neighbourhood character.

- Applying the Design and Development Overlay to residential areas and the Paincalac Valley to protect the landscape character and low density setting and to the commercial areas to promote good urban design.

- Applying the Bushfire Management Overlay to areas at risk from bushfire.

**Undertaking further strategic work**

- Facilitating the redevelopment of 2 Fraser Drive, Aireys Inlet for housing suitable for older persons.

- Reviewing as appropriate the supply and demand of public and private car parking associated with the commercial centres and if demand is great enough or car parking adversely affects local amenity, prepare and implement a parking management plan.

### Reference Documents


- *Regional Bushfire Planning Assessment, Barwon South-West Region* (DPCD 2012)

- *Biodiversity Mapping Project*, (SCS, DEPI & CCMA, 2014)


Map 1 to Clause 21.12: Aireys Inlet to Eastern View Framework Map
MORIAC STRATEGY

Overview

Moriac is a small rural township located approximately 20 kilometres south west of Geelong at the centre of a large farming district which extends into coastal heathlands. The traditional role of the township is largely a dormitory settlement with a majority of residents who commute to Geelong and beyond for employment opportunities, but who choose to live in Moriak for its rural atmosphere and rural residential lifestyle.

Key issues and influences

The key issues and influences facing Moriak are:

Settlement and Built Environment

- Moriak has a minimal supply of residential lots and without further growth or the release of additional lots the township will approach capacity. The *G21 Regional Growth Plan, 2013* does not envisage major residential growth in Moriak but acknowledges that the township, similar to other rural and coastal settlements in the region, will continue to experience modest growth limited to identified structure plan settlement boundaries.

- The railway provides a physical barrier to growth north of the town. The area to the north of the town is also in a different drainage catchment and to facilitate economical servicing, there is a need to ensure future development occurs in the same drainage basin as the existing township and along the likely route of any future sewer main.

- There is opportunity to accommodate population growth through limited residential infill development and through provision of additional land for future residential development.

- The need to ensure future development does not detract from the town’s rural character.

Infrastructure

- The town is provided with a reticulated water supply system and there is adequate capacity to supply any reasonable planned growth of land with an elevation of less than 105 metres AHD. However, development of land above 105 metres AHD, particularly in Area 1 (refer Map 1 to Clause 21.13 Moriak Framework Plan) would potentially require the construction of a tanker/booster system.

- The stormwater catchment area for the existing township is south of the railway line and drains towards the creek. Urban stormwater runoff from lots not connected to a stormwater drainage system could pose a threat to the sensitive environment and water catchment area.

- A key infrastructure constraint is the lack of reticulated sewerage in the township. This will influence the future township form in respect to lot sizes to cater for any future development within the township, as there is a need to ensure lots created by subdivision are of a sufficient size to treat and retain all wastewater within the property boundaries.

- There is a need for improvement of the intersection at Cape Otway Road and Hendy Main Road as well as improvement of car parking in the township especially at the retail area and school.

Leisure and Recreation Facilities

- Moriak supports a range of community and leisure facilities that contribute to its liveability. These activities include a primary school, community centre, pre-school centre, convenience shop, post office, skate park, BMX track and tennis courts.

- Moriak is well served with public open space areas, which provides pedestrian and cycle access between housing areas and the main community facilities. The potential to expand and extend these routes to establish a linked open space network around the town is recognised.
There is the need to recognise in the Planning Scheme land transferred to Council for public open space purposes.

**Economic Development**

- There is a need to ensure the existing Moriac town centre remains the focus for commercial development within the township to foster vitality and avoid fragmentation of uses and activities. Formalising this location as the town centre could be enhanced by encouraging the use of allotments fronting Cape Otway Road between the Broadway and Hendy Main Road for business purposes.
- A modest expansion of the town centre would be possible on adjacent properties to the south should demand warrant.
- There is an opportunity to provide a consolidated node for other commercial activities (light industrial) to meet the needs of local residents.

**Environment**

- The need to protect and enhance the significant biodiversity features of the area, including the Thompson and Ravens creek corridors, native grasslands, grassy woodland and scattered mature native eucalypt trees.
- The need to monitor wastewater management issues within the township especially its effect on the creek corridors.

**Settlement and Built Environment**

**Objective**

To maintain a compact township which retains its rural atmosphere.

**Strategies**

- Encourage appropriate infill residential development.
- Contain urban development within the defined settlement boundary as defined in Map 1 to Clause 21.13 Moriac Framework Plan to avoid sprawl of the township.
- Support a modest township growth by the provision of potential low density residential development north-west of Cape Otway Road (Area 1) and to the north-east of Hendy Main Road (Area 2) as shown in Map 1 to Clause 21.13 Moriac Framework Plan.
- Protect the rural character of Moriac as a settlement located within a rural setting.
- Provide for suitable lot sizes that reflect the rural township character and standard for containment and treatment of wastewater.
- Maintain effective buffer zones between residential development and water courses, in particular by providing for revegetation of the Thompsons Creek environs.
- Ensure that future residential development or subdivision west of Hendy Main Road does not impact negatively on Thompsons Creek and environs.
- Prevent further urban expansion north of the railway line.

**Infrastructure**

**Objective**

To provide appropriate infrastructure services in the township.
Strategies

- Provide for the potential construction of a tanker/booster system in the provision of reticulated water supply for land above an elevation of 105 metres AHD.
- Improve the road network including the Cape Otway Road and Hendy Main Road intersection.
- Provide for improved stormwater drainage system.
- Ensure economical servicing of Moriac by developing in the same drainage basin as the existing township and along the likely route of any future sewer main.

Leisure and Community Facilities

Objective

To encourage a range of community and leisure facilities commensurate with the size and role of the township.

Strategies

- Support the actions in the Newling Reserve Masterplan and Mt. Moriac Reserve Masterplan for on-going upgrading of open space, leisure and recreation activities.
- Support the provision of open space corridors in future residential areas.
- Support the actions in Council’s Pathway Strategy including provision of potential pedestrian bicycle linkages.
- Support the refurbishment of the primary school and investigate the longer term expansion of the school.
- Facilitate the establishment of a satellite hub at Moriac primary school and investigate local family day care and kindergarten options.
- Support the rezoning of land transferred to Council for public open space and recreation purposes.

Economic Development

Objective 1

To consolidate commercial activity and development within the existing Moriac town centre to create a thriving town centre.

Strategy

- To encourage in-fill development and redevelopment of existing sites within the designated town centre fronting Cape Otway Road between The Broadway and Hendy Main Road with a possibility of future expansion to the south (albeit with the redevelopment of residential premises if required).

Objective 2

To encourage opportunities for local employment by identifying land for other commercial purposes (light industrial).

Strategy

- To investigate appropriate zoning to facilitate commercial / light industrial activities along Cape Otway Road north of Lloyds Mews (Refer Map 1 to Clause 21.13 – Moriac Framework Plan).
Environment

Objective 1
To protect and enhance the biodiversity values of the township and the ecological sensitivity of the surrounding environment.

Strategies
- Actively support public land managers in the on-going management and protection of the sensitive environmental areas.
- Ensure that development adjacent to areas of environmental assets is undertaken in a manner which complements and does not impact adversely upon these features.
- Continue to maintain the existing streamside reserves at Thompsons and Ravens Creek to act as a buffer between houses and the watercourse.

Objective 2
To ensure the existing and future landscape and neighbourhood character is adequately protected and enhanced.

Strategies
- Encourage retention and enhancement of existing vegetation on private land, roadsides and reserves using indigenous species through the preparation of vegetation guidelines.
- Provide landscaping at the key gateways to the township and streetscapes, e.g. at Cape Otway Road and Hendy Main Road.

Implementation
The strategies will be implemented by:

Using policy and the exercise of discretion
- In the interest of maintaining a compact township no urban development will be supported outside the settlement boundary including the area north of the railway line outside the settlement boundary, west of the existing township and south of Thompsons Creek.
- It is policy to apply a minimum lot size of 0.4 hectares in the Moriac township. Minor variations to this policy will only be considered where it can be demonstrated that all waste water and septic tank effluent can be suitably disposed of within the boundaries of the lot.

Undertaking further strategic work
- Preparing design guidelines to guide future development of the Moriac Town Centre and the potential light industrial precinct.
- Investigating key ‘infrastructure investigation items’ as listed in the Moriac Structure Plan 2010.
- Introducing planning scheme controls over identified biodiversity sites and corridors in the Moriac Environmental Assets Assessment 2009 to protect and enhance these areas.
- Considering whether a Development Plan Overlay should be applied to Area 1 and Area 2.

Reference Documents
Moric Structure Plan (2010)
Thompson Creek Catchment Plan (1998)
Map 1 to Clause 21.13 Moriac Framework Plan
Overview

Bellbrae is a small rural township and is situated approximately seven kilometres west of Torquay’s town centre, north of the Anglesea Road and Great Ocean Road intersection. Historically the settlement provided limited services for the town and hinterland but basic services and employment are now sought in either Torquay or Geelong. Bellbrae has been assessed as being subject to high bushfire risk.

The primary school attracts pupils from the hinterland and adjoining towns and provides a hub for the town itself.

Grazing, grain and lifestyle farming is undertaken in the local hinterland and the larger lots immediately abutting the settlement provide for a mixture of rural living and small farm businesses. The town and hinterland support significant environmental and landscape values that are highly valued by the local community.

Key influences and issues

The key influences and issues facing Bellbrae are:

Environment

- High landscape and environmental values.
- Highly valued bush/rural/historical character.
- Threat of bushfire to persons and property.
- There is limited access to services via alternative modes of transport other than by private vehicle.
- There are a number of existing and potential sites of heritage significance in the township.

Settlement and Housing

- The town can only facilitate limited growth.
- Threat of Torquay expanding into the hinterland to the east of Bellbrae and changing the rural outlook and character of the town.

Economic Development

- Proximity of Bellbrae to the regional service centres of Torquay and Geelong.
- High land prices make full time farming within the hinterland difficult but attractive to part time or lifestyle farmers.
- Proximity of the Geelong Ring Road which provides easy access between Melbourne and Bellbrae and beyond to the nationally significant Great Ocean Road.

Infrastructure

- Lack of key infrastructure such as sealed roads within the local street network, town water, stormwater infrastructure and reticulated sewerage.
- Potential widening of Anglesea Road to a four lane highway.
- Traffic congestion in School Road at school drop off and pick up times.

Strategic vision

The vision for Bellbrae for the next 15 years is to:

- Provide for limited growth within a defined settlement boundary.
- Preserve and enhance the town’s rural/historic/bush character.
- Enhance the role of School Road as a village main street, linking existing community services and encouraging some low scale commercial / tourist activity.
- Enhance the sense of community.
- Retain the meaningful green/rural breaks between Bellbrae and the surrounding settlements.
- Enhance the biodiversity assets of the area whilst not increasing the risks to life and property in a wildfire event.
- Enhance tourism and local economic opportunities.

**Strategic framework plan**

The Bellbrae Strategic Framework Plan (Figure 1) sets out the general pattern of land use and development envisaged for the town. The purpose of the Framework Plan is to provide an overview of land use in and around Bellbrae and to identify locations where specific land use outcomes will be supported and promoted to achieve the strategic vision.

The information within the Bellbrae Strategic Framework Plan includes:

- Key services and community facilities within the town.
- Areas identified as having high landscape values.
- Areas identified as having environmental significance including the Spring Creek.
- Delineation of the settlement boundary and future infill area.
- Major transport and tourist routes.
- Town centre enhancement area.
- Constraints to development in the form of natural features such as native vegetation and drainage buffers.
- Areas identified for green breaks between the adjoining settlements.
Figure 1: Bellbrae Strategic Framework Plan
Objectives

Environment
- To protect and enhance identified remnant vegetation and biodiversity assets.
- To protect and enhance the Spring Creek environment.
- To protect the rural vista from Anglesea Road, north of the township, to reinforce School Road as the towns centre.
- To retain the rural setting around the town.
- To avoid infill development in areas of high fire risk where the risk to life and property cannot be reduced to an acceptable level.
- To enhance walkability within the town and improve cycling and walking linkages between the town and the surrounding settlements.
- To recognise and protect identified sites of heritage significance within the town and immediate hinterland.

Settlement and housing
- To enhance the town’s historic/rural/bush character.
- To provide for limited residential growth at a scale that protects the rural character and is capable of retaining and treating all wastewater on site.
- To facilitate sustainable development within a defined settlement boundary.
- To encourage the retention of meaningful green breaks between the township and adjoining settlements.

Economic Development
- To protect agricultural land for future generations.
- To protect the high landscape and environmental values that are intrinsic to the prosperity of the town and hinterland.
- To facilitate opportunities for small scale commercial development.
- To facilitate tourist accommodation and enterprises in appropriate locations and at a scale that adds to the scenic values and appeal of the area.

Infrastructure
- To minimise the impacts of the future road widening of Anglesea Road on the Bellbrae township.
- To maximise existing infrastructure.
- To provide new infrastructure within the designated ‘future residential area’ identified in the Bellbrae Framework Plan, Figure 1 that is sustainable, supports self-sufficiency and respects the rural/bush character.
- To enhance the streetscape and on street car parking opportunities on School Road.
- To facilitate infill development on lots capable of retaining all wastewater on site.
- To promote walking and cycling as a mode of transport.

Strategies

Environment
- Recognise the nature reserves within the township through the application of appropriate zoning.
• Apply appropriate overlays to all environmental assets and promote retention of native vegetation as the first step in biodiversity enhancement.

• Encourage vegetation enhancement and corridors in locations that will not increase risks to persons or property from bushfire.

• Require the planting of suitable street trees in the future residential area.

• Require best practice stormwater retardation and treatment in all future residential development.

• Apply appropriate overlays to significant landscapes to the north of the town and encourage sensitive development in this location.

• Contain the township within a defined settlement area and discourage the incremental loss of large land holdings to low density development.

• Focus infill and future development within walking distance of public transport, community services and existing infrastructure including footpaths.

**Settlement and housing**

• Contain the township within the Bellbrae settlement boundary.

• Focus development along and adjacent to School Road and link up existing community services and infrastructure.

• Encourage commercial and residential development on School Road that enhances the town’s character but enhances its role as a village main street.

• Apply a minimum subdivision lot size to all land within the settlement boundary that responds to the rural character.

• Apply a minimum subdivision lot size to the ‘town centre’ that responds to the rural character but encourages activity along School Road.

• Require a 15 metre vegetated buffer between the future residential area and Anglesea Road.

• Ensure that new development along School Road promotes activity and enhances the character of the town.

**Economic development**

• Encourage farming practices and lifestyle farming in the hinterland area.

• Apply appropriate zoning to the town centre to enable consideration of a variety of commercial, tourism and business uses in one central location.

**Infrastructure**

• Ensure that any plans for road improvements or highway related developments give consideration to maintaining the bushland character of the township and rural hinterland.

• To apply appropriate zoning and overlays to Anglesea Road to enable Vic Roads to widen the road to a four lane highway if required in the future.

• Focus infill development on the eastern side of Anglesea Road to enable direct access to community services, public transport, the sealed road and footpath network.

• Require a 15 metre vegetated buffer between the future residential area and Anglesea Road.

• Require future subdivision design for the proposed infill area identified at Figure 1, to meet the requirements of the Bellbrae Stormwater Masterplan, 2013.

• Require a street network within the future residential area that respects the rural character.

• Require all new commercial development abutting School Road to provide on street car parking with vegetated outstands within the parking lane.
- Provide a standard footpath and street tree planting within a modified street reservation that provides angled on street car parking opposite the primary school.
- Ensure all new lots are capable of retaining all wastewater on site.

**Further Strategic work**

**Environment**
- Complete the assessment of the sites of potential heritage significance identified in Bellbrae.

**Reference documents**
- Bellbrae Structure Plan, Surf Coast Shire (2010)
- Biodiversity Mapping Project, SCS, DEPI & CCMA (2014)
- Regional Bushfire Planning Assessment, Barwon South-West Region (DPCD 2012)
- Spring Creek Catchment Plan, CCMA (2003)
- Landscape and Urban form Hansen partnerships (2008)
- Great Ocean Road Region Landscape Assessment Study, DSE (2003)
- A Review of Domestic Wastewater Management in Bellbrae, Geocode, 2010
- Bellbrae Stormwater Master Plan (2013)
DEANS MARSH STRATEGY

Overview

Deans Marsh is a small hinterland settlement located midway (24 kilometres) between Lorne and Winchelsea on the northern foothills of the Otway Ranges. The township is situated within a picturesque open rural landscape. Once a thriving rural service centre for the surrounding agricultural community the town now provides limited services to a much smaller community. Its history is strongly reflected in numerous buildings and sites both within the town and in the surrounding rural hinterland adding to its attraction as a tourist stop.

The town has been assessed as being subject to high bushfire risk. It is envisaged that the township of Deans Marsh will continue to facilitate limited growth and has an opportunity to develop further tourism related activities.

Key issues

- The town is geographically well placed to take advantage of tourism opportunities that have arisen from the Deans Marsh-Lorne Road being promoted as an alternate route to access the Great Ocean Road.
- The town includes a number of old and inappropriate subdivisions that are unable to retain waste water on site.
- Residential growth of the township is limited due to the lack of basic services such as reticulated water and sewerage systems and lack of public transport.
- Development within the town and its surrounding rural land may impact upon the scenic values of the township entries.
- The town is at risk from bushfire.

Objectives

Settlement and Environment

To provide for the sustainable use of available land for residential development, the effective disposal of wastewater on-site and the consolidation of services within the settlement boundary.

To protect and enhance the scenic and environmental assets of the Deans Marsh township.

To support the growth and development of a sustainable community.

Strategies

Settlement and Environment

- Facilitate sustainable residential development and the effective disposal of waste water on site by encouraging new lots to be at least 0.4 ha. Applications for smaller lots should be supported by a comprehensive Land Capability Assessment.
- Realign the settlement boundary to include all existing residential lots and lots containing public utilities abutting the town.
- Facilitate a diversity of housing sizes on residential land to encourage the provision of affordable housing.
- Contain urban development within the existing settlement boundary of the town as shown on Map 1 to Clause 21.15 – deans Marsh Framework Plan, retaining the Deans Marsh Lorne Road as a major fire break between the township and the Great Otway National Park.
- Encourage development that respects the rural heritage character of the township.
• Restructure and consolidate township lots that are incapable of treating and containing household effluent.

• Encourage the development of B&Bs, country cottages and other forms of tourist accommodation within the township, to cater for visitors seeking a retreat from urban areas.

• Concentrate community facilities at the Deans Marsh Memorial Reserve and commercial services along the Winchelsea-Deans Marsh Road.

• Encourage car parking for the commercial properties with any off-street car parking being sited to the rear of properties.

### Implementation

These strategies will be implemented by:

**Using policy and the exercise of discretion**

• Where an application for development is required, ensuring development is oriented to have active frontages to public streets and natural landscape features.

• Require cash in-lieu open space contribution arising from in-fill subdivision be directed towards continuing development of the Deans Marsh Memorial Reserve and the construction of paths outlined in Council’s pathway strategy.

**Applying zones and overlays**

• Applying the Township Zone to all residential areas within the defined settlement boundary.

• Applying a Design and Development Overlay to properties fronting the main roads in the town to build on the historic and low scale character of the township as well as to encourage an active frontage for commercial development.

• Applying the Restructure Overlay to old and inappropriate subdivisions to require the consolidation of lots in the same ownership that are too small to contain and treat household effluent.

**Undertaking further strategic work / other work**

• Prepare a vegetation management plan to protect and enhance the avenue of oak trees along the Winchelsea/Deans Marsh Road.

• Investigate the preparation of a traffic management plan to slow traffic at the intersection of Birregurra-Deans Marsh Road and Winchelsea-Deans Marsh Road.

### Reference Documents

• *Deans Marsh Structure Plan, May 2008*

• *Regional Bushfire Planning Assessment: Barwon South – West Region, DPCD (2012)*
Map 1 to Clause 21.15 Deans Marsh Framework Plan
ANGLESEA NORTHERN HINTERLAND

Overview
Land to the north of Anglesea outside the settlement boundary was previously used for a power station and coal mine. The closure of this facility presents an opportunity to provide for a range of new uses following the surrender of leased Crown land and the completion of necessary rehabilitation, remediation and clean up works by Alcoa. This land is significant for its biodiversity values, the presence of the Anglesea River and its landscape setting as the northern interface between the township of Anglesea and the Great Otway National Park.

Objectives
To provide for a range of land uses in accordance with the Anglesea Futures Land Use Framework (2018).
To facilitate necessary works to comply with any clean up notices, mine closure and rehabilitation plans and other remediation requirements.
To protect the biodiversity, environmental and landscape values of the area, and the Anglesea River and environs.
To encourage development that responds to the character of Anglesea, integrates with the existing township and is appropriately designed and sited within the landscape.
To ensure development includes environmentally sustainable and water sensitive design that responds to the land’s context, natural features and constraints.
To protect areas of cultural heritage significance.

Strategies
Ensure use and development occurs in accordance with the Anglesea Northern Hinterland Map attached below.
Ensure that land use and development respond to potential risks from environmental hazards, including bushfire, flooding, acid sulfate soils, geotechnical stability and ground contamination.
Provide a movement network that provides for convenient and safe access and is integrated with the existing network in Anglesea and the Great Ocean Road.
Plan for drainage and stormwater management to take a whole of catchment approach that maintains water quality and includes water sensitive urban design.
Ensure development is designed and sited to mitigate bushfire risk while minimising impacts to native vegetation.
Ensure that Aboriginal and post contact heritage values are identified and protected.
Ensure that development does not detrimentally impact on the rehabilitation and remediation of the coal mine and power station required by relevant authorities.
Ensure infrastructure is sensitively designed and sited to minimise impacts on native vegetation and areas with biodiversity significance by using existing areas that have already been subject to site disturbance.
Provide a safe, stable and environmentally sensitive buffer and interface to the proposed water body and its banks (Areas 1, 2 and 3) and to the Anglesea River environs (Areas 3 and 6) as shown on the Anglesea Northern Hinterland Map.
Ensure the design of new development responds to its landscape setting and local character, and includes appropriate interfaces to avoid adverse impacts on existing uses, adjacent residential areas, the Great Ocean Road and the Anglesea River.
Ensure subdivision proposals for rural living within Area 10 of the Anglesea Northern Hinterland Map reflect the area’s character and landscape setting.

Provide for pedestrian access through the area and to surrounding areas, including the primary school and the Anglesea River north of Bingley Parade.

### Implementation

These strategies will be implemented by:

**Policy guidelines**

Consider as relevant:

- How any proposal responds to potential hazards, including bushfire, flooding, acid sulfate soils, geotechnical and slope stability issues, ground contamination and ground water contamination.
- Traffic impacts for proposals that may impact the local movement network.
- How development proposals will be provided with necessary utilities, including stormwater management.

- Whether the use or development is consistent with the provisions of the *Mines (Aluminium Agreement) Act 1961*, where applicable.

### Applying zones and overlays

Application of the Development Plan Overlay, Design and Development Overlay or other appropriate planning tool should be considered to address design and siting issues, to ensure development is integrated with the existing town and that development is staged to overcome challenges posed by land fragmentation.

### Background Documents

*Anglesea Futures Land Use Framework (2018)*
RURAL TENEMENT POLICY
This policy applies to all land in the Farming Zone and Rural Conservation Zone.

Policy Basis
This policy;

- Applies the agriculture State Planning Policy Framework objective in Clause 14.01 to local circumstances.
- Builds on the MSS objectives in Clauses 21.05-2 and 21.06 relating to agriculture and rural landscape;
- Applies the findings of the Surf Coast Shire Rural Strategy 2007;
- Applies tenement provisions in the rural zones to protect rural and environmentally sensitive land for future generations;
- Specifies requirements for assessing applications for subdivision and dwellings in rural areas;
- Recognises that there is no nexus between subdivision and housing in rural areas.

Tenement provisions have been an important rural land use tool in the Shire over the past 20 years. Tenement provisions have effectively limited the number of houses built in the rural area and encouraged the retention of rural land holdings and their continued use for rural production. Without limiting the definition of a tenement in Clause 72 (General Terms), a tenement is a single lot or group of lots held in the same ownership; and ‘tenement provisions’ are used to limit the number of dwellings that will be approved on a tenement rather than on individual allotments which may or may not comprise separate titles.

Objectives
To help effect the long term protection of the Surf Coast Shire’s rural land for agricultural purposes and for the rural landscape qualities it provides.

To provide a consistent and equitable basis for considering permit applications for dwellings and subdivision in the rural zones.

Policy - Dwellings

Dwellings on lots below the minimum lot size specified in the Schedule to the Farming Zone or Rural Conservation Zone

Where a permit is required to use land for the purpose of a dwelling on a lot below the minimum lot size specified in the Schedule to the Farming Zone or Rural Conservation Zone, it is policy to not grant approval unless all of the following requirements are met:

- The lot comprises and remains a tenement or part of a tenement falling within a category listed in Part A below; and
- The maximum number of dwellings on the said tenement does not exceed the relevant number listed in Part B below; and
- Any conditions listed in Part C below are met.

How to use this policy
A. Identify which of the five tenement categories the lot falls within.
B. Calculate the maximum number of dwellings permitted on a tenement falling within the relevant category.
C. Identify the conditions that will apply if a permit is granted.
Note: This policy is intended to supplement assessment of any application under the Farming Zone or Rural Conservation Zone. Compliance with the policy requirements does not imply that the responsible authority will grant a permit in every case.

### Part A. Tenement categories

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category 1</td>
<td>A lot created under a Plan of Subdivision approved by the Responsible Authority prior to the approval date (5 October 2000).</td>
</tr>
<tr>
<td>Category 2</td>
<td>A lot listed in Table 1 to this Clause.</td>
</tr>
<tr>
<td>Category 3</td>
<td>A lot comprising a tenement on 18 December 1997.</td>
</tr>
<tr>
<td>Category 4</td>
<td>A lot comprising part of a tenement on 18 December 1997.</td>
</tr>
<tr>
<td>Category 5</td>
<td>A lot comprising part of a tenement on 18 December 1997 where the said part was acquired in a single transaction between 17 December 1975 and 18 December 1997.</td>
</tr>
</tbody>
</table>

Where a lot falls within more than one tenement category the category with the smallest total area is to be used.

### Part B. Maximum number of dwellings

#### Categories 1 & 3

1.

#### Category 2

Refer to Table 1 to this Clause.

#### Category 4 & 5*

If the total area of the tenement identified in part A is less than twice the minimum lot size specified in the zone schedule: 1.

If the total area of the tenement identified in part A is at least twice the minimum lot size specified in the zone schedule: the maximum number of dwellings is not to exceed the number permissible if the tenement were a single lot.

The maximum number of dwellings includes:

- The proposed dwelling;
- Any existing dwelling;
- Any dwelling for which a current permit exists but which has not been constructed.

*Note: The maximum number of dwellings permitted on the tenement will not be increased whether or not part of the tenement is sold after the 18 December 1997.

### Part C. Conditions to apply

#### Category 2

Any conditions specified in Table 1 to this Clause.

#### Categories 4 & 5**

If the tenement comprises more than one lot:

- the lots must be consolidated prior to the commencement of development; or
- an agreement under s.173 of the Act must be entered into providing that the owner or any future owner will not apply to use or develop a dwelling on any lot that does not contain a dwelling or have a valid permit for a dwelling at the date of the agreement; and such agreement must be registered on title.

All categories

Each lot used for the purpose of a dwelling must:

- have legal frontage to a road which provides a suitable means of access to the satisfaction of the responsible authority and
- be suitable for a dwelling by way of its shape, configuration and means of access.

**Note: If a tenement is broken up after 18 December 1997 this condition may need to be modified, however approval will not be granted for any dwelling which would increase the maximum number of dwellings otherwise permitted on the former tenement.
More than one dwelling on a lot

Where a permit is required to use a lot for the purpose of more than one dwelling it is policy to not grant approval for an additional dwelling unless the responsible authority is satisfied that an additional dwelling is required for the operation of a productive rural activity that will generate a marketable rural commodity.

Policy - Subdivision

Where a permit is required for subdivision, it is policy to:

- Require a written report which addresses the decision guidelines of the Rural Conservation Zone or Farming Zone, as applicable.

- Require a land management plan which demonstrates how the proposal achieves good land management practices. A land management plan should be prepared along the lines of a ‘whole farm plan’ as described in ‘Whole Farm Planning, Principles and Options’, edited by BK Garrett, Department of Conservation and Natural Resources and the Department of Agriculture, 1993.

- Where relevant, requiring the implementation of a land management plan within a specified time as a condition of permit.

- Disregard subjective considerations, such as the perceived non-viability of a lot for farming purposes, personal hardship, or family circumstances, which do not form part of the statutory decision guidelines,

- Require a subdivision layout that takes into consideration the ongoing protection and enhancement of any environmental assets within the property, ensuring adequate buffers (50m from a wetland/waterway, 30m from a minor waterway, 10m clearance of significant trees and 30m clearance of significant understorey) are provided around the asset to ensure protection from current or future land use or development.

- Require an owner to enter into a section 173 agreement to protect any environmental values identified by the responsible authority.

Where a permit is required to re-subdivide existing lots to create a new lot or lots that do not comply with the minimum lot size in the zone schedule, it is policy to:

- When calculating the number of lots that may be re-subdivided, count only a lot that has legal frontage to a road and is suitable for a dwelling due to its shape, configuration and means of access.

Where a permit is required to subdivide land to create a lot for an existing dwelling, it is policy to not grant approval unless all of the following requirements are met:

- The dwelling must have been in existence since 18 December 1997 and have been occupied or capable of being occupied, on and since 18 December 1997.

- The lot intended to contain the existing dwelling is not to be greater than 1 hectare in area and is of a shape and configuration that will have minimal impact on the continuing agricultural use and management of the balance of the tenement (in particular, battle-axe shaped blocks are discouraged).

- Since 17 December 1975, no other dwelling is to have been excised from any tenement of which the land has formed a part.

- The larger tenement after subdivision is to comply with the minimum lot size requirement in the zone schedule.

Reference Documents

Whole Farm Planning, Principles and Options, BK Garrett, Department of Conservation and Natural Resources and the Department of Agriculture, 1993; (for examples of land management plans).
Table 1 to Clause 22.01

A permit may be granted to use the land described in this table for a dwelling provided the condition opposite is met.

<table>
<thead>
<tr>
<th>Map Ref No.</th>
<th>Locality</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bellbrae Township (as shown shaded on map no. 1)</td>
<td>One dwelling on each lot</td>
</tr>
<tr>
<td>2</td>
<td>Jarosite Road, Bells Beach (as shown shaded on map no. 2)</td>
<td>One dwelling on each of lots 1 to 24 LP136440</td>
</tr>
<tr>
<td>3</td>
<td>Aireys Inlet (as shown shaded on map no. 3)</td>
<td>One dwelling on each lot</td>
</tr>
<tr>
<td>4</td>
<td>Eastern View (as shown shaded on map no. 4)</td>
<td>One dwelling on each lot</td>
</tr>
<tr>
<td>5</td>
<td>Big Hill (as shown shaded on map no. 5)</td>
<td>One dwelling on consolidated lots: 18 &amp; 76 LP10103, and one dwelling on each other lot</td>
</tr>
<tr>
<td>6</td>
<td>Cathedral Rock (as shown shaded on map no. 6)</td>
<td>One dwelling on each lot</td>
</tr>
</tbody>
</table>
| 7          | Lorne (as shown shaded on map no. 7)            | One dwelling on each of:  
  - Crown Allotments 1 & 2 Section F  
  - Crown Allotments 1 to 10 Section B |
Map 1 to Clause 22.01 – Bellbrae Township

Map 2 to Clause 22.01 – Jarosite Road, Bells Beach
Map 5 to Clause 22.01 – Big Hill

Map 6 to Clause 22.01 – Cathedral Rock
STREETSCAPE AND LANDSCAPING POLICY

This policy applies to all developments throughout the Shire.

Policy basis

This policy:

- Builds on the MSS objectives relating to urban and rural neighbourhood character and landscapes.
- Specifies landscaping plan requirements.

Landscaping throughout streetscapes and public places help to create and enhance the character and attractiveness of towns for both residents and visitors. Townscapes are shaped by vegetation, infrastructure, signs, and the design and siting of buildings adjoining streets and public spaces.

Street trees and landscaping in urban areas:

- Reinforce the street network as a public place and slow traffic down.
- Reduce the heat island effect from hard surface areas and store Co2.
- Create pedestrian focused streets and provide shade.
- Capture and use stormwater.
- Enforce the neighbourhood character and beautify the area.

A mixture of indigenous, native and exotic tree species are to be used in streetscapes and public places, selected for their ability to meet the objectives within this policy.

Indigenous vegetation is to be planted in nature reserves and open spaces that connect to environmental assets as they are well adapted to local soil and climatic conditions, have minimal irrigation requirements, contribute to distinctive local landscape character and provide habitat for wildlife.

Objectives

To protect and enhance the individual landscape character of each town through the planting and protection of indigenous vegetation and environmental objectives input to infrastructure design at an early stage.

To avoid increasing the risk of bushfire to the community.

To encourage the creation and ongoing management of defendable space.

To promote the development of co-ordinated and visually pleasing streetscapes in residential, commercial and industrial areas.

To encourage ecologically and economically sustainable streetscapes and landscapes.

To soften hard surface areas such as car parks and public spaces.

To create public open spaces that include shade for users and provide a visual connection to the local environment through landscaping.

Policy - Landscaping

It is policy to:

- Require a landscaping plan where a permit is required for:
  - Commercial and industrial development.
  - Development that creates or modifies an existing public carpark.
  - Use and development of land for more than one dwelling.
- Development of land in the Rural Conservation Zone, in the towns of Anglesea, Aireys Inlet, Fairhaven, Moggs Creek and Lorne and on land subject to Schedule 1 to the Significant Landscape Overlay and Schedules 1, 13, 20, 21 and 22 to the Design and Development Overlay (excluding minor buildings and works associated with an existing building).

- Native vegetation removal.

- A landscape plan for a single dwelling must:
  - Identify all indigenous vegetation to be removed and retained within an area identified as the inner zone for defendable space, on sites covered by a Bushfire Management Overlay.
  - Identify the location of any indigenous vegetation to be removed or retained within 10m of any proposed building.

- A landscape plan for all other applications must:
  - Identify all indigenous vegetation to be removed and retained within the identified defendable space inner zone, on sites covered by a Bushfire Management Overlay.
  - On sites up to 4,000m² in area, show all existing indigenous vegetation and shade trees.
  - On sites larger than 4,000m² in area, show all existing indigenous vegetation within 20m of any proposed buildings, works or vegetation removal.
  - Identify the location and species of any indigenous vegetation or shade trees to be removed.
  - Provide details of proposed planting and landscaping works, including the number, location and species of proposed plants.
  - Where buildings, works (including reticulated utility services) or hard surfaces are proposed within the canopy or root zone of existing trees, include a report by an arborist confirming that the location and design of any proposed buildings, works and hard surfaces will not compromise the long term viability of such trees.
  - Identify any problems associated with climate, soil, rainfall, buildings, works or any other matter that may affect the establishment and long term health of existing or proposed native vegetation.
  - In visually prominent areas, or where potential problems are identified, include a maintenance program to assist the sound establishment and long term health of existing and proposed native vegetation.
  - Show all hard surface areas.
  - Provide shade trees in play spaces, activity areas and car parks. In parking areas (including on street parking) trees are to be planted at a ratio of one tree to every four spaces.

- Encourage vegetation species that are low maintenance, have low water requirements, will provide shade and suit the locale.

- Encourage the use of indigenous, historic themed or native shade trees in car parking areas, play spaces, activity centres and community spaces.

- Disallow the use of species listed in the incorporated document "Weeds of the Surf Coast Shire (2013)".

- Require the property owner or developer to pay a bond to ensure that new or replacement vegetation is established and maintained and existing trees are retained in accordance with an approved plan where significant trees are to be removed, in visually prominent locations or where the landscape plan identifies specific problems.

- Encourage new development to be sited and designed to avoid or minimise losses to indigenous vegetation or trees that add to the landscape character of the town.
• Landscaping on private land should focus on the removal of environmental weeds and the protection and enhancement of indigenous species.

**Policy - Streetscapes**

It is policy to:

• Require a streetscape master plan where a permit is required for development or subdivision that creates a new public street.

• Encourage a unifying visual image, as well as shade and shelter in the landscaping of development in commercial, community and industrial areas.

• A streetscape master plan must:
  - Show details of proposed street planting, lights and furniture (lighting and furniture is to comply with Council standards).
  - Be consistent with guidelines developed for each town or locality.
  - Give preference to the use of, historic themed trees in recognised historic heritage areas.
  - Avoid the use of species listed in the incorporated document "Weeds of the Surf Coast Shire (2013)".
  - Protect and manage remnant indigenous, shade trees and historic planted vegetation on nature strips and roadsides.

• Species selection must;
  - Be of a sufficient height and spread to provide shade for pedestrians, cyclists and the built environment.
  - Assist in reducing the urban heat island effect.
  - Not provide a continuous planted corridor that links a high risk bushfire prone area into an area of high activity.
  - Suit a street environment being a mixture of native and non native species, with indigenous species being utilised in streets that directly connect to areas of high ecological value.
  - Species selection will vary depending on location as follows;

  • Torquay and Torquay / Jan Juc Urban Growth areas – A mixture of indigenous, native and exotic tree species,

  • Winchelsea - A mixture of indigenous, native and exotic tree species including heritage themed tree species,

  • Jan Juc, Lorne, Aireys Inlet – Eastern View, Anglesea – Indigenous (native or exotic species may be appropriate in select areas to provide shade),

  • Deans Marsh, Bellbrae, Moriac – Indigenous (native, exotic or heritage themed species may be appropriate in some areas to provide shade and to enhance existing avenues).

  - Design and locate infrastructure to minimise ecological disturbance and visual impact. This includes roads, car parks, paths, utility lines, structures such as electricity sub-stations and telecommunications towers and underground services where a cleared easement is required.
  - Design and position signage to minimise ecological disturbance and visual impact.

• Require the property owner or developer to pay a bond to ensure that new or replacement vegetation is established and maintained in accordance with an approved plan.
Reference Documents

- Weeds of the Surf Coast Shire (2013)
- Landscaping You Surf Coast Garden For Bushfire (2012)
- The Surf Coast Shire Urban tree and vegetation guidelines (2006)
- Anglesea Great Ocean Road Study (2013)
- Winchelsea Townscape Study (1995)
- Pathways Strategy (2012)
- Playground Strategy (2011)
MOUNTJOY PARADE HERITAGE PRECINCT POLICY

This policy applies to all land shown on the precinct map forming part of this schedule.

Policy Basis

The Mountjoy Parade Heritage Precinct, Lorne, represents a significant and predominantly intact 19th and 20th century cultural heritage landscape which also contains a number of significant individual heritage dwellings and other buildings. The area is especially characterised by a seaside and bushland setting primarily created by indigenous blue gum trees, the number and location of which have been altered over time to conform to residential development. In addition to the native blue gums are substantial private gardens having terraced and/or sloping native and exotic landscapes together with open grassed areas. The main thoroughfares, Mountjoy Parade and Smith Street, which span the length of the area, follow the contours of the sloping ground. The significance of the area is also defined by the wide, grassed and treed nature strips along Mountjoy Parade, with its blue gum trees, grassed ground surface and scatterings of agapanthus. In Smith Street, the open gravel and grassed road verges, open drains and absence of paved footpaths also contribute to this landscape setting. Along Mountjoy Parade are significant retaining walls and fences with additional landscaping that defines the front boundaries to the properties. Varna Gully, a small, elongated natural bush reserve, further enhances the landscape values of the area.

Established mainly between the early 1880s and the 1950s as a residential area for Lorne’s more affluent holiday makers (mainly prominent Western District graziers and their families), the allotments between Mountjoy Parade and Smith Street were laid out in 1871 by contract surveyor, George C. Darbyshire. The residential development between the Lorne and Pacific Hotels established a prestigious stretch of holiday homes nestled in the bushland setting and which is reflected in the remaining significant individual heritage dwellings, a significant Anglican Church and several other dwellings in the area. Varying from small to large in scale, the location and subdued finishes of most of the dwellings on sloping sites allows the landscape to dominate.

Along Mountjoy Parade and from Beal, Albert and Francis Streets are also significant views to Loutit Bay. There are also significant views to the Lorne Pier and township from Mountjoy Parade. On the Lorne foreshore is a mature Morton Bay Fig tree that survives as a legacy of the location of the beach boxes (now removed) once occupied by several owners in the precinct.

Objectives

- To conserve and enhance the highly significant landscaped and elevated bushland setting, and particularly the blue gums and other dominant trees throughout the precinct, the scattering of agapanthus contained within the Mountjoy Parade Road Reserve and grassed and gravelled road verges in Mountjoy Parade and Smith Street.
- To conserve and enhance the 19th and 20th century detached houses and other buildings which are recognised as being individually significant for their cultural heritage values at a State, regional or local level.
- To conserve and enhance the substantial private gardens containing terraced and/or sloping native and exotic landscapes.
- To conserve the mature Morton Bay Fig tree on the Lorne foreshore.
- To conserve and enhance the significant predominantly uninterrupted views, particularly from public places including Mountjoy Parade and Beal, Albert and Francis Streets, framed between blue gums and other native vegetation.
- To conserve and enhance the broad allotment configuration.
- To conserve the substantial front and side setbacks and building separation throughout the precinct.
- To encourage new buildings to be respectful of the cultural heritage landscape values of the precinct
- To encourage the use of appropriate retaining wall and fence types, designs and locations that are compatible with others in the precinct.

22.03-3
11/11/2010
C49

Policy

Where a permit is required for a proposal, it is policy to:

- Retain the highly significant elevated bushland setting, including the broad road reserves and grassed and treed nature strips (denoted by tall blue gums and other trees and plantings), open drains, gravel and grassed road verges and lack of concrete or asphalt footpaths and kerb and channel.
- Encourage the retention of existing individually significant buildings.
- Retain and encourage the development of substantial private gardens largely characterised by terraced and/or sloping landscapes having collections of native and exotic trees, shrubs and other plantings, together with open grassed areas.
- Retain the mature Morton Bay Fig tree on the Lorne foreshore.
- Retain and enhance the significant predominantly uninterrupted views (framed between blue gums) to Loutit Bay, Lorne township, Great Ocean Road (to the north-east), Lorne Pier and Pacific Hotel (to the south-east) particularly from Mountjoy Parade and Beal, Albert and Francis Streets.
- Ensure any necessary restoration to the existing asphalt footpath in Mountjoy Parade reflect existing forms and coloration.
- Encourage the existing allotment configuration to be retained, particularly the wide frontages.
- Promote new buildings that sit amongst a landscape setting, and that respect the substantial front and side setbacks and building separation found throughout the precinct.
- Discourage buildings that are constructed boundary to boundary.
- Encourage new garages and/or carports to be located at the side of existing buildings, or at the side or under infill buildings. Some opportunities may be available for modest, carports and/or garages at the front, (if visually connected to other individually significant properties with early garage outbuildings near the front boundary and contributes to the setting of the place without hindering important views to the house and its garden).
- Encourage new retaining walls along Mountjoy Parade to be of compatible construction with the existing walls and to be of equivalent heights (1300 mm to 1500 mm).
- Encourage new fences to be of compatible construction and design with existing significant fences, and to a height between 1200 and 1500 mm.

List of Individually Significant Places in the Mountjoy Parade Heritage Precinct (with individual citations)

(Places that have individual significance at a State, regional or local level that make a contribution to the heritage values of the wider municipality).

- All Saints Anglican Church, 188-190 Mountjoy Parade
- Merrilbah, 220 Mountjoy Parade
- Leighwood, 222 Mountjoy Parade
- House, 234 Mountjoy Parade
- Lower Kincraig, 236 Mountjoy Parade
- Jura, 242-244 Mountjoy Parade
- House, 246-248 Mountjoy Parade
- Varna, 101-103 Smith Street
- Upper Kincraig, 127-129 Smith Street

Any application for these places must have regard to the:

- Individual statement of significance relating to the discrete heritage place; and
- Statement of significance as it relates to the Mountjoy Parade Heritage Precinct.

References

*Selected Lorne / Deans Marsh Heritage Place Assessments Report 2003 (Amended 2005).*
Map 1 to Clause 22.03 Mountjoy Heritage Precinct Map
SCENIC LANDSCAPES AND ENVIRONMENTAL ASSETS

This policy applies to the Great Ocean Road and Coastal environs where land is subject to any of the following:

- Rural Conservation Zone (RCZ) shown in map 1 to this schedule (excluding land from Airleyns Inlet to Eastern View covered by Schedule 11 to the Design and Development Overlay)
- Schedule 1 to the Significant Landscape Overlay (SLO1); and
- Schedule 1 to the Vegetation Protection Overlay (VPO1).

Protection of scenic landscapes and environmental assets

The south-west coast and the Great Ocean Road Region are characterised by spectacular landscapes, scenic coastal vistas and areas of significant natural beauty and environmental sensitivity. These areas are of local, national and international importance. The use and development of land can have a major impact on the way the area is perceived and enjoyed. This is not only by the thousands of tourists who frequent the area, but also by residents who seek out this environment for the lifestyle and amenity which it provides. Past development has not always been sympathetic to these qualities. This policy is designed to ensure that appropriate measures are in place to protect and enhance the coastline and Great Ocean Road environs.

This policy seeks to preserve the unique character, amenity and environmental features of the coastal areas visible from the Nationally significant Great Ocean Road and internationally significant Bells Beach by retaining native vegetation cover, protecting viewsheds and encouraging development that is subservient to the landscape and natural features.

This policy seeks to protect the diverse and unique remnant vegetation communities occurring in coastal areas for their contribution to the landscape character and for the habitat they provide for a diverse range of species including FFG and EPBC Act listed threatened species as well as threatened species endemic to area.

The protection of native vegetation is intrinsic to the character and beauty of the Surf Coast Shire and is highly valued by the community and visitors alike. All remnant vegetation is significant and removal should only be considered where retention is unavoidable and only then should offset planting be considered.

Objectives

To protect and enhance the environmental qualities and scenic landscape values of the Nationally significant Great Ocean Road (and coastal environs) and internationally significant Bells Beach (and hinterland) including Point Addis.

To retain and extend existing native tree canopies, heathlands and understorey vegetation cover by minimising the removal of native vegetation and encouraging planting and landscaping which enhances natural landscape features along the Great Ocean Road and coastal environs.

To protect viewsheds and ensure that development is sited and designed to blend with the surrounding environment, particularly when viewed from the Great Ocean Road, Bells Beach and other significant public viewing points.

To minimise the visual impact of development having regard to building size, height, bulk, siting and external materials and colours.

To recognise that views form an important part of the amenity of a property and to provide for a reasonable sharing of views of significant landscape features, including views of the ocean, coastal shoreline and notable cultural features.

Strategies

Site analysis and design response

It is policy that:
Applications for buildings, works or subdivision (apart from minor buildings and works and subdivision of an existing or approved development) must be accompanied by a site analysis and design response containing sufficient information to:

- Address all relevant zone, overlay and policy objectives and provisions;
- Demonstrate how the proposal responds to the character, features and constraints of the locality and site.
- Demonstrate how the proposal minimises its visual prominence where the property is visible from the Great Ocean Road or is within the Bells Beach hinterland.

Vegetation Cover

The distinctive vegetation characteristics of a locality will be recognised and taken into account in the assessment of applications. The development potential of individual properties will be influenced by and balanced against the overriding objectives of protecting indigenous vegetation and landscape character.

It is policy that:

- Building footprints and hard surface areas should be designed and sited in order to minimise the amount of vegetation required to be removed, taking into consideration:
  - The need to protect vegetation located on ridgelines, along water courses, in areas of environmental or habitat significance, and on land subject to landslip or erosion;
  - The need to protect significant vegetation and habitat.
  - The need to protect vegetation that is in a prominent location and which makes an important contribution to the landscape character;
  - The need to protect vegetation that will screen or soften the appearance of existing or proposed buildings when viewed from the Great Ocean Road, Bells Beach or other significant public viewing points;
  - The need to provide sufficient open space for the viable preservation of existing trees and the establishment of replacement trees.

- In areas where there is little or no vegetation cover, a landscape plan should be submitted that provides for the planting of new vegetation which complements the landscape character of the locality.

- The species of new and replacement vegetation should be chosen to reflect the landscape character of the locality, particularly with respect to the size of trees at maturity. Landscaping should be undertaken in a bushfire responsive manner as set out in the document Landscaping your Surf Coast garden for bushfire, 2014.

- In visually prominent locations or where significant trees are to be removed the responsible authority will require the property owner or developer to pay a bond to ensure that new or replacement vegetation is established and maintained in accordance with approved plans.

- Plants listed as environmental weeds in the incorporated document “Weeds of the Surf Coast Shire(2014)” should be controlled and eventually eradicated from the coastal environment.

Building scale, landscapes and viewsheds

It is policy that the height, scale and bulk of buildings will be controlled in order to:

- Preserve the low-rise, low impact character of development within viewsheds of the Great Ocean Road, Bells Beach and other significant public viewing points;
- Promote the retention or re-establishment of native vegetation, particularly where it serves to screen buildings from significant public viewing points;
• Protect rural residential amenity by encouraging a reasonable sharing of views between new and established properties, particularly where the view is of a significant landscape feature, including views of the ocean and coastal shoreline, coastal forest and mountains, rivers and estuaries and notable cultural landscape features.

**Building Siting**

It is policy that the siting of a building be determined by taking into account the need to minimise vegetation removal and the visibility of the building from tourist routes and areas of high public usage. Where practical alternative locations exist, buildings should:

• Not be located on or near ridgelines where the building would form a silhouette against the sky when viewed from the Great Ocean Road, Bells Beach hinterland including coastal reserve or any other significant viewing point;

• Not be located in locations susceptible to erosion or inundation.

• Be sit discreetly within the landscape, utilising hillsides as a backdrop and below the tree canopy (where practical).

• Not be sited closer than 10m to a patch of or significant tree.

• Be sited more than 25m from a boundary that fronts onto a major tourist route on land zoned Low Density Residential Zone and more than 10m from a boundary that abuts a coastal reserve containing a public walkway.

**Building Height**

It is policy that:

• The height of buildings be determined by the surrounding context, taking into account the following principles:
  - Buildings should not protrude above the tree canopy (where practical);
  - Buildings should not protrude above ridge lines;
  - Building heights should not cause a building to be visually prominent in coastal viewsheds or when viewed from the Great Ocean Road, Bells Beach or any significant public viewing point;

• Buildings should not exceed a maximum height of 7.5 metres above natural ground level, although a lesser or greater height will be considered based on an assessment against the principles outlined above.

• Buildings should be single story in visually prominent sites in the Bells Beach viewshed.

**Slope**

It is policy that:

• The sub-floor structure of a building should not exceed two metres in height.

• The change in natural ground level resulting from excavation and/or filling for a building should not exceed a total of two metres.

• The change in natural ground level resulting from excavation for access to the building should not exceed a total of one metre.

• The height of the sub-floor and the extent of excavation or filling may be varied if any of the following apply:
  - The variation is necessitated by the recommendations of a geotechnical report.
  - There are no practical alternative locations on the site for the proposed buildings and works, taking into account all of the performance measures of this policy.
- The variation will allow the retention of native vegetation that makes a significant contribution to the character of the locality or township.
- The variation will reduce the visual prominence of the building.

It is policy that, on land with a slope of 25% or more:

- Applications for buildings, works, vegetation removal or subdivision (excluding minor alterations to existing buildings or works) must be accompanied by a geotechnical report prepared by a suitably qualified professional, addressing (where relevant):
  - Whether the proposal will increase the possibility of erosion, the susceptibility to landslip or other land degradation;
  - 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 access and servicing of the site is likely to cause erosion or landslip.

**View Sharing**

It is policy that:

- Buildings be sited and designed to achieve a reasonable sharing of views between properties of significant landscape features.

- The colour of the roofing material of all buildings be of subdued toning to blend with the natural bush environment and minimise the visual impact and glare of the roof when viewed from beyond the site.

**Tennis Courts**

It is policy that:

- Applications for tennis courts will not be supported on heavily vegetated or steeply sloping sites or where the tennis court will be visually prominent when viewed from the Great Ocean Road, Bells Beach or from other significant public viewing points.

**Building Design**

It is policy that:

- The site analysis and design response should provide the basis for the design and assessment of all proposed buildings and works.

- The architectural form, massing and articulation of dwellings should complement or enhance the distinctive coastal or bush character of the locality.

**Fences**

It is policy that:

- The height, design and materials of fences should complement the character of the locality.

- In environmentally or visually sensitive areas, fences should be of timber post and wire construction.

- The use of brick, stone, masonry or sheet metal as a fence panel material is discouraged.
Map 1 to Clause 22.04 – Rural Conservation Zone in the Great Ocean Road hinterland
[NO CONTENTS]
NO CONTENT
INTERIM TELECOMMUNICATIONS CONDUIT POLICY

This policy applies 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.

This policy is an interim measure until such time as the provision of broadband telecommunication service to new subdivisions is legislated for and implemented by the Federal Government.

Objective

To ensure the provision of a network of open access conduits for optical fibre cabling to facilitate broadband telecommunications 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 be 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.
GAMING POLICY

This policy applies to a planning permit application to install or use a gaming machine, or use land for the purpose of gaming.

Policy basis

This policy implements the objective and strategies of clause 21.02 of the Municipal Strategic Statement by setting out how and where gaming venues and electronic gaming machines should be located.

Research has concluded that there are links between social disadvantage, problem gambling and proximity to gaming venues. Although gaming machines may be accessible to the community as a form of entertainment, they should not be convenient and should be located at a distance that requires a pre considered decision to gamble.

The location of electronic gaming machines should have regard to the socio-economic characteristics of a community, avoiding relatively disadvantaged areas that are most vulnerable to the potential harmful effects of gaming.

Surf Coast Shire is renowned for its rich and diverse environmental, cultural and scenic landscapes and character, which are highly valued by its existing, and growing number of, residents and tourists. People come to the Surf Coast for its many outdoor entertainment and recreational opportunities such as swimming, surfing, bushwalking and fishing. Gaming facilities are not part of the existing attraction, with relatively few venues offering electronic gaming machines. It is essential that the approval of any new gaming facilities will not have a detrimental impact on the existing amenity, culture and character of Surf Coast townships.

Objectives

To avoid the risk of exacerbating problem gambling.

To ensure that the installation or use of electronic gaming machines will not have a detrimental impact on the amenity, culture or character of a community.

To ensure that the location of electronic gaming machines will not be detrimental to the social and economic well-being of the community.

To protect the amenity of existing uses surrounding gaming venues.

Policy

It is policy that proposals for gaming machines are assessed against the following criteria:

Appropriate areas

- Gaming machines should be located:
  - In major urban settlements which service a large population catchment;
  - Where the community has a choice of non-gaming entertainment and recreation activities operating during the times that the proposed gaming machines will operate;
  - Where the gaming machine densities (based on the permanent population) are lower than the regional Victorian average;
  - Away from towns that are classified as having high housing stress; and
  - Away from towns where the levels of socio-economic disadvantage are in the bottom 33% as set out in the SEIFA Index of Relative Disadvantage for Postal Area Codes.
- Gaming machines may be located outside established townships where they are in a sports or recreation club with a land holding of more than 2 hectares.
**Appropriate sites**

Gaming machines should be located on sites:

- That minimise the likelihood of people passing the venue in the course of their usual business or everyday activities;
- Towards the periphery of town centres and tourism precincts, outside of the main transport, shopping, community and civic functions of the centre/precinct; and
- Away from foreshore activity areas and key community facilities.

**Appropriate venues**

Gaming machines should be located in venues that:

- Are a destination in their own right;
- Promote non-gaming activities that increase net community benefit;
- Have a range of entertainment, leisure and/or recreational options other than gaming as the primary purpose of the venue;
- Have gaming floor area of less than 25% of the total floor area of the venue;
- Will not detrimentally affect the amenity of the surrounding area through their appearance, signage or generation of noise and disturbance; and
- Do not allow for 24 hour-a-day operation.

It is policy to discourage the display of large, illuminated signage associated with electronic gaming activities.

**Application requirements**

An application must include the following information to the satisfaction of the responsible authority:

- Details about the existing and proposed distribution of electronic gaming machines in the municipality, and where appropriate adjoining municipalities.
- A comprehensive impact assessment outlining the environmental, economic and social benefits and costs of the proposed gaming machines, including a description of the existing character and culture of the town.
- Details of the nature and extent of net community benefit expected from the proposal and how the benefits are to be secured and distributed to the local community.
- If relevant, details of existing gaming expenditure at the venue (over a 3 year period prior to the application) and a forecast of the anticipated expenditure at the venue if the proposal was to be approved.
- Details of existing and proposed gambling and non-gambling related entertainment and recreation facilities at the venue and within the local area.
- If gaming machines are to be relocated from other venues, the likely social and economic impact of the proposal on those venues and the local area within which those venues are located.
- If the applicant contends that gaming expenditure is likely to be transferred from other venues, the applicant is to provide:
  - particulars as to how the level of transfer has been calculated (including, but not limited to, comparison per machine expenditure at the venue prior to and then after the additional machines, current usage levels of machines at the venue, projected usage level of machines at the venue after the additional machines);
  - the amount of transfer expenditure anticipated;
the resulting impact on revenue of the venue from where the expenditure is transferred; and

- the resulting impact on the venue from where the expenditure is transferred (such as loss of employment, loss of complementary expenditures, loss of customers, impact on ability to provide services etc).

- If it is proposed to move gaming machines from one part of the municipality to another, details of the relative social and economic differences between the two towns.

- An explanation as to why the gaming machines are being transferred.

- The relative socio-economic disadvantage of the township and the broader catchment of the venue in comparison to the Victorian average in the SEIFA Index of Relative Disadvantage.

- A venue management plan identifying operating hours and strategies to manage patron behaviour and minimise problem gambling in relation to the design and management of the venue, including the applicant’s responsible gaming practices.

- Details of the design and layout of the premises including all proposed signage, location and number of car parking spaces and evidence of compliance with the relevant gaming regulations for premises layout and design.

- Details of what gaming and non-gaming entertainment and recreation venues and social infrastructure exist within 5km of the venue.

- The distance to shopping complexes and strip shopping centres, community facilities, counselling services and public transport.

- Pedestrian counts outside the proposed venue on different days and at a variety of times.

22.08-5

Decision guidelines

Before deciding on an application the responsible authority must consider as appropriate:

- The effect of the proposal on gaming machine densities in the locality in comparison to the regional Victorian average.

- Whether approval is likely to increase the socio-economic disadvantage of the local community.

- Whether the location of the gaming machines or gaming premises will facilitate or discourage convenience gaming.

- Whether the venue offers a range of entertainment, leisure or recreation options.

- Whether permanent residents will have a choice of gaming and non gaming entertainment and recreation venues in the local area.

- The impact of the proposal on the amenity of the area, surrounding land uses, and the character and culture of the township.

- The net community benefit to be derived from the application.

22.08-6

Reference documents

*Surf Coast Shire - Gaming Policy Framework (2008)*
TORQUAY-JAN JUC RESIDENTIAL DEVELOPMENT AND NEIGHBOURHOOD CHARACTER POLICY

This policy applies where a planning permit is required to construct or extend one or more dwellings or subdivide in the residential zones in Torquay and Jan Juc.

Policy basis

This policy:

- Applies the objectives and strategies of the following sections of the SPPF to local circumstances:
  - Clause 11.02 – Urban growth
  - Clause 11.05 – Regional development
  - Clause 12.02 – Coastal areas
  - Clause 15.01 – Urban environment
  - Clause 16.01 – Residential development

- Builds on the objectives and strategies of the following sections of the MSS:
  - Clause 21.02 – Settlement, Built Environment and Heritage
  - Clause 21.08 – Torquay-Jan Juc Strategy

- Builds on the particular provisions for One Dwelling on a Lot in Clause 54 and Two or More Dwellings on a Lot and Residential Building in Clause 55.


The purpose of this policy is to identify those locations where different levels of housing growth and change are encouraged and provide policy guidance on how development design should respond to meet the desired neighbourhood character and housing objectives. The identified areas are shown on Map 1 to this Schedule and summarised in Table 1.

The policy recognises that the character of existing neighbourhoods is not static and will change and evolve over time. The policy provides guidance to manage the level of change to the neighbourhood character and achieve a preferred neighbourhood character. The policy encourages high quality design and landscaping outcomes that respect and contribute to the preferred neighbourhood character of the coastal townships of Torquay and Jan Juc.

Objectives

To adopt a managed approach to residential development, taking account of the differential capacity of the residential areas in Torquay-Jan Juc to accommodate housing growth and change.

To ensure development achieves architectural and urban design outcomes that positively contribute to the preferred future character of the residential areas of Torquay-Jan Juc, as identified in the Torquay-Jan Juc Neighbourhood Character Study & Vegetation Assessment (2006) and Torquay-Jan Juc Neighbourhood Character Study Review (2012).

To recognise the need for change in urban consolidation areas while respecting the desired future character of these areas.

To promote a range of housing types, sizes and configurations in appropriate locations to accommodate the future needs of Torquay-Jan Juc’s growing and changing population.

To ensure that landscaping and trees remain a major element in the appearance and character of Torquay-Jan Juc’s residential environments.
To provide greater certainty for the community and the development industry as to the preferred intensity of residential development and the future character of different areas of Torquay-Jan Juc.

**Policy**

Where a permit is required to develop land in residential areas it is policy to:

- Take into account the differential capacity of the area to accommodate housing growth and change and the future development and preferred character statement of the relevant housing area type as described in this policy when considering an application.
- Require applications for residential development to be accompanied by a written assessment of how the proposal responds to the future development and preferred character statements included in this policy for the relevant housing area.
- Encourage future development to make a positive contribution to the desired future neighbourhood character and streetscapes of the area by:
  - Providing for contemporary coastal architecture with a lightweight appearance, visually interesting well-articulated facades, simple detailing and roof forms, and a variety of lightweight materials and natural colours;
  - Achieving a building height that is consistent with Torquay-Jan Juc’s preferred low-rise character;
  - Providing visually recessive garages that are set back behind the building line or to the rear of dwellings so as not to dominate the streetscape or building façade;
  - Retaining the openness of front gardens to the street by avoiding the use of front fences or by providing low or open style front fences;
  - Minimising adverse amenity impacts on adjoining properties by way of visual bulk;
  - Incorporating a landscape treatment that enhances the overall appearance of the development and the streetscape, including provision of canopy trees within front setback areas.

**Future Development and Preferred Character Statements**

**Housing Area 1 – Urban Consolidation**

*Urban consolidation* areas are located close to activity centres (generally within 800 metres walking distance of a major activity centre and 400 metres of a neighbourhood activity centre) and have significant capacity to accommodate residential growth and increased housing diversity, including delivery of a higher proportion of well-designed medium and higher density development in the form of units, townhouses, terrace housing and low-rise apartments to provide greater housing choice in response to a growing and changing population and to make efficient use of available infrastructure and services.

Particularly Old Torquay (south of Beach Road) has been identified as suitable to undergo a relatively high level of development and will continue to undergo substantial change driven by medium and higher density housing forms up to 2 storeys, with 3 storeys a possibility in appropriate locations (e.g. immediately adjacent an activity centre) or where the development demonstrates added value by achieving housing diversity objectives (in particular by providing smaller dwellings with one or two bedrooms). Consolidation of allotments to increase development potential is encouraged and underdevelopment of lots is discouraged.

New development will be distinguishable from the original building stock by providing a more intense built form, but will be respectful of the key elements of these styles and sited in accordance with the predominant pattern of front setbacks in the street to allow for space for the retention or planting of canopy trees and shrubs that soften the built form and contribute to the spaciousness and leafiness of the streetscapes.
Housing Area 2 – General Residential (mixed density)

General residential (mixed density) areas have the capacity to accommodate a moderate level of housing growth and diversity. They include the established neighbourhoods of Old Torquay north of Beach Road, Church Estate and Wombah Park/Golden Beach Estate and the newer residential subdivisions at Surf View Estate and Deep Creek/Briody Drive Estate. The established areas have a garden character consisting substantially of single and double storey detached houses in a garden setting. Throughout the areas there has been a reasonable level of new infill development, but this has largely been restricted to one and two storey detached dwellings and dispersed medium density developments, including villa units and townhouses.

The future character of these areas will evolve over time to contain a greater mix of housing types at a lower intensity than in urban consolidation areas, including well-designed and site responsive medium density infill development (including second dwellings, dual occupancies and townhouse developments), and exhaustion of remaining vacant lots, dwelling renovations or extensions and replacement of older dwellings by new houses.

The balance between the built form and the garden setting will continue to be the valued key characteristic of these areas. Side setbacks on both sides maintain a sense of spaciousness around dwellings. New development will blend with the existing by respecting the older building styles and scales without replicating these, and will contribute to the garden setting and landscape character through the planting of canopy trees, in particular within front gardens.

Housing Area 3 – General Residential (standard density)

General residential (standard density) areas have limited capacity to accommodate future residential development due to a prevalence of single dwellings, predominantly as a result of covenants or other legal agreements that limit additional dwellings. They include the more recently developed residential estates of Great Ocean Views Estate, South Beach Estate and The Quay. The broad character is defined by detached dwellings predominantly of single and double storey scale at conventional densities, with the inclusion of occasional multi-dwelling developments.

Given the estates are virtually fully developed with more recent development, limited change is expected. The future character will evolve over time through the exhaustion of remaining vacant lots. The areas will contain a high proportion of single detached dwellings complementing existing development and a relatively limited number of well-designed and site responsive medium density developments where not prohibited. The mix of single and double storey contemporary dwellings sits within landscaped gardens. Vegetation, including canopy trees, is a mixture of traditional coastal and indigenous species, strengthening the visual connection of the areas with the coast.

The buildings are consistently set back from the front and side boundaries, which, combined with a lack of front fencing, creates a sense of spaciousness in the streetscape. Techniques such as articulation and a variety of materials and finishes are used to provide visual interest. Avenues of street trees assist in unifying streetscapes.

Housing Area 4 – Bush Residential

Bush residential areas have a limited to moderate capacity to accommodate housing growth and diversity as a result of significant vegetation, high landscape values or environmental hazards such as bushfire. This housing area type covers the majority of Jan Juc’s residential area, which is characterised by canopy vegetation and an undulating topography. Part of Jan Juc is affected by environmental factors that limit development such as significant vegetation and/or bushfire hazard.

Jan Juc has undergone limited incremental change as a result of dispersed unit developments and replacement of older housing stock by larger new dwellings. The area will continue to provide for sensitively designed single dwellings and some dispersed medium density development (second dwellings, dual occupancies, townhouses) that respect the valued attributes of the existing and preferred neighbourhood character and landscape qualities, with an emphasis on retaining and enhancing vegetation.
The bushy gardens surrounding the dwellings dominate the streetscapes. New development will contribute to the precinct through the reflection of the low-scale, modest building form. Where the topography is hilly, the buildings are designed to follow the contours of the land and are sometimes sited to take advantage of ocean views without dominating the streetscape. Adequate space is provided around dwellings for the retention and planting of vegetation, in particular indigenous canopy trees and large shrubs. No or low, open style front fences are usually provided in order to retain the openness of the front garden to the street.

Housing Area 5 – Residential Growth

Residential growth areas comprise new broadhectare or greenfield subdivisions and identified future growth areas where the preferred character is yet to establish, such as the growth areas in Torquay North and Messmate Road.

Greenfield areas should support an overall general density of 15 lots/dwellings per hectare, unless a lower density is desirable in response to environmental or landscape values, and provide a variety of lot sizes ranging from conventional urban lots to medium and higher density lots to encourage a mix of housing types and sizes. Higher residential densities (20 dwellings per hectare) should be focussed around activity centres, schools, community hubs and active public open space.

It will be important to establish a landscaped and built form character that reflects Torquay-Jan Juc’s preferred coastal character and integrates with surrounding areas. The planting of indigenous and other typical coastal vegetation around the dwellings creates a linkage to the coastal setting. Consistent street tree planting will assist in unifying the appearance of the area and add a sense of spaciousness and leafiness.

To achieve the above outcomes, support will be given to:

- The master planning of new growth areas to facilitate the development of diverse, high amenity neighbourhoods which have an identifiable sense of place.
- The preparation of siting and design guidelines to guide the development of high quality and high amenity buildings which evoke a coastal character and create a sense of place.
- The preparation of landscape concept plans which include plans for proposed public open space and street planting to contribute to the amenity and liveability of the new neighbourhoods.

Housing Area 6 – Low Density Residential

Low density residential areas are located on the edge of the township and are characterised by single dwellings at low densities. They perform as a transition zone between the urban and rural interface and often contain significant patches of vegetation. While some capacity may exist to increase lot densities beyond the specified minimum lot size in a limited number of further investigation areas as defined by this Planning Scheme, the low density residential areas have limited capacity to accommodate future residential development other than through subdivision of larger lots in accordance with minimum lot size provisions as specified by the Low Density Residential Zone and Schedule to the zone. The low density, single dwelling character will be retained.

Reference documents

Sustainable Futures Torquay-Jan Juc 2040 (2012)

Torquay- Jan Juc  Neighbourhood Character Study Review ( 2012 )

Torquay- Jan Juc  Neighbourhood Character Study & Vegetation Assessment ( 2006 )
Map 1 to Clause 22.09 – Torquay-Jan Juc Residential Development Framework
<table>
<thead>
<tr>
<th>Housing area type</th>
<th>Preferred characteristics</th>
<th>Dwelling types</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Consolidation (medium/higher density) (significant change)</td>
<td>Old Torquay South and areas within 400m walking distance of NAC's Well-designed medium and higher density housing at a higher intensity of development than in general residential areas (15-25 dw/ha). Up to 2 storeys (7.5m), with 3 storeys a possibility where appropriate having regard to the interface with adjoining land use (e.g. commercial, open space), site response, streetscape and amenity impacts, and level of achievement of housing diversity objectives. Development to make a positive contribution to the desired future neighbourhood character and streetscape, including opportunities for tree protection and planting within front setbacks.</td>
<td>Units, townhouses, terrace housing, low-rise apartment style housing.</td>
</tr>
<tr>
<td>General Residential (mixed density) (moderate change)</td>
<td>Old Torquay North Wombah Park Church Estate Surf View / Beach Road Deep Creek / Briody Drive</td>
<td>Moderate housing growth and diversity. Dispersed medium density infill development at a higher proportion and intensity than in bush residential areas but less than in urban consolidation areas (overall 15 dw/ha). Up to 2 storeys (7.5m). Development to make a positive contribution to the desired future neighbourhood character and streetscape, including opportunities for tree protection and planting.</td>
</tr>
<tr>
<td>General Residential (standard density) (limited change)</td>
<td>Great Ocean Views South Beach Estate The Quay</td>
<td>Limited opportunities for housing growth and change. Retain predominant single dwelling character, with some limited opportunity for dispersed medium density housing (10-12 dw/ha). Up to 2 storeys (7.5m). Development to make a positive contribution to the desired future neighbourhood character and streetscape, including opportunities for tree protection and planting.</td>
</tr>
<tr>
<td>Bush Residential (lower to standard density) (limited incremental change)</td>
<td>Jan Juc</td>
<td>Limited to modest opportunity for housing growth and diversity. S sensitively designed single dwellings and some dispersed medium density dwellings that respect the valued attributes of the existing and preferred neighbourhood character (10 dw/ha). Up to 2 storeys (7.5m). Development to make a positive contribution to the desired future neighbourhood character and streetscape, with an emphasis on retaining and enhancing vegetation.</td>
</tr>
<tr>
<td>Housing area type</td>
<td>Preferred characteristics</td>
<td>Dwelling types</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------</td>
</tr>
<tr>
<td><strong>Residential Growth</strong></td>
<td>A range of lot sizes ranging from conventional lots to medium and higher density lots surrounding activity centres and public open space reserves (overall average density of 15 dw/ha; 20 dw/ha within 400m of NAC or open space).</td>
<td>Single dwellings (small to conventional house lots).</td>
</tr>
<tr>
<td>(Greenfield Areas)</td>
<td>Up to 2 storeys (7.5m) with possible 3 storey development within or close to activity centres and active public open space.</td>
<td>Townhouses, terrace housing, low-rise apartments.</td>
</tr>
<tr>
<td>Torquay North</td>
<td>The planting of indigenous and other typical coastal vegetation around the dwellings creates a linkage to the coastal setting. Consistent street tree planting assists in unifying the appearance of the areas.</td>
<td></td>
</tr>
<tr>
<td>Messmate Road</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spring Creek</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Low Density Residential Areas</strong></td>
<td>Dispersed single housing at low densities minimum 2,000 square metres for sewered lots; 0.4 hectares for unsewered lots, except where a local variation to this minimum lot size is specified in the Schedule to the Low Density Residential Zone. Any subdivision application will be considered on its merits and where relevant will take into consideration bushfire, vegetation, and landscape significance controls in the planning scheme.</td>
<td>Single dwellings (large lots).</td>
</tr>
<tr>
<td>LDRZ areas</td>
<td>Up to 2 storeys (7.5m).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Strong landscape character.</td>
<td></td>
</tr>
</tbody>
</table>

*dw/ha denotes dwellings per hectare
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.
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</td>
<td>Must be no more than 2 animals.</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.</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>Must meet the requirements of Clause 32.03-2.</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>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 result in no more than two dwellings on the lot.</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 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>
</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<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>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

**Use**

- Amusement parlour
- Animal production (other than Grazing animal production)
- Brothel
- Cinema based entertainment facility
- 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)

### 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></td>
<td>A10 Side and rear setbacks.</td>
</tr>
<tr>
<td></td>
<td>A11 Walls on boundaries.</td>
</tr>
</tbody>
</table>
Class of application

- 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.

32.03-5

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.

32.03-6

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 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</td>
<td></td>
</tr>
<tr>
<td>Minimum subdivision area</td>
<td></td>
</tr>
<tr>
<td>(hectares)</td>
<td></td>
</tr>
<tr>
<td>Winchelsea</td>
<td></td>
</tr>
<tr>
<td>Barkley Street Estate</td>
<td>2.0 ha</td>
</tr>
<tr>
<td>Collins Street Estate</td>
<td>2.0 ha</td>
</tr>
<tr>
<td>Quambatook Estate - Precinct A</td>
<td>0.4 ha</td>
</tr>
<tr>
<td>Quambatook Estate - Precinct B</td>
<td>1.0 ha</td>
</tr>
<tr>
<td>Trebeck Court Estate</td>
<td>2.0 ha</td>
</tr>
<tr>
<td>Refer to Map 1 to this Schedule.</td>
<td></td>
</tr>
<tr>
<td>Torquay-Jan Juc</td>
<td></td>
</tr>
<tr>
<td>Bells Boulevard</td>
<td>1.5 ha</td>
</tr>
<tr>
<td>Torquay Heights</td>
<td>0.7 ha– The average area of lots in a subdivision must be at least 1.0 ha</td>
</tr>
<tr>
<td>Briody Drive Estate West</td>
<td>1.5 ha</td>
</tr>
<tr>
<td>Refer to Maps 2, 3 and 4 to this Schedule.</td>
<td></td>
</tr>
<tr>
<td>Bellbrae</td>
<td></td>
</tr>
<tr>
<td>Part of 460 Grossmans Road (29 hectares)</td>
<td>0.25 ha</td>
</tr>
<tr>
<td>Bells Beach</td>
<td></td>
</tr>
<tr>
<td>Addiscott Road Estate</td>
<td>2.0 ha</td>
</tr>
<tr>
<td>Thompsons Creek</td>
<td></td>
</tr>
<tr>
<td>Lower Duneed</td>
<td>1.0 ha</td>
</tr>
<tr>
<td>Connewarre</td>
<td>1.0 ha</td>
</tr>
<tr>
<td>Moriac</td>
<td></td>
</tr>
<tr>
<td>West side township</td>
<td>1.0 ha</td>
</tr>
<tr>
<td>Fairhaven</td>
<td></td>
</tr>
<tr>
<td>Ridge Road</td>
<td>0.4 ha</td>
</tr>
<tr>
<td>Timbarara Cluster</td>
<td>0.4 ha</td>
</tr>
</tbody>
</table>

2.0

Outbuilding permit requirements

Dimensions above which a permit is required to construct an outbuilding (square metres)

None specified
Map 1 to the Schedule to Clause 32.03 – Winchelsea precinct plan
Map 2 to the Schedule to Clause 32.03 – Bells Boulevard low density residential area
Map 3 to the Schedule to Clause 32.03 – Briody Drive Estate West

Map 4 to the Schedule to Clause 32.03 – Torquay Heights
32.05

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.

32.05-1

Neighbourhood character objectives

A schedule to this zone may contain the neighbourhood character objectives to be achieved for the area.

32.05-2

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.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 32.05-3.</td>
</tr>
<tr>
<td>Domestic animal husbandry</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td>Must meet the requirements of Clause 32.05-3.</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>Place of worship</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</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>Residential aged care facility</td>
<td></td>
</tr>
<tr>
<td>Rooming house</td>
<td>Must meet the requirements of Clause 52.23-2.</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
</tbody>
</table>
## Use Condition

**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, Apiculture, Domestic animal husbandry and Racing dog husbandry)</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 32.05-3.</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

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.

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.

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>
<tr>
<td>Class of subdivision</td>
<td>Objectives and standards to be met</td>
</tr>
<tr>
<td>----------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>2 lots</td>
<td>Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5 and 56.06-8 to 56.09-2.</td>
</tr>
</tbody>
</table>

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.

<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>

| 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.

### 32.05-9

#### 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.

### 32.05-10

#### 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></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.

### 32.05-11

#### 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.

### 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.

### 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 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.
• 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.

**32.05-14 Signs**

Sign requirements are at Clause 52.05. This zone is in Category 3.
SCHEDULE TO CLAUSE 32.05 TOWNSHIP ZONE

Shown on the planning scheme map asTZ.

SURF COAST 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

<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>

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>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Residential aged care facility</td>
<td></td>
</tr>
<tr>
<td>Rooming house</td>
<td>Must meet the requirements of Clause 52.23-2.</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, 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>
<tr>
<td>Car park</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</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>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>Food and drink premises (other than Convenience restaurant and Take away food premises)</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, Nightclub and Place of worship)</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>
</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<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>
</tbody>
</table>

| 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. |
32.08-4  
15/05/2018  
VC143

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.

32.08-5  
31/07/2018  
VC148

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>
</tbody>
</table>

Meets the minimum garden area requirement of Clause 32.08-4.

- Does not exceed a building height of 5 metres.
- Is not visible from the street (other than a lane) or a public park.
- 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.

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>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>
<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.

---

**32.08-11**  
26/10/2018  
VC152

**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.

SURF COAST GENERAL RESIDENTIAL AREAS

1.0

Neighbourhood character objectives

None specified.

2.0

Construction or extension of a dwelling or residential building - minimum garden area requirement

Is the construction or extension of a dwelling or residential building exempt from the minimum garden area requirement?

No

3.0

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

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.
Decision guidelines

None specified.
SCHEDULE 2 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as **GRZ2**.

**BOSTON ROAD, TORQUAY AREA**

1.0

**Neighbourhood character objectives**

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 square metres and 500 square metres?</td>
<td>500 square metres</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.
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>
<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></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>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 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></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>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Shipping container storage</strong></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>- 100 metres, for a purpose not listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td></td>
<td>Shipping containers must be setback at least 9 metres from a road in a Road Zone.</td>
</tr>
<tr>
<td></td>
<td>The height of shipping container stacks must not exceed 6 containers or 16 metres, whichever is the lesser.</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><strong>Take away food premises</strong></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><strong>Tramway</strong></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><strong>Warehouse (other than Mail centre and Shipping container storage)</strong></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></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><strong>Any use listed in Clause 62.01</strong></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>Caretaker's house</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>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>Materials recycling</td>
<td>The leasable floor area must not exceed the amount specified in the schedule to this zone.</td>
</tr>
<tr>
<td>Office</td>
<td>Place of assembly (other than Carnival, Cinema based entertainment facility and Circus)</td>
</tr>
<tr>
<td>Restricted retail premises</td>
<td>Retail premises (other than Shop and Take away food premises)</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 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>
<tr>
<td>Exemption from notice and review</td>
<td></td>
</tr>
</tbody>
</table>
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.
### Maximum leasable floor area requirements

<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)</td>
</tr>
<tr>
<td></td>
<td>which is in a residential zone, Capital City Zone or Docklands Zone, land</td>
</tr>
<tr>
<td></td>
<td>used for a hospital or an education centre or land in a Public Acquisition</td>
</tr>
<tr>
<td></td>
<td>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</td>
</tr>
<tr>
<td></td>
<td>residential zone, Capital City Zone or Docklands Zone, land used for a</td>
</tr>
<tr>
<td></td>
<td>hospital or an education centre or land in a Public Acquisition Overlay</td>
</tr>
<tr>
<td></td>
<td>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</td>
</tr>
<tr>
<td></td>
<td>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><strong>Take away food premises</strong></td>
<td>The site must adjoin, or be within 30 metres of, a road in a Road Zone. Must be on land within an urban growth boundary and in metropolitan Melbourne.</td>
</tr>
<tr>
<td><strong>Tramway</strong></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><strong>Warehouse (other than Fuel depot, Mail centre or Shipping container storage)</strong></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><strong>Any use listed in Clause 62.01</strong></td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
<tr>
<td><strong>Section 2 - Permit required</strong></td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td><strong>Adult sex product shop</strong></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><strong>Agriculture (other than Apiculture, Crop raising, Grazing animal production, Intensive animal production, Pig farm and Poultry farm)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Caretaker's house</strong></td>
<td>Must not be a primary or secondary school.</td>
</tr>
<tr>
<td><strong>Education centre</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Industry (other than Service industry)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility, and Motor racing track)</strong></td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>---------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</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>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**

<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>
<tr>
<td>Hospital</td>
</tr>
<tr>
<td>Intensive animal production</td>
</tr>
<tr>
<td>Major sports and recreation facility</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
<tr>
<td>Pig farm</td>
</tr>
<tr>
<td>Poultry farm</td>
</tr>
<tr>
<td>Shop (other than Adult sex product shop, Convenience shop, Restricted retail premises and Supermarket) – if the Section 1 conditions are not met</td>
</tr>
<tr>
<td>Supermarket – if the section 1 conditions are not met</td>
</tr>
</tbody>
</table>

**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.

33.03-3

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>
</tbody>
</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.

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

<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 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>Retail premises (other than Shop)</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>Shop (other than Adult sex product shop)</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>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>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>
</tbody>
</table>

**Any other use not in Section 1 or 3**

**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.

<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, continue 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.
## SCHEDULE TO CLAUSE 34.01 COMMERCIAL 1 ZONE

### 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>
COMMERCIAL 2 ZONE

Shown on the planning scheme map as B3Z, B4Z or C2Z.

Purpose

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

To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.

To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art and craft centre</td>
<td></td>
</tr>
<tr>
<td>Art gallery</td>
<td></td>
</tr>
<tr>
<td>Cinema</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td></td>
</tr>
<tr>
<td>Food and drink premises</td>
<td>The leasable floor area must not exceed 100 square metres.</td>
</tr>
</tbody>
</table>
| Industry (other than Materials recycling and Transfer station) | 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, Commercial 1 Zone, Capital City Zone, 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. |
| Informal outdoor recreation               |                                                                           |
| Mail centre                              |                                                                           |
| Museum                                   |                                                                           |
| Office                                   |                                                                           |
| Postal agency                            |                                                                           |
| Railway                                  |                                                                           |
| Restricted retail premises               |                                                                           |
| Shop (other than Adult sex product shop, Restricted retail premises and Supermarket) | Must adjoin, or be on the same land as, a supermarket when the use commences.  
  The combined leasable floor area for all shops adjoining or on the same land as the supermarket must not exceed 500 square metres.  
  The site must adjoin, or have access to, a road in a Road Zone. |
### Use | Condition
---|---
Supermarket | The leasable floor area must not exceed 1800 square metres.  
The site must adjoin, or have access to, a road in a Road Zone.  
Must be on land within the City of Greater Geelong or within an urban growth boundary in metropolitan Melbourne.
Trade supplies |  
Tramway |  
Warehouse (other than Mail centre) | 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, Commercial 1 Zone, Capital City Zone, 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.
Any use listed in Clause 62.01 | Must meet the requirements of Clause 62.01.
### Section 2 - Permit required
### Use | Condition
---|---
Adult sex product shop | Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone, 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.
Agriculture (other than Animal production and Apiculture) |  
Caretaker's house |  
Education centre |  
Grazing animal production |  
Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track) |  
Materials recycling |  
Place of assembly (other than Art gallery, Carnival, Cinema, Cinema based entertainment facility, Circus and Museum) |  
Residential hotel |  
Retail premises (other than Food and drink premises, Postal agency, Restricted retail premises, Supermarket and Trade supplies) |
<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
</table>
| Supermarket – if the Section 1 conditions are not met              | The leasable floor area must not exceed 1800 square metres unless on land within the City of Greater Geelong or within an urban growth boundary in metropolitan Melbourne.  
The site must adjoin, or have access to, a road in a Road Zone.     |
| Transfer station                                                   | The land must be at least 30 metres from 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. |
| 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>Accommodation (other than Caretaker's house and Residential hotel)</td>
</tr>
<tr>
<td>Animal production (other than Grazing animal production)</td>
</tr>
<tr>
<td>Hospital</td>
</tr>
<tr>
<td>Major sports and recreation facility</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
</tbody>
</table>

#### 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 | Information requirements and decision guidelines
--- | ---

- 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:

- 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.

---

**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 facade 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.

**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
--- | ---

**Construct a building or construct or carry out works with an estimated cost of up to $500,000 where the land is not:**

- Within 30 metres of land (not a road) which is in a residential zone.
- Used for a purpose listed in the table to Clause 53.10.
<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Used for a Brothel or Adult sex product shop.</td>
<td></td>
</tr>
</tbody>
</table>

**Maintenance**

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

**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 or materials, hours of operation and light spill, solar access and glare.
- The means of maintaining areas 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 1995* 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.

**Building 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.

**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**

**General**

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

- 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.
- If an industry or warehouse, 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.

**Subdivision**

- The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Landscape treatment.

**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 landscaping of land adjoining a road.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- The availability of and connection to services.
- Any natural or cultural values on or nearby the land.
- Outdoor storage, lighting, and stormwater discharge.
- The design of buildings to provide for solar access.

Signs

Sign requirements are at Clause 52.05. This zone is in Category 1.
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>Accommodation (other than Community care accommodation, Dependent person's unit and Dwelling)</td>
<td></td>
</tr>
<tr>
<td>Agriculture (other than Apiculture, Broiler farm, Domestic animal husbandry, Intensive animal production, Racing dog husbandry and Timber production)</td>
<td></td>
</tr>
<tr>
<td>Bar</td>
<td>The site must not have direct access to a rural freeway.</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>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>Dependent person's unit - if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 35.03-2.</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 35.03-2.</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>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>The site must not have direct access to a rural freeway.</td>
</tr>
</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural industry (other than Abattoir and Sawmill)</td>
</tr>
<tr>
<td>Service station</td>
</tr>
<tr>
<td>The site must either:</td>
</tr>
<tr>
<td>- Adjoin a commercial zone or industrial zone.</td>
</tr>
<tr>
<td>- Adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>The site must not exceed either:</td>
</tr>
<tr>
<td>- 3000 square metres.</td>
</tr>
<tr>
<td>- 3600 square metres if it adjoins on two boundaries a road in a Road Zone.</td>
</tr>
<tr>
<td>The site must not have direct access to a rural freeway.</td>
</tr>
<tr>
<td>Store</td>
</tr>
<tr>
<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>Timber production</td>
</tr>
<tr>
<td>Must meet the requirements of Clause 53.11.</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

| Use |
| Abattoir |
| Amusement parlour |
| Brothel |
| Cinema based entertainment facility |
| Industry (other than Rural Industry) |
| Intensive animal production |
| Motor racing track |
| Nightclub |
| Office (other than Medical centre) |
| Retail premises (other than Bar, Convenience shop, Hotel, Market, Plant nursery, Postal agency, Primary produce sales and Restaurant) |
| Saleyard |
| Sawmill |
| Transport terminal |
| Warehouse (other than Store) |
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>
<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 35.03-1. 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></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>
<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**

- 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 TO CLAUSE 35.03 RURAL LIVING ZONE

Shown on the planning scheme map as **RLZ**

### Subdivision and other requirements

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Land</th>
<th>Area/Dimensions/Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum subdivision area (hectares).</td>
<td>Gherang</td>
<td>4.0 hectares</td>
</tr>
<tr>
<td></td>
<td>Wensleydale</td>
<td>4.0 hectares</td>
</tr>
<tr>
<td>Minimum area for which no permit is required to use land for a dwelling (hectares).</td>
<td>Gherang</td>
<td>4.0 hectares</td>
</tr>
<tr>
<td></td>
<td>Wensleydale</td>
<td>4.0 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</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>
<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>
<td>None specified</td>
</tr>
<tr>
<td>Minimum setback from a road (metres).</td>
<td>None specified</td>
<td>None specified</td>
</tr>
<tr>
<td>Minimum setback from a boundary (metres).</td>
<td>None specified</td>
<td>None specified</td>
</tr>
<tr>
<td>Minimum setback from a dwelling not in the same ownership (metres).</td>
<td>None specified</td>
<td>None specified</td>
</tr>
</tbody>
</table>

### Permit requirement for earthworks

<table>
<thead>
<tr>
<th>Requirement</th>
<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>
<td>All land</td>
</tr>
<tr>
<td>Earthworks which increase the discharge of saline groundwater.</td>
<td>All land</td>
</tr>
</tbody>
</table>
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. 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). 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>Must be no more than 10,000 chickens.</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. Must meet the requirements of Clause 35.06-2.</td>
</tr>
<tr>
<td>Domestic animal boarding</td>
<td>Must meet the requirements of Clause 35.06-2.</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>Must meet the requirements of Clause 53.12.</td>
</tr>
<tr>
<td>Freezing and cool storage</td>
<td>Must meet the requirements of Clause 53.12.</td>
</tr>
<tr>
<td>Group accommodation</td>
<td>Must meet the requirements of Clause 53.12.</td>
</tr>
<tr>
<td>Host farm</td>
<td>Must meet the requirements of Clause 53.12.</td>
</tr>
<tr>
<td>Landscape gardening supplies</td>
<td>Must meet the requirements of Clause 53.12.</td>
</tr>
<tr>
<td>Market</td>
<td>Must meet the requirements of Clause 53.12.</td>
</tr>
<tr>
<td>Primary produce sales</td>
<td>Must meet the requirements of Clause 53.12.</td>
</tr>
<tr>
<td>Primary school</td>
<td>Must meet the requirements of Clause 53.12.</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>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>Must meet the requirements of Clause 53.11.</td>
</tr>
<tr>
<td>Restaurant</td>
<td>Must meet the requirements of Clause 53.11.</td>
</tr>
<tr>
<td>Rural industry (other than Abattoir and Sawmill)</td>
<td>Must meet the requirements of Clause 53.11.</td>
</tr>
<tr>
<td>Rural store</td>
<td>Must meet the requirements of Clause 53.11.</td>
</tr>
<tr>
<td>Secondary school</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>
</tbody>
</table>
## Use

<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>Must meet the requirements of Clause 52.32.</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 unit, Dwelling, Group accommodation, Host farm and Residential 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, 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.

<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></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 TO CLAUSE 35.06 RURAL CONSERVATION ZONE

Shown on the planning scheme map as RCZ.

CONSERVATION VALUES

Breamlea Wetlands
The wetlands provide habitat and are an important breeding site for rare and threatened species.
The scenic landscape of the Breamlea saltmarsh and the coastal reserve.
Minimal impact of adjoining land use and development on the saltmarsh and coastal reserve.
The environmental flows of estuarine water to the saltmarsh.

Bells Beach and Point Addis
The dramatic coastal landscapes.
Large expanses of indigenous vegetation dominating a relatively undeveloped bush landscape.
Rolling hills with views to the ocean and enclosed, vegetated rural landscapes that provide a background to the internationally significant Bells Beach.
Remnant vegetation, providing habitat for rare and threatened species and an important biodiversity link between significant vegetation on private and public land, including the Great Otway National Park and the coastal reserve.

Bellbrae south west
Remnant vegetation providing habitat for rare and threatened species and an important biodiversity link between significant vegetation on private land and the Great Otway National Park. Abuts the Nationally significant Great Ocean Road.

Great Ocean Road hinterland
Nationally significant scenic landscapes relatively unaffected by development and providing a dramatic, unspoilt natural landscape between coastal settlements.
Remnant vegetation, providing habitat for rare and threatened species and an important biodiversity link between significant vegetation on private and public land, including the Great Otway National Park and the coastal reserve.

Otways and hinterland
The Great Otway National Park.
Remnant vegetation, providing habitat for rare and threatened species and an important biodiversity link between significant vegetation on private land and the Great Otway National Park.

Pennyroyal and Bambra
The water supply catchments declared under the Catchment and Land Protection Act 1994.

Lake Modewarre
The wetland is a flocking site for rare and threatened species.
Recreational fishing activities.
Minimal nutrient infiltration into the lake.
## Subdivision and other requirements

<table>
<thead>
<tr>
<th>Area/Dimensions/Number</th>
<th>Land</th>
<th>Minimum subdivision area (hectares)</th>
<th>All land</th>
<th>60 hectares</th>
</tr>
</thead>
<tbody>
<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>
<td>None specified</td>
<td></td>
<td></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>
<td>None specified</td>
<td></td>
<td></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>
<td>None specified</td>
<td></td>
<td></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 to the Schedule to Clause 35.06 – Areas of conservation value

1. Breamlea Wetlands
2. Bells Beach & Point Addis
3. Great Ocean Road Hinterland
4. Otways Hinterland
5. Pennyroyal & Bambra
6. Lake Modewarre
7. Bellbrae South West
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>
### Section 2 – Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Tramway</strong></td>
<td>Must meet requirements of Clause 62.01.</td>
</tr>
<tr>
<td><strong>Any use listed in Clause 62.01</strong></td>
<td>Must meet requirements of Clause 62.01.</td>
</tr>
<tr>
<td><strong>Abattoir</strong></td>
<td>Animal production (other than Broiler farm, Cattle feedlot and Grazing animal production)</td>
</tr>
<tr>
<td><strong>Broiler farm - if the Section 1 condition to Poultry farm is not met</strong></td>
<td>Must meet the requirements of Clause 53.09.</td>
</tr>
<tr>
<td><strong>Camping and caravan park</strong></td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td><strong>Car park</strong></td>
<td>Must meet the requirements of Clause 53.08.</td>
</tr>
<tr>
<td><strong>Cattle feedlot – if the Section 1 condition is not met</strong></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><strong>Cemetery</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Crematorium</strong></td>
<td></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 35.07-2.</td>
</tr>
<tr>
<td><strong>Domestic animal boarding</strong></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 35.07-2.</td>
</tr>
<tr>
<td><strong>Emergency services facility</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Freeway service centre</strong></td>
<td>Must meet the requirements of Clause 53.05.</td>
</tr>
<tr>
<td><strong>Group accommodation</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Host farm</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Industry (other than Rural industry)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Landscape gardening supplies</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Leisure and recreation (other than Informal outdoor recreation)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Manufacturing sales</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Market</strong></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>Race 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:</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>

| 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. | Clause 59.12 |

### 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>
</tbody>
</table>

Any works must not be earthworks specified in the schedule to the zone.

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:

- Used for Domestic animal husbandry, Intensive animal production, Pig farm, Poultry farm, Poultry hatchery, Racing dog husbandry or Rural industry.

- Within 30 metres of land (not a road) which is in a residential zone.

Any works must not be earthworks specified in the schedule to the zone.

**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 TO THE FARMING ZONE

Shown on the planning scheme map as **FZ**

<table>
<thead>
<tr>
<th>Land</th>
<th>Area/Dimensions/Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum subdivision area (hectares).</td>
<td>60ha. This may be reduced to 40ha provided the following conditions are met: 1. A land plan is submitted that shows:   - that principles of biodiversity have been applied   - fencing of areas of remnant vegetation and/or conservation areas to exclude stock   - a minimum area of 10% established to trees (increasing to 15% where salting or other problems exist)   - proposed management practices in the fenced off areas especially for the control of rabbits, foxes and noxious weeds   - evidence that the recommendations of the Department of Natural Resources and Environment will be implemented in recognised hot spot salt areas in the Thompasons Creek Catchment Plan 2. The owner enters into an agreement under Section 173 of the Act which commits any present or future owner to the implementation of the land plan and ongoing management of maintenance of the property so the land does not revert back to its former state.</td>
</tr>
<tr>
<td>Thompasons Creek Catchment (except Lot 1 PS315793E and Lot B 534262Q version 2)</td>
<td></td>
</tr>
<tr>
<td>Otway Hills and Coastal Hinterland</td>
<td>60ha</td>
</tr>
<tr>
<td>Winchelsea Plains</td>
<td>80ha</td>
</tr>
<tr>
<td>Barrabool Hills</td>
<td>40ha</td>
</tr>
<tr>
<td>Deans Marsh District</td>
<td>40ha</td>
</tr>
<tr>
<td>Refer to Map 1 to this Schedule.</td>
<td></td>
</tr>
<tr>
<td>Lot 1 PS315793E</td>
<td>20ha</td>
</tr>
<tr>
<td>Lot B PS 534262Q</td>
<td>16 ha</td>
</tr>
<tr>
<td>Minimum area for which no permit is required to use land for a dwelling (hectares).</td>
<td>60ha. This may be reduced to 40ha provided the following conditions are met: 1. A land plan is submitted that shows:   - that principles of biodiversity have been applied   - fencing of areas of remnant vegetation and/or conservation areas to exclude stock   - a minimum area of 10% established to trees (increasing to 15% where salting or other problems exist)   - proposed management practices in the fenced off areas especially for the control of rabbits, foxes and noxious weeds</td>
</tr>
<tr>
<td>Thompasons Creek Catchment</td>
<td></td>
</tr>
</tbody>
</table>

Refer to Map 1 to this Schedule.
evidence that the recommendations of the Department of Natural Resources and Environment will be implemented in recognised hot spot salt areas in the Thompsons Creek Catchment Plan.

2. The owner enters into an agreement under Section 173 of the Act which commits any present or future owner to the implementation of the land plan and ongoing management of maintenance of the property so the land does not revert back to its former state.

<table>
<thead>
<tr>
<th>Land</th>
<th>Area (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Otway Hills and Coastal Hinterland</td>
<td>60</td>
</tr>
<tr>
<td>Winchelsea Plains</td>
<td>80</td>
</tr>
<tr>
<td>Barrabool Hills</td>
<td>40</td>
</tr>
<tr>
<td>Deans Marsh District</td>
<td>40</td>
</tr>
</tbody>
</table>

Refer to Map 1 to this Schedule.

<p>| Maximum area for which no permit is required to use land for timber production (hectares). | All land | 40ha |
| Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres). | None specified |
| Maximum floor area for which no permit is required to construct an out-building associated with a dwelling (square metres) | None specified |
| Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres) | None specified |
| Minimum setback from a road (metres). | A Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1 | 100 metres |
| | A Road Zone Category 2 or land in a Public Acquisition Overlay to be acquired for a road, Category 2 | 40 metres |
| | Any other road | 20 metres |
| Minimum setback from a boundary (metres). | Any other boundary | 5 metres |
| Minimum setback from a dwelling not in the same ownership (metres). | Any dwelling not in the same ownership | 100 metres |</p>
<table>
<thead>
<tr>
<th>Permit requirement for earthworks</th>
<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>
<td>All land, except land contained within the Public Acquisition Overlay (PAO3) for or impacted by the construction of the Princes Highway West duplication project and associated works not including the construction of a grade separated interchange at the intersection of Princes Highway West with Cape Otway and Devon Roads.</td>
</tr>
<tr>
<td>Earthworks which increase the discharge of saline groundwater.</td>
<td>All land, except land contained within the Public Acquisition Overlay (PAO3) for or impacted by the construction of the Princes Highway West duplication project and associated works not including the construction of a grade separated interchange at the intersection of Princes Highway West with Cape Otway and Devon Roads.</td>
</tr>
</tbody>
</table>
Map1 to Clause 35.07 – Minimum Lot Sizes

<table>
<thead>
<tr>
<th>AREA</th>
<th>MIN. LOT SIZE (HA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Winchelsea Plains</td>
<td>80</td>
</tr>
<tr>
<td>Barrabool Hills</td>
<td>40</td>
</tr>
<tr>
<td>Thompsons Creek Catchment Area</td>
<td>60</td>
</tr>
<tr>
<td>Otway Hills and Coastal Hinterland</td>
<td>60</td>
</tr>
<tr>
<td>Deans Marsh District</td>
<td>40</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 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. 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>
<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 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.
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

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>
**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 <strong>Coastal Management Act 1995</strong>.</td>
</tr>
<tr>
<td></td>
<td>Must not be costeanning or bulk sampling.</td>
</tr>
<tr>
<td>Open sports ground</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, barbeques, 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></td>
</tr>
<tr>
<td>Car park</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Interpretation centre</td>
<td>• Specified in an Incorporated plan in a schedule to this zone.</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>
Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency services facility</td>
<td>Must not be located on land reserved under the National Parks Act 1975.</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>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

<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.
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></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>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 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.

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>
</tbody>
</table>

Any other use not in Section 1 or 3 of the schedule to this zone

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>

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.
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 THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ1.

ALCOA LEASE LAND

Purpose

To provide for brown coal mining and electricity generation in accordance with the Mines (Aluminium Agreement) Act 1961.

To protect the visual amenity and significant flora and fauna values of the land in recognition of the listing of the site on the Register of the National Estate.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use allowed under the Mines (Aluminium Agreement) Act 1961</td>
<td>Must be any of the following:</td>
</tr>
<tr>
<td></td>
<td>• Conducted in accordance with a management plan approved by the Secretary to the Department of Sustainability &amp; Environment and Alcoa.</td>
</tr>
<tr>
<td></td>
<td>• Conducted by or on behalf of a public land manager 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 or the Forest Act 1958.</td>
</tr>
<tr>
<td>Caretaker's house (other than if allowed under the Mines (Aluminium Agreement) Act 1961)</td>
<td>Must not include recreational use of motor vehicles.</td>
</tr>
<tr>
<td>Car park (other than if allowed under the Mines (Aluminium Agreement) Act 1961)</td>
<td>Must be any of the following:</td>
</tr>
<tr>
<td></td>
<td>• Conducted in accordance with a management plan approved by the Secretary to the Department of Sustainability &amp; Environment and Alcoa.</td>
</tr>
<tr>
<td></td>
<td>• Conducted by or on behalf of a public land manager 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 or the Forest Act 1958.</td>
</tr>
<tr>
<td>Informal outdoor recreation (other than if allowed under the Mines (Aluminium Agreement) Act 1961)</td>
<td>Must be any of the following:</td>
</tr>
<tr>
<td></td>
<td>• Conducted in accordance with a management plan approved by the Secretary to the Department of Sustainability &amp; Environment and Alcoa.</td>
</tr>
<tr>
<td></td>
<td>• Conducted by or on behalf of a public land manager 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 or the Forest Act 1958.</td>
</tr>
<tr>
<td>Interpretation centre(other than if allowed under the Mines (Aluminium Agreement) Act 1961)</td>
<td>Must be any of the following:</td>
</tr>
<tr>
<td></td>
<td>• Conducted in accordance with a management plan approved by the Secretary to the Department of Sustainability &amp; Environment and Alcoa.</td>
</tr>
<tr>
<td></td>
<td>• Conducted by or on behalf of a public land manager 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 or the Forest Act 1958.</td>
</tr>
</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor utility installation (other than if allowed under the Mines (Aluminium Agreement) Act 1961)</td>
<td>Must be any of the following:</td>
</tr>
<tr>
<td></td>
<td>- Conducted in accordance with a management plan approved by the Secretary to the Department of Sustainability &amp; Environment and Alcoa.</td>
</tr>
<tr>
<td></td>
<td>- Conducted by or on behalf of a public land manager 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 or the Forest Act 1958.</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, Timber production or if allowed under the Mines (Aluminium Agreement) Act 1961).</td>
<td></td>
</tr>
<tr>
<td>Convenience shop (other than if allowed under the Mines (Aluminium Agreement) Act 1961)</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation or if allowed under the Mines (Aluminium Agreement) Act 1961)</td>
<td></td>
</tr>
<tr>
<td>Refuse disposal (other than if allowed under the Mines (Aluminium Agreement) Act 1961)</td>
<td></td>
</tr>
<tr>
<td>Timber production (other than if allowed under the Mines (Aluminium Agreement) Act 1961)</td>
<td>Must meet the requirements of Clause 52.18</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation or if allowed under the Mines (Aluminium Agreement) Act 1961)</td>
<td></td>
</tr>
</tbody>
</table>

#### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Caretaker’s house or if allowed under the Mines (Aluminium Agreement) Act 1961)</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Refuse disposal or if allowed under the Mines (Aluminium Agreement) Act 1961)</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Convenience shop or if allowed under the Mines (Aluminium Agreement) Act 1961)</td>
<td></td>
</tr>
<tr>
<td>Any use not in Sections 1 or 2</td>
<td></td>
</tr>
</tbody>
</table>

### Use of land

**Amenity of the neighbourhood**

A use must not adversely affect the amenity of the neighbourhood, including 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, wast products, grit or oil

**Caretaker's house**

A caretaker’s house must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all waste water from each dwelling must be treated and retained with the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.

### Building and works

**Permit requirement**

A permit is not required to construct a building or construct or carry out any works which:

- Alter electrical or gas services or telephone lines.
- Alter plumbing services which do not affect the drainage of other land.
- Install a temporary shed or temporary structure for construction purposes.
- Provide for fire protection under the relevant legislation.
- Are necessary to undertake any use, works or development allowed under the *Mines (Aluminium Agreement) Act 1961*.
- Are consistent with a management plan approved by the Secretary to the Department of Environment and Primary Industries.

**Application Requirements:**

Unless in the opinion of the responsible authority the circumstances do not require, an application to construct a building or construct or carry out works must be accompanied by:

- A plan drawn to scale which shows:
  - Any driveways and vehicle parking and loading areas associated with the proposed buildings and works.
  - Any proposed landscape areas.
  - External storage and waste treatment areas if applicable.
- 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 plan which includes a description of existing vegetation to removed and planted, the surfaces to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area.

**Referral of Applications**

Applications 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.

### Decision guidelines

Before deciding on an application to use land, construct a building or construct or carry out works the responsible authority must consider, as appropriate:

- The *Mines (Aluminium Agreement) Act 1961*.
- Any management plan approved by the Secretary to the Department of Sustainability & Environment and Alcoa.
- The visual impact of any development having regard to building size, height, bulk and external colours and materials.
- The effect that the use may have on flora and fauna values.
- The effect that the use may have on land in residential zones.
- The effect that the use may have on nearby existing or proposed uses for or associated with brown coal mining and electricity generation.
- The drainage of the land.
- Measures to cope with fire, particularly in the vicinity of a brown coal mine.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The period for which the use may operate so that the use does not adversely affect the sequential development of brown coal resources in the area.

5.0

Advertising signs

Advertising sign requirements are at Clause 52.05-9, Category 4 - Sensitive areas.
SCHEDULE 2 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ2.

ANGLESEA VEHICLE PROVING GROUND

Purpose
To enable land to be used for the purpose of testing vehicles and for driver training and education.

1.0 Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caretaker’s house</td>
<td></td>
</tr>
<tr>
<td>Education Centre</td>
<td>Must be used for driver training and education only</td>
</tr>
<tr>
<td>Motor racing track</td>
<td>Must be used for testing vehicles only</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

Use                        | Condition
---------------------------|-------------------------------------------------
Utility installation       |                                                  |

Section 3 - Prohibited

Use

Education centre being a Business college, Employment training centre, Primary school and Tertiary institution.

Motor racing track used to race, rally and scramble vehicles including go-karts, motor boats, and motorcycles, and includes other competitive motor sports.

Any use not in Section 1 or 2.

2.0 Advertising signs

Advertising sign requirements are at Clause 52.05-9, Category 4 - Sensitive areas.
SCHEDULE 3 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ3.

ANGLESEA HEATHLAND

Purpose
To limit development and subdivision in recognition of the outstanding ecological and scenic values of the Anglesea Heathland.

To limit the visual impact of buildings and structures when viewed from the Great Ocean Road.

To provide for the use and development of dwellings and ancillary structures within defined habitation envelopes.

To minimise the impact of excavation and hard surfaces on native vegetation and scenic landscape values.

To ensure that the design and siting of buildings incorporates adequate bushfire protection measures.

To ensure effective provision of infrastructure services without compromising environmental or scenic values.

1.0

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling</td>
<td>Must be the only dwelling on the lot.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 3 to this Schedule.</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>Home occupation</td>
<td></td>
</tr>
</tbody>
</table>

Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling – if the section 1 condition is not met.</td>
</tr>
<tr>
<td>Any other use not in Section 1 or 2.</td>
</tr>
</tbody>
</table>

Subdivision

Subdivision must only be for the purpose of:

- The transfer of land into public ownership; or
- The facilitation of the construction or augmentation of essential public infrastructure or roads.
Buildings and works

Map 1 to Schedule 3 to Clause 37.01

The following provisions apply only to lots 1 to 6 on Map 1 to this Schedule.

Permit requirements

Habitation Envelopes

All buildings and works (including any swimming pool, private tennis court, paving and immediate domestic firebreaks) must be located within the habitation envelope delineated on Diagram 1 to this Schedule.

Prior to the commencement of any development on a lot, a planning permit may be granted to alter the position or configuration of the habitation envelope shown in Diagram 1 to this Schedule, provided that:

- It does not exceed 1,500 square metres in area.
- It is not less than 20 metres from the road frontage.
- It is not less than 50 metres from the rear boundary.
- It is not less than 5 metres from a side boundary.
- It does not exceed 60 metres in total north-south dimension.

Beyond any habitation envelope, no buildings and works may be constructed or carried out except:

- The minimum works necessary to provide a vehicular access way between the property frontage and habitation envelope.
- Reticulated services.
- Boundary fencing of post and wire construction in conventional rural character.

Services

- Dwellings must be connected to reticulated sewerage.
- Household stormwater must be prevented from flowing onto the adjacent reserve.

Building siting and design

The following requirements must be met, unless a planning permit approves otherwise:

- The maximum cut into slopes must not exceed 1.0 metre in depth.
- No fill is to be imported from outside the site.
- The maximum height of any structure (including attachments such as antennae) must not exceed 7.5 metres above natural ground level at any point.
- Exterior building materials and colours must comprise subdued colours compatible with the natural surroundings, so as to minimise the visual impact of structures when viewed from beyond the lot.
- Buildings must be designed and constructed to have regard to available guidelines and standards for reducing risks to property and persons from bushfire.

Map 2 to Schedule 3 to Clause 37.01.

The following provisions apply only to lots 7 to 54 on Map 2 to this Schedule.
Permit requirements

Services

Dwellings must be connected to reticulated sewerage.
Household stormwater must be prevented from flowing onto the adjacent reserve.

Buildings, siting and design

The following requirements must be met, unless a planning permit approves otherwise:

- The maximum cut into slopes must not exceed the following depths:
  - On slopes of up to 20%: 1.0 metre
  - On slopes between 20% and 25%: 1.5 metres
  - On slopes over 25%: 2.0 metres.
- The maximum cut into land without steps is 1.0 metre.
- No fill is to be imported from outside the site.
- The maximum height of any structure (including attachments such as antennae) must not exceed 7.5 metres above natural ground level at any point.
- The site coverage of all buildings must not exceed 35%, including outbuildings, balconies and decks.
- The site coverage of all buildings and works, including swimming pool, paving, tennis court, driveway and open parking, must not exceed 45%.
- Buildings must be setback a minimum of 6 metres from the street frontage.
- Buildings must be setback a minimum of 2.5 metres from the side and rear boundaries.
- Exterior building materials and colours must comprise subdued colours compatible with the natural surroundings, so as to minimise the visual impact of structures when viewed from beyond the lot.
- Buildings must be designed and constructed to have regard to available guidelines and standards for reducing risks to property and persons from bushfire.
- Boundary fencing must be of post and wire construction in conventional rural character.

3.3
10/10/2013
C78

Map 3 to Schedule 3 to Clause 37.01.
The following provisions apply only to Lot 2 on PS338766 (Part of Crown Allotment 12A), Lot 2 on PS343484 (Part of Crown Allotment 20B) and Lot 1 on PS515290 (Part of Crown Allotment 20A), Parish of Angahook as shown on Map 3 to this Schedule.
The construction of a building and the construction and carrying out of works is prohibited.

3.4
13/03/2014
C79

Application requirements

An application to construct a building or to construct or carry out works must be accompanied by the following information, as appropriate:

- A site plan (drawn to scale) showing the boundaries of the site, site contours and slope, the location of all existing and proposed buildings and works, any site disturbance associated with the provision of vehicle access and infrastructure to service the dwelling, and existing native vegetation that is proposed to be retained or removed.
- Elevation drawings (drawn to scale) showing finished floor and roof levels, any site cut or fill, any ancillary services or structures attached to buildings (e.g. antennae, air conditioning units, solar panels, etc), and the external colours and materials of all proposed buildings.
- A stormwater management plan showing how stormwater will be prevented from flowing onto the adjacent reserve.

- A landscape plan (drawn to scale) that includes the following information:
  - The location, species (common and botanical name) and size of all vegetation that is proposed to be retained, removed or planted;
  - A report that details the structural health and species of all existing native vegetation, the expected impact of proposed buildings and works on native vegetation that is proposed to be retained, and recommended measures to suitably protect trees from damage during construction;
  - A detailed planting schedule, specifying the species (common and botanical name), height/width at maturity, planting size and quantity of all proposed plants, using locally indigenous species only;
  - Details and the location of all surfaces and infrastructure to be constructed, including driveways, paths, patios, trenches, retaining walls, etc;
  - The location of defendable space that is required for bushfire protection;
  - Replacement of environmental weeds listed in ‘Environmental Weeds – Invaders of our Surf Coast’ (2nd Edition, 2002); and
  - A written explanation of the steps that have been taken to avoid the removal of native vegetation, minimise the removal of native vegetation, and appropriately offset the loss of native vegetation.

### Exemption from notice and review

An application to construct a building or to construct or carry out works pursuant to Clauses 3.1 and 3.2 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 the application:

- Is to alter or vary a habitation envelope.
- Seeks to vary any of the discretionary requirements of the relevant clause.

### Decision guidelines

Before deciding on an application for buildings and works that varies any of the requirements listed under Clauses 3.1 and 3.2, the responsible authority must be satisfied that:

- The variation will not adversely affect the visual impact of the development when viewed from beyond the lot.
- The variation will not increase the impact on native vegetation or reduce fauna habitat.
- The variation will not increase soil disturbance in a manner which is likely to increase consequent hazard from weeds or fungus.
- The proposed alternative envelope does not significantly increase adverse impacts upon the conservation of the balance of the lot and surrounding land.
- Fencing other than post and wire has been used sparingly and only to achieve privacy for habitable room windows and primary areas of private open space, and does not impact on the open and informal character of the area.

### Advertising signs

Advertising sign requirements are at Clause 52.05-9, Category 4 - Sensitive areas.
Maps

Map 1 to Schedule 3 to Clause 37.01 – Anglesea Heathlands, Lots 1 to 6

Dimensions are in metres, unless shown otherwise.
Map 2 to Schedule 3 to Clause 37.01 – Anglesea Heathlands, Lots 7 to 54
Map 3 to Schedule 3 to Clause 37.01 – Anglesea Heathlands, Lot 2 PS338766, Lot 2 PS343484 and Lot 1 PS515290
## SCHEDULE 4 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ4.

### TORQUAY COMMUNITY DEVELOPMENT PRECINCT

#### Purpose

To provide for the use and development of the land for public and community services and facilities.

### 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 5 persons may be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td></td>
<td>At least two car parking spaces must be provided.</td>
</tr>
<tr>
<td>Child care centre</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td></td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>Must be a government function.</td>
</tr>
<tr>
<td>Retirement village</td>
<td></td>
</tr>
<tr>
<td>Railway</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>Convenience shop</td>
<td></td>
</tr>
<tr>
<td>Dwelling</td>
<td></td>
</tr>
<tr>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td>Utility installation</td>
<td></td>
</tr>
<tr>
<td>Minor sports and recreation facility</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour and Nightclub)</td>
<td></td>
</tr>
<tr>
<td>Residential building</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>Agriculture (other than Apiculture)</td>
</tr>
<tr>
<td>Amusement parlour</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
</tr>
<tr>
<td>Extractive industry</td>
</tr>
</tbody>
</table>
Buildings and works

Permit requirement

A permit is not required to construct a building or construct or carry out works for a use in Section 1 provided that prior to construction of any buildings or works plans showing details of the proposed development must be submitted to and approved by the Responsible Authority. Each plan must show the information outlined under application requirements, as appropriate.

Application requirements

An application to construct a building or construct or carry out works must be accompanied 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 for any of the following must also be accompanied by a neighbourhood and site description and design response as set out in Clause 54 or 55, as applicable:

- To construct or extend one dwelling on a lot of less than 300 square metres.
- To construct a dwelling if there is at least one dwelling on the lot.
- To construct two or more dwellings on a lot.
- To extend a dwelling if there are two or more dwellings on the lot.
- To construct or extend a residential building.
**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 37.01, the responsible authority must consider, as appropriate:

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The interface with adjoining zones, especially the relationship with residential areas.
- The streetscape, the design of street elevations, access from the street, provision of 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.
- Responsibility for the maintenance of buildings, landscaping and paved areas.
- The availability of and connection to services.
- The design of buildings to provide for solar access.
- Clauses 54 or 55. This does not apply to a development of five or more storeys, excluding a basement.

**Maintenance**

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
**SCHEDULE 5 TO THE SPECIAL USE ZONE**

Shown on the planning scheme map as **SUZ5**.

**TORQUAY TOURISM DEVELOPMENT PRECINCTS**

**Purpose**

To encourage tourism development in the following high profile precincts shown on Map 1 of this schedule to Clause 37.01:

- Precinct T1 - Surf Coast Gateway Precinct, Surf Coast Highway, Torquay
- Precinct T2 - Surf City Precinct, Surf Coast Highway, Torquay
- Precinct T3 - Town Centre Foreshore Precinct, The Esplanade, Torquay
- Precinct T4 - Corner Bristol Road and Surf Coast Highway, Torquay

To encourage a range of tourism related land uses, including:

- diverse forms of medium density tourist accommodation;
- tourist activities and attractions; and
- tourism-related retailing in appropriate locations.

To promote a mix of tourism related uses, with food and drink premises and tourism-related retail predominantly at ground floor level, and accommodation and offices predominantly at upper floor levels.

To ensure that Precincts T1 and T2 are not dominated by restaurants, cafes and take-away food premises.

To promote the use of environmentally responsive designs, materials and colours to develop a distinct image for the Shire which reflects and complements its environmental and cultural attributes.

### Table of uses

**Section 1 - Permit not required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exhibition centre</td>
<td>Must be in Precincts T1 or T2.</td>
</tr>
<tr>
<td>Home occupation</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>Restaurant</td>
<td>Within Precincts T1 and T2, the combined leasable floor area of all food and drink premises must not exceed 25% of the total leasable ground level floor area of all buildings within the Precinct.</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 Dwelling and Corrective Institution)</td>
<td></td>
</tr>
<tr>
<td>Arts and craft centre</td>
<td></td>
</tr>
<tr>
<td>Car park</td>
<td>The site must contain another use in Sections 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>Dwelling</td>
<td>In Precincts T1 and T2, any frontage to the Surf Coast Highway at ground floor level must not exceed 2 metres.</td>
</tr>
<tr>
<td></td>
<td>In Precinct T3 any frontage to The Esplanade, Gilbert Street or Zeally Bay Road at ground floor level must not exceed 2 metres.</td>
</tr>
<tr>
<td>Food and drink premises (other than Restaurant)</td>
<td></td>
</tr>
<tr>
<td>Hairdresser</td>
<td>Must be in Precinct T1 or T2.</td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td>In Precinct T3 any frontage to The Esplanade, Gilbert Street or Zeally Bay Road at ground floor level must not exceed 2 metres.</td>
</tr>
<tr>
<td>Office (other than Bank, Medical centre, Real estate agency and Travel agency)</td>
<td>Any frontage at ground floor level must not exceed 2 metres, unless the floorspace adjoining the frontage is a customer service area accessible to the public.</td>
</tr>
<tr>
<td>Place of assembly (other than Carnival, Circus and Exhibition centre in Precincts T1 or T2)</td>
<td></td>
</tr>
<tr>
<td>Real estate agency</td>
<td>Must be in Precinct T3.</td>
</tr>
<tr>
<td>Service station</td>
<td>Must be in Precinct T1 (and on Lot 3 of LP213066W) or T4.</td>
</tr>
<tr>
<td></td>
<td>In Precinct T4 the site must:</td>
</tr>
<tr>
<td></td>
<td>• not exceed 3000 square metres</td>
</tr>
<tr>
<td></td>
<td>• adjoin Surf Coast Highway.</td>
</tr>
<tr>
<td>Shop (other than Adult sex bookshop, Beauty salon, Convenience shop, Department store, Hairdresser, Restricted retail premises, and Supermarket)</td>
<td>Must only sell or hire goods and services predominantly associated with the tourism industry and tourist activities and pastimes.</td>
</tr>
<tr>
<td></td>
<td>In Precinct T3 may also sell other goods and services provided the business is normally open for business 7 days a week.</td>
</tr>
<tr>
<td>Travel agency</td>
<td></td>
</tr>
<tr>
<td>Veterinary centre</td>
<td>Must be in T2.</td>
</tr>
<tr>
<td>Any 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 bookshop</td>
</tr>
<tr>
<td>Agriculture (other than Apiculture)</td>
</tr>
<tr>
<td>Bank</td>
</tr>
</tbody>
</table>
Use

Corrective Institution
Department store
Funeral parlour
Hospital
Industry
Major sports and recreation facility
Motor racing track
Restricted retail premises
Retail premises (other than Food and drink premises, Gaming premises, Market and Shop)
Saleyard
Supermarket
Transport terminal (other than Bus terminal)
Warehouse

2.0

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.

Goods and services predominantly associated with the tourism industry and tourist activities and pastimes are deemed to include:

- Clothing, footwear and accessories associated with the beach and beach activities, bushwalking and the natural environment, including other recreational and recreational branded clothing and accessories.
- Recreational and sporting goods associated with the beach and beach activities and other tourist activities and pastimes.
- Art and craft works, souvenirs, jewellery and the like.
- Books.
- Health and well being services.
- Artisan or boutique foods or beverages that are predominantly locally produced or grown.
- Goods and services ancillary to an approved tourism use on the site.

Application requirements

An application to use land for a Shop must be accompanied by a report detailing the range of goods and services to be offered for sale or hire in accordance with the Section 2 condition of Clause 1.0 Table of uses of this schedule to the satisfaction of the responsible authority.

Decision guidelines

Before deciding on an application to use land the responsible authority must consider, as appropriate:

- The interface with adjoining zones, especially the relationship with residential zones.
- Whether the Accommodation use supports the tourist emphasis of the locality.
- The need to restrict land uses likely to generate high rates of vehicle movement to sites with direct frontage to main roads.
- The need to protect the core retail and service functions of the Torquay Town Centre.
- The need to protect the residential amenity of surrounding dwellings from off-site impacts such as noise, odour, traffic congestion and on-street parking.
- Whether a mix of land uses within each precinct (except T4) is provided, with food and drink premises and tourism-related retail predominantly at ground floor level, and accommodation and offices at upper floor levels.
- The effect that existing uses may have on the proposed use.
- The drainage of 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.

### 3.0 Subdivision

#### Application requirements

An application to subdivide land must be accompanied by a site analysis and design response demonstrating how the proposal addresses clause 56, as appropriate.

#### Decision guidelines

Before deciding on an application to subdivide land the responsible authority must consider, as appropriate:

- Clause 56.
- The suitability of the subdivision design to accommodate a range of land uses.
- The effect the subdivision will have on the potential of the area to achieve the purpose of this schedule to the zone.
- Provision for vehicles providing for supplies, waste removal and emergency services and public transport.

### 4.0 Buildings and works

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 to construct and 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 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 a building or to construct and carry out works (except for minor buildings and works associated with an existing building) must be accompanied by a site analysis and design response demonstrating how the proposal addresses:

- The provisions of the zone and schedule.
- The constraints of the site and locality.
- The surrounding streetscape and vegetation character.
- The coastal town character of Anglesea.
- The Streetscape and Landscaping Policy (Clause 22).
- Clause 54 or 55.

**Decision guidelines**

Before deciding on an application to construct a building or to construct and carry out works the responsible authority must consider, as appropriate:

- Whether development demonstrates a high quality of design that respects and enhances the town character.
- The flexibility of the building design and floor plan to accommodate a range of uses over time.
- The objectives and standards of Clauses 54 or 55, as appropriate, should be used to assess amenity standards for all types of Accommodation.
- The integration of car parking and loading areas with the building design and layout so as to avoid excessive voids and potential vehicle-pedestrian conflict.
- Whether the buildings should incorporate noise attenuation measures into the design.
- All types of Accommodation must provide a high level of amenity for occupants and be designed according to principles of energy and water efficiency.
- 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 as a result of buildings and works affecting adjoining land in a General Residential 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.

Advertising signs

Advertising sign requirements are at Clause 52.05. Precincts T1 and T2 of this schedule are in Category 1. Precincts T3 and T4 of this schedule are in Category 3.

Decision guidelines

Before deciding on an application to display an advertising sign the responsible authority must consider, as appropriate:

- Whether advertising signs are designed to integrate with the architectural style and character of a building.
- Whether advertising signs are included as an integral part of the design theme of a development.
- Whether advertising signs attached to buildings obscure architectural features and supporting structures.
- Whether advertising signs are obtrusive when viewed from public areas.
- Whether the advertising area is proportionate to the building or structure on which the sign is to be located and whether it unreasonably obscures views to surrounding signs.
- Whether advertising schemes incorporate graphics, symbols and colours that reflect themes of the beach, ocean and natural environment as well as being dominated by images and pictures rather than words and logos.
- The need to discourage above-verandah signs in Precinct T3, and in other precincts the need to ensure above-verandah signs do not project above the wall or parapet of the building to which they are attached.
- Whether the level of illumination of flood-lit and Internally-illuminated signs cause detriment to the amenity of nearby dwellings.
- The need to discourage pole signs and promotion signs.
Map 1 to Schedule 5 to Clause 37.01 – Torquay Tourism Development Precincts

Precincts
T1 Surf Coast Gateway
T2 Surf Core
T3 Town Centre Foreshore
T4 Corner Bristol Rd/Surf Coast Hwy
SCHEDULE 6 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ6.

LORNE REFUSE DISPOSAL

Purpose
To provide for the continued operation and development of the Lorne refuse disposal site.

1.0 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></td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Refuse disposal</td>
<td></td>
</tr>
<tr>
<td>Transfer station</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>Car park</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>Timber production</td>
<td></td>
</tr>
<tr>
<td>Utility installation</td>
<td>Other than Minor utility installation</td>
</tr>
</tbody>
</table>

Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use not in Sections 1 or 2.</td>
</tr>
</tbody>
</table>

2.0 Advertising signs

Advertising sign requirements are at Clause 52.05-9, Category 4 - Sensitive areas.
SCHEDULE 7 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ7**.

**GOLF COURSES**

**Purpose**

To provide for the use and development of land for golf courses and associated activities, including tourist activities.

To ensure that the use and development of land for golf courses and associated activities:

- Does not adversely affect the residential amenity of surrounding areas.
- Respects the neighbourhood character of the adjacent land and surrounding areas.
- Respects the natural environment and landscape values of the site and surrounding area.

**Table of uses**

**Section 1 - Permit not required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Golf course</td>
<td></td>
</tr>
<tr>
<td>Golf driving range</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>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>Convenience shop</td>
<td></td>
</tr>
<tr>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td>Gaming premises</td>
<td></td>
</tr>
<tr>
<td>Group accommodation</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Minor sports and recreation facility (other than Golf course, Golf driving range, Informal recreation facility and Paintball games facility)</td>
<td></td>
</tr>
<tr>
<td>Place of assembly</td>
<td></td>
</tr>
<tr>
<td>Reservoir</td>
<td></td>
</tr>
<tr>
<td>Residential Hotel</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td></td>
</tr>
<tr>
<td>Restricted recreation facility</td>
<td></td>
</tr>
<tr>
<td>Timber production</td>
<td></td>
</tr>
<tr>
<td>Any use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>
Section 3 - Prohibited

**Use**

Accommodation (other than Group accommodation and Residential hotel)
Agriculture (other than Apiculture and Timber production)
Brothel
Child care centre
Cinema based entertainment facility
Display home
Extractive industry
Freeway service centre
Home occupation
Industry
Major sports and recreation facility
Motor racing track
Office
Paintball games facility
Retail premises (other than Convenience shop, Gaming premises, Market and Restaurant)
Saleyard
Service station
Tramways
Transport terminal
Veterinary centre
Warehouse
Winery

**Use of land**
The use of land must not adversely affect the amenity of the neighbourhood by:

- Traffic and car parking generated by the use.
- The transport of materials or goods to or from the land.
- The appearance of any building, works or materials.
- Noise generated by the use.

**Decision guidelines**
Before deciding on an application, in addition to the decision guidelines in Clause 37.01-2, the responsible authority must consider, as appropriate:

- The extent to which the use will contribute to the benefit of, and promote the golf course as a viable recreation and entertainment venue.
- The effect of the use on the amenity of the neighbourhood.
3.0 Subdivision

An application to subdivide land must be accompanied by the following information as appropriate:

- A current copy of the Certificate of Title to the land.
- A report stating how the proposed subdivision will contribute to the benefit of, and promote the golf course as a viable recreation and entertainment venue.
- A report stating how the proposed subdivision responds to the decision guidelines detailed in this schedule.
- Unless each lot is to be provided with reticulated sewerage, a land assessment report by a qualified geotechnical expert demonstrating 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 drawn to scale which shows:
  - The boundaries and dimensions of the existing site.
  - The location of any existing or proposed buildings on site.
  - The location of existing or proposed access to the site.
  - The location of any existing buildings on adjoining land.
  - The boundaries and dimensions of the proposed subdivision.
  - Adjoining roads.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 37.01-3, the responsible authority must consider, as appropriate:

- The extent to which the subdivision will contribute to the benefit of, and promote the golf course as a viable recreation and entertainment venue.
- Any natural or cultural values on or near the site.
- The availability and provision of utility services to the site.

4.0 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 current copy of the Certificate of Title to the land.
- A neighbourhood and site description and design response, which is to include an assessment of existing vegetation and design response that minimises the impact on any significant vegetation.
- A plan drawn to scale which shows:
  - The site shape, size, orientation and easements.
  - Levels of the site and the difference in levels between the site and surrounding properties.
  - The location, height and purpose of any existing or proposed buildings and works on site.
  - The colour and materials of all proposed buildings.
  - The location of existing and proposed access to the site, vehicle parking and loading areas.
- The location, height and purpose of any existing buildings on adjoining land where required to assess the impact of the height and bulk of the new development on the neighbourhood character.
- Adjoining roads.
- All external storage and waste treatment areas.

- A photomontage or scale model of the proposed development, if requested by the responsible authority, to illustrate how it will sit in the landscape and how it will appear from relevant vantage points in the neighbourhood.

- A landscape plan that shows:
  - The location of existing vegetation that is to be retained and removed.
  - The location of any vegetation to be planted and surfaces to be constructed.
  - A detailed planting schedule that responds to the local environment and places emphasis on indigenous species.
  - A detailed site management plan that provides measures to protect retained vegetation from damage during site works.
  - Recommended means of retaining mature trees as a preference to removal.

- Where a site has a slope exceeding 25%, a geotechnical report that addresses where relevant:
  - Potential for erosion, susceptibility to landslip or other land degradation.
  - The need to stabilise disturbed areas by engineering works or revegetation.

Unless the application is for minor alterations to existing buildings or works.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 37.01-4, the responsible authority must consider, as appropriate:

- The purpose of the schedule to the zone.
- Whether the proposed development will enhance the role of the golf course as an attractive recreation and entertainment venue.
- Any natural or cultural values on or near the site.
- The availability and provision of utility services to the site.
- The impact of the proposed development on native vegetation both on the site and on adjoining properties.
- Whether the height, bulk and design of buildings is in keeping with the low rise, low scale neighbourhood character.
- Whether the height, bulk and design of buildings sit naturally within the landscape, avoid breaking any visual ridgelines and generally appear subservient to the surrounding natural landscape setting.
- The adequacy of proposed landscaping to soften any buildings and works and create a landscape setting compatible with the natural surrounding environment.
- The treatment and disposal of all wastewater and drainage water, in particular the way in which wastewater will be collected, treated and re-used on site or discharged to a reticulated system.
- The impact that the proposed development will have on traffic in the vicinity of the site.
- The storage of rubbish and material for recycling.
SCHEDULE 8 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ8.

ANGLESEA TOURISM DEVELOPMENT PRECINCTS

Purpose

To encourage tourism development in the following high profile precincts shown on Map 1 to Schedule 8 to Clause 37.01:

- Precinct A1 – Diggers Parade Precinct, Anglesea
- Precinct A2 – Four Kings Precinct, Anglesea

To encourage a range of tourism related land uses, including:

- diverse forms of tourist accommodation;
- tourist activities and attractions; and
- tourism-related retailing in appropriate locations.

To promote a mix of tourism related uses in developments with food and drink premises and tourism-related retail predominantly at ground floor level, and accommodation and offices predominantly at upper floor levels.

To promote the use of environmentally responsive designs, materials and colours to develop a distinct image for the Shire which reflects and complements its environmental and cultural attributes.

1.0

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home occupation</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 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 Corrective Institution)</td>
<td></td>
</tr>
<tr>
<td>Arts and craft centre</td>
<td></td>
</tr>
<tr>
<td>Car park</td>
<td></td>
</tr>
<tr>
<td>Convenience shop</td>
<td></td>
</tr>
<tr>
<td>Food and drink premises</td>
<td></td>
</tr>
<tr>
<td>Hairdresser</td>
<td>Must be in Precinct A1 - Diggers Parade precinct.</td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td>Must be in Precinct A1 – Diggers Parade precinct.</td>
</tr>
</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>Use (other than Bank, Medical centre, and Travel agency)</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any frontage at ground floor level must not exceed 2 metres, unless the floor space adjoining the frontage is a customer service area accessible to the public.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Place of assembly</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Service station</th>
<th>Must be in Precinct A1 – Diggers Parade precinct. The site must:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• not exceed 3,000 square metres</td>
</tr>
<tr>
<td></td>
<td>• adjoin Great Ocean Road</td>
</tr>
</tbody>
</table>

| Shop (other than Adult sex bookshop, Beauty salon, Convenience shop, Department store, Hairdresser, Restricted retail premises and Supermarket) | Must only sell or hire goods and services predominantly associated with the tourism industry and tourism activities and pastimes. |

<table>
<thead>
<tr>
<th>Travel agency</th>
</tr>
</thead>
</table>

| Veterinary centre | Must be in Precinct A1 – Diggers Parade. |

<table>
<thead>
<tr>
<th>Any other use not in Section 1 or Section 3</th>
</tr>
</thead>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex bookshop</td>
</tr>
<tr>
<td>Agriculture (other than Apiculture)</td>
</tr>
<tr>
<td>Bank</td>
</tr>
<tr>
<td>Corrective institution</td>
</tr>
<tr>
<td>Department store</td>
</tr>
<tr>
<td>Funeral parlour</td>
</tr>
<tr>
<td>Hospital</td>
</tr>
<tr>
<td>Industry</td>
</tr>
<tr>
<td>Major Sports and recreation facility</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
<tr>
<td>Restricted retail premises</td>
</tr>
<tr>
<td>Retail premises (other than, Food and drink premises, Gaming premises, Market and Shop)</td>
</tr>
<tr>
<td>Saleyard</td>
</tr>
<tr>
<td>Supermarket</td>
</tr>
<tr>
<td>Transport terminal (other than Bus terminal)</td>
</tr>
<tr>
<td>Warehouse</td>
</tr>
</tbody>
</table>

### 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.
Goods and services predominantly associated with the tourism industry and tourism activities and pastimes are deemed to include:

- Clothing, footwear and accessories associated with the beach and beach activities, bushwalking and the natural environment, including other recreational and recreational branded clothing and accessories.
- Recreational and sporting goods associated with the beach and beach activities and other tourism activities and pastimes.
- Art and craft works, souvenirs, jewellery and the like.
- Books.
- Health and wellbeing services.
- Artisan or boutique foods or beverages that are predominantly locally produced or grown.
- Goods and services ancillary to an approved tourism use on the site.

**Application requirements**

An application to use land for a Shop must be accompanied by a report detailing the range of goods and services to be offered for sale or hire in accordance with the Section 2 condition of Clause 1.0 Table of uses of this schedule to the satisfaction of the responsible authority.

**Decision guidelines**

Before deciding on an application to use land the responsible authority must consider, as appropriate:

- The interface with adjoining zones, especially the relationship with residential zones.
- Whether the Accommodation use supports the tourism emphasis of the locality.
- The need to restrict land uses likely to generate high rates of vehicle movement to sites with direct frontage to main roads.
- The need to protect the core retail and service functions of the Anglesea Camp Road Shopping Centre.
- The need to protect the residential amenity of surrounding dwellings from off-site impacts such as noise, odour, traffic congestion and on-street parking.
- Whether a mix of land uses within each precinct is provided, with Food and drink premises and tourism-related retail predominantly at ground floor level, and accommodation and offices at upper floor levels.
- The effect that existing uses may have on the proposed use.
- The drainage of 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**

**Application requirements**

An application to subdivide land must be accompanied by a site analysis and design response demonstrating how the proposal addresses Clause 56, as appropriate.

**Decision guidelines**

Before deciding on an application to subdivide land the responsible authority must consider, as appropriate:
Clause 56.
The suitability of the subdivision design to accommodate a range of land uses.
The effect the subdivision will have on the potential of the area to achieve the purpose of this schedule to the zone.
Provision for vehicles providing for supplies, waste removal and emergency services and public transport.

4.0
Buildings and works
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, 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 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 a building or to construct and carry out works (except for minor buildings and works associated with an existing building) must be accompanied by a site analysis and design response demonstrating how the proposal addresses:

- The provisions of the zone and schedule;
- The constraints of the site and locality;
- The surrounding streetscape and vegetation character;
- The coastal town character of Anglesea;
- The Streetscape and Landscaping Policy (Clause 22);
- Clause 54 or 55, as applicable.

Decision guidelines
Before deciding on an application to construct a building or to construct and carry out works the responsible authority must consider, as appropriate:
• Whether development demonstrates a high quality of design that respects and enhances the coastal town character.

• The flexibility of the building design and floor plan to accommodate a range of uses over time.

• The integration of car parking and loading areas with the building design and layout so as to avoid excessive voids and potential vehicle-pedestrian conflict.

• Whether the buildings should incorporate noise attenuation measures into the design.

• All types of Accommodation must provide a high level of amenity for occupants and be designed according to principles of energy and water efficiency.

• The objectives and standards of Clause 54 or Clause 55, as appropriate, should be used to assess amenity standards for all types of Accommodation.

• 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 as a result of buildings and works affecting adjoining land in a General Residential 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.

5.0

Advertising signs

Advertising sign requirements are at Clause 52.05. Land in this schedule is in Category 3.

Decision guidelines

Before deciding on an application to display an advertising sign the responsible authority must consider, as appropriate:

• Whether advertising signs are designed to integrate with the architectural style and character of a building.

• Whether advertising signs are included as an integral part of the design theme of a development.

• Whether advertising signs attached to buildings obscure architectural features and supporting structures.

• Whether advertising signs are obtrusive when viewed from public areas.

• Whether the advertising area is proportionate to the building or structure on which the sign is to be located and whether it unreasonably obscures views to surrounding signs.

• Whether advertising schemes incorporate graphics, symbols and colours that reflect themes of the beach, ocean and natural environment as well as being dominated by images and pictures rather than words and logos.

• The need to discourage above-verandah signs.

• Whether the level of illumination of flood-lit and Internally-illuminated signs cause detriment to the amenity of nearby dwellings.
The need to discourage pole signs and promotion signs.

Map 1 to Schedule 8 to Clause 37.01 – Anglesea Tourism Development Precincts
SCHEDULE 9 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ9.

SURF COAST CHRISTIAN COLLEGE CAMPUS

Purpose
To provide for the use and development of the land for the purposes of an education centre and child care centre generally in accordance with the Surf Coast Christian College Concept Plan attached to this schedule.

To encourage use and development of the land based on comprehensive and sustainable land management practices and servicable infrastructure provision.

To ensure that use and development is compatible with the scenic landscape character of the Spring Creek valley and Great Ocean Road environs.

To recognise and protect the amenity of surrounding properties.

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, Intensive animal husbandry, Rice growing and Timber production</td>
<td>Must be no more than 5 animals</td>
</tr>
<tr>
<td>Animal keeping (other than Animal boarding)</td>
<td>No more than 6 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>Must be directly associated with a school on the site.</td>
</tr>
<tr>
<td>Cattle feedlot</td>
<td>Must meet the requirements of Clause 52.26. 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>Child care centre</td>
<td>Must meet the requirements of Clause 2.0 in this schedule Must be generally in accordance with the Surf Coast Christian College Concept Plan attached to this schedule, to the satisfaction of Council.</td>
</tr>
<tr>
<td>Dependant person’s unit</td>
<td>Must be the only dependent person’s unit on the lot. Must meet the requirements of Clause 2.0 in this schedule.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast and Caretaker’s house)</td>
<td>Must be the only dwelling on the lot. The lot must be at least 40 hectares. Must meet the requirements of Clause 2.0 in this schedule.</td>
</tr>
<tr>
<td>Education centre</td>
<td>Must meet the requirements of Clause 2.0 in this schedule. Must be generally in accordance with the Surf Coast Christian College Concept Plan attached to this schedule, to the satisfaction of Council.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Home occupation,</td>
<td>Must not be within 100 metres of a dwelling in separate ownership.</td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td>The area used for the display and sale of primary produce must not exceed 50 square metres.</td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></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>Railway</td>
<td></td>
</tr>
<tr>
<td>Timber production</td>
<td>Must meet the requirements of Clause 52.18.</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>
<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>Animal boarding</td>
<td>Must be used in conjunction with another use in Section 1 or 2</td>
</tr>
<tr>
<td>Car park</td>
<td>Must meet the requirements of Clause 52.26.</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>Cattle feedlot – if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 52.26.</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>Must meet the requirements of Clause 2.0 in this schedule.</td>
</tr>
<tr>
<td>Crematorium</td>
<td>Must meet the requirements of Clause 2.0 in this schedule.</td>
</tr>
<tr>
<td>Dependant person’s unit – if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 2.0 in this schedule.</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 2.0 in this schedule.</td>
</tr>
<tr>
<td>Emergency services facility</td>
<td>Must meet the requirements of Clause 52.30.</td>
</tr>
<tr>
<td>Freeway service centre</td>
<td>Must meet the requirements of Clause 52.30.</td>
</tr>
<tr>
<td>Group accommodation</td>
<td>Must meet the requirements of Clause 52.30.</td>
</tr>
<tr>
<td>Host farm</td>
<td>Must meet the requirements of Clause 52.30.</td>
</tr>
<tr>
<td>Intensive animal husbandry (other than Broiler farm and Cattle feedlot)</td>
<td>Must meet the requirements of Clause 52.30.</td>
</tr>
<tr>
<td>Landscape gardening supplies</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Manufacturing sales</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Night club, Carnival and Circus)</td>
<td></td>
</tr>
<tr>
<td>Renewable energy facility (other than Wind energy facility)</td>
<td>Must meet the requirements of Clause 52.42</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>Rural industry (other than Abattoir and Sawmill)</td>
<td></td>
</tr>
<tr>
<td>Rural store</td>
<td></td>
</tr>
<tr>
<td>Store (other than Rural 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>Timber production – if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 52.18.</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Veterinary centre</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>
</tbody>
</table>

**Section 3 - Prohibited**

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Abattoir</td>
<td></td>
</tr>
<tr>
<td>Accommodation (other than Dependant persons unit, Dwelling, Group accommodation, Host farm and Residential hotel)</td>
<td></td>
</tr>
<tr>
<td>Amusement parlour</td>
<td></td>
</tr>
<tr>
<td>Broiler farm</td>
<td></td>
</tr>
<tr>
<td>Brothel</td>
<td></td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Rural industry)</td>
<td></td>
</tr>
<tr>
<td>Motor racing track</td>
<td></td>
</tr>
<tr>
<td>Nightclub</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Market, Landscape gardening supplies, Manufacturing sales, Primary produce sales and Restaurant)</td>
<td></td>
</tr>
<tr>
<td>Sawmill</td>
<td></td>
</tr>
<tr>
<td>Warehouse (other than Store)</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 2</td>
<td></td>
</tr>
</tbody>
</table>
2.0

Use of land

Use of land for a dwelling, child care centre or education centre

A lot used for a dwelling, child care centre or education centre must meet the following requirements:

- Access to the dwelling, child care centre or education centre must be provided via and all-weather road with dimensions adequate to accommodate emergency vehicles.

- The dwelling, child care centre or education centre must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained onsite in accordance with the State Environment Protection Policy (Water of Victoria) under the *Environment Protection Act 1970*.

- The dwelling, child care centre or education centre 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, child care centre or education centre must be connected to a reticulated electricity supply or have an alternative energy source.

These requirements also apply to a dependent person’s unit.

3.0

Subdivision

A permit is required to subdivide land.

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 a two lot subdivision involving the excision of the land accommodating the education centre and child care centre (as outlined on the Surf Coast Christian College Concept Plan attached to this schedule) from the balance of the land to which this Schedule applies.

- 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.

Exemption from notice and review

A subdivision application which is generally in accordance with the Surf Coast Christian College Concept Plan attached to this schedule to the satisfaction of Council 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.

4.0

Buildings and works

An application to construct a building or construct or carry out works shall be accompanied by the following information, as relevant to the stage/scope of development sought for approval:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads (including locations of potential future access roads) and adjoining land.
  - Existing and site improved contours and details of all proposed earthworks, including the extent of site cut and/or fill and the construction levels of any batters and retaining walls.
  - The location and purpose of buildings and works on adjoining land.
- The layout and use of existing and proposed buildings and works.
- Sectional diagrams through proposed buildings to illustrate any cut and fill required.
- Relevant ground levels and floor levels of proposed buildings.
- The location of major pedestrian paths on the site.
- The location of any proposed signage visible from the road frontage.
- The location, layout, dimensions, construction level and gradient of all accessways, internal access roads, bus and car parking areas, and loading areas.
- Details of the staging of vehicle access to and from the subject site.
- The interim and intended future use of those parts of the land not required for the proposed development.
- The type of fencing around the perimeter of the site.
- Details of existing and proposed landscaping, indicating vegetation to be retained and managed.
- A description of the physical services to be provided for the site.

- Elevation drawing indicating the height, colour and materials of all proposed buildings and works.
- A Landscape Concept Plan indicating vegetation to be retained and managed, and the general theme for the overall landscaping of the site using predominantly locally indigenous species.

An application for buildings and works associated with an education centre or child care centre shall also be accompanied by the following information, as relevant to the stage/scope of development sought for approval:

- The maximum number of full time students that will attend the education centre and child care centre and an indication of the likely staging and timing of development.

- **A Vegetation Management Plan** that includes:
  - Recommendations where vegetation should be retained.
  - A net gain assessment that addresses the removal of any native vegetation.

- **A Traffic Impact Assessment Report** that includes:
  - An assessment of the traffic generated by the education centre and childcare centre, including an assessment of ‘kiss and ride’ parking requirements.
  - Car parking requirements generated by the use of the land as an education centre and childcare centre.
  - Pedestrian and cycling links to the Great Ocean Road.
  - Identification of all off-site traffic infrastructure requirements and the triggers for this infrastructure, associated with the site and its vehicular access to the Great Ocean Road, or other potential future road.

- **A Stormwater and Drainage Management Plan** that takes an integrated approach to stormwater system management, designed with reference to the whole of the catchment and includes an integrated stormwater management system for the properties discharging directly to Spring Creek that ensures the peak discharge rate, and pollutant load of stormwater leaving the subject land is no greater than pre-development levels, meets current best practice and is discharged to the existing drainage system.
• A Wastewater Management Plan that details how wastewater is to be managed, including interim measures. If connection to the Barwon Water reticulated sewers system is proposed a letter accepting this must be provided. If on-site management is proposed then a detailed report documenting how wastewater will be managed is required.

• A Cultural Heritage Management Plan if formally triggered by the requirements of the Aboriginal Heritage Act 2006. If required the plan should identify any sites or objects of cultural significance and how they should be managed.

Exemption from notice and review
An application to construct a building or construct or carry out works associated with an education centre or childcare centre which is generally in accordance with the Surf Coast Christian College Concept Plan attached to this schedule to the satisfaction of Council 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 37.01 and Clause 65, the responsible authority must consider, as appropriate:

General Issues
  • The purpose of this Schedule.
  • The capability of the land to accommodate the proposed use or development, including the disposal of effluent if proposed.
  • Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
  • The safe and efficient movement of vehicular traffic, pedestrians and cyclists to and from the site and any parking issues which will result from the proposal.
  • Whether the general siting and layout of the school has considered potential connections to and integration with development within Spring Creek, should future planning policy seek to facilitate this outcome.

Education centre and child care centre issues
  • The consistency with the Surf Coast Christian College Concept Plan attached to this schedule.
  • The adequacy of on-site car parking areas for the convenient use of parents, staff and visitors to the site.

Rural issues
  • The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
  • Whether the use or development will be adversely affected by agricultural activities on adjacent or nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.

Environmental and landscape issues
  • The environmental capacity of the site to sustain the development, including wastewater management.
  • Whether use and development protects and enhances the environment and landscape qualities of the site and its surrounds.
- 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 on the site.
- How the use and development relates to sustainable land management and the potential need to prepare an integrated land management plan which addresses the protection and the enhancement of native vegetation and waterways, stabilisation of soil and pest plants and animal control.
- The location of site effluent areas (if proposed), to minimise the impact of nutrient loads on waterways and native vegetation.

**Design and siting issues**

- The impact of the siting, design, height, bulk and colours and materials to be used on the amenity of the area, 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 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.
- The views of the relevant road authority

**Advertising signs**

Advertising sign requirements are at Clause 52.05. This zone is in Category 4.
Diagram 1 to Schedule 9 to Clause 37.01: Surf Coast Christian College Concept Plan
COMPREHENSIVE DEVELOPMENT ZONE

Shown on the planning scheme map as CDZ with a number.

Purpose

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

To provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme.

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>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 3 of the schedule to this zone</td>
<td></td>
</tr>
</tbody>
</table>

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 for residential development, 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>
</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, 56.06-8 to 56.09-2.

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:

- The objectives and standards of Clause 56.
- 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**

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 if it is generally consistent with the comprehensive development plan.

The schedule to this zone may specify that other applications are also 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:

- 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 2 TO THE COMPREHENSIVE DEVELOPMENT ZONE

Shown on the planning scheme map as CDZ2.

THE SANDS TORQUAY RESIDENTIAL LAKES AND GOLF COURSE COMPREHENSIVE DEVELOPMENT PLAN

Purpose

To provide for the development of land adjacent to Whites Beach, Torquay for a residential lakes and golf course development and associated facilities generally as set out in the Golden Beach Concept Plan (marked ‘Golden Beach Residential Lakes and Golf Course Development, Torquay – Concept Plan. Revision F: 13.04.00’) forming an Incorporated Document to this planning scheme but with refinements as provided by this Schedule.

To ensure that the development of the land within the zone is undertaken and staged in an orderly manner and does not prejudice the amenity and environmental values of the surrounding area.

To provide an appropriate balance of residential development including single detached dwellings and other residential dwelling types, contributing a diversity of dwelling types to the Torquay Jan Juc residential supply.

To require the preparation of detailed development plans showing the use and development of the land within the zone generally in accordance with the approved The Sands Torquay Comprehensive Development Plan.

1.0

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car Park</td>
<td>Must be associated with the golf course</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td>Must not exceed one for each lot.</td>
</tr>
<tr>
<td></td>
<td>Must not exceed 7.5 metres in height above natural ground level within building zone 1 of The Sands Torquay Comprehensive Development Plan and must not exceed 10.5 metres in height above natural ground level within building zone 2 of The Sands Torquay Comprehensive Development Plan.</td>
</tr>
<tr>
<td></td>
<td>Must be in accordance with the residential lot number and mix as indicated in The Sands Torquay Comprehensive Development Plan.</td>
</tr>
</tbody>
</table>

Golf Course (including club-house and maintenance facilities)

Informal outdoor recreation

Major Transmission Line

Minor Utility Installation

Railway

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>Art and craft centre</td>
<td>No more than 6 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 &amp; Breakfast</td>
<td></td>
</tr>
<tr>
<td>Car Park if Section 1 condition is not met</td>
<td></td>
</tr>
<tr>
<td>Child care centre</td>
<td>The leasable floor area must not exceed 80 square metres. The site must not have direct access to a rural freeway.</td>
</tr>
<tr>
<td>Convenience Shop</td>
<td></td>
</tr>
<tr>
<td>Display Home</td>
<td></td>
</tr>
<tr>
<td>Dwelling - if the Section 1 condition is not met</td>
<td>Not more than 700 dwellings may be permitted. 100 of the 700 dwellings referred to must form part of a building constructed in the area designated Possible Future Commercial Area on The Sands Torquay Comprehensive Development Plan.</td>
</tr>
<tr>
<td>Function Centre</td>
<td>Must be contained within the area designated Possible Future Commercial Area on The Sands Torquay Comprehensive Development Plan.</td>
</tr>
<tr>
<td>Food and drink premises</td>
<td>Must be contained within the area designated Possible Future Commercial Area on The Sands Torquay Comprehensive Development Plan.</td>
</tr>
<tr>
<td>Group Accommodation</td>
<td>Must be contained within the area designated Condominium or Possible Future Commercial Area on The Sands Torquay Comprehensive Development Plan.</td>
</tr>
<tr>
<td>Hall</td>
<td></td>
</tr>
<tr>
<td>Home Occupation</td>
<td></td>
</tr>
<tr>
<td>Laundromat</td>
<td>Must be contained within the area designated Possible Future Commercial Area on The Sands Torquay Comprehensive Development Plan.</td>
</tr>
<tr>
<td>Minor sports and recreation facility (other than Informal outdoor recreation and Golf course)</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>Must be contained within the area designated Possible Future Commercial Area on The Sands Torquay Comprehensive Development Plan.</td>
</tr>
<tr>
<td>Place of assembly</td>
<td>Must be contained within the area designated Possible Future Commercial Area on The Sands Torquay Comprehensive Development Plan.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Place of worship</td>
<td></td>
</tr>
<tr>
<td>Pleasure boat facility</td>
<td></td>
</tr>
<tr>
<td>Residential hotel</td>
<td>Must be contained within the area designated Possible Future Commercial Area on The Sands Torquay Comprehensive Development Plan.</td>
</tr>
<tr>
<td>Residential village</td>
<td>Must be contained within an area designated Condominium on The Sands Torquay Comprehensive Development Plan.</td>
</tr>
<tr>
<td>Shop (other than convenience shop)</td>
<td>Must be contained within the area designated Possible Future Commercial Area on The Sands Torquay Comprehensive Development Plan. Must only be provided for tourist/resort retailing</td>
</tr>
<tr>
<td>Telecommunications facility</td>
<td>Must accord with the requirements of Clause 52.19</td>
</tr>
</tbody>
</table>

**Section 3 - Prohibited**

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use not in Sections 1 or 2.</td>
<td></td>
</tr>
</tbody>
</table>

**Use of land**

**Agreement**

Prior to commencement of any use or development of the land, the owner shall enter into an agreement with the Responsible Authority which shall provide for the following:

- The payment of fees in lieu of the planning permit fees in order to recompense the Responsible Authority for time spent considering various plans which the planning scheme provisions require to be assessed and approved.
- The construction and timing of The Esplanade east of Horseshoe Bend Road to the point where it provides access to the land and to provide for the contributions towards the costs of upgrading other roads in the locality.
- Contribution towards the cost of preparing construction plans to implement the Landscape Master Plan for the foreshore area known as Whites Beach.
- Contribution towards the cost of constructing a public access track and boardwalk to Whites Beach through designated and constructed access points and fencing directing such pedestrian access, and constructing the most westerly and easterly car parks shown on the Master Plan with a gravel surface and reasonable landscaping and planting.
- The staging of the provision of the infrastructure that will be required to service the proposed development on the land, such infrastructure to be provided at the owner’s cost.
- The preparation and implementation of an Environmental Management Plan.
- The transfer to Trustees of the wetlands (being the land subject to a conservation covenant in favour of the Trust for Nature) who shall be representatives of the Council, the Owner and the Trust for Nature upon terms which require the wetlands to be preserved and maintained for public purposes consistent with their environmental significance.
The transfer to Council of the two parcels of Moonah woodlands, generally as identified on the Golden Beach Concept Plan, which will be deemed to satisfy any public open space contribution requirement for the subdivision and development of the land.

The rehabilitation of the former tip site to the requirements of the Environment Protection Authority to the satisfaction of the responsible authority.

The diversion into the lake stormwater drainage system of excess stormwater from The Esplanade catchment.

The establishment of The Sands Torquay Architectural Review Committee to comprise representatives of the Developer, the Responsible Authority and an architect experienced in the design of dwellings sympathetic to the coastal environment at Torquay, to prepare and administer The Sands Torquay Building and Environment Management Code.

Environmental Management Plan

Prior to the commencement of any use or development of the land an environmental management plan must be approved by the Responsible Authority. The Environmental Management Plan must include, but not be limited to, the following:

- Recommendations concerning the content and layout of the Golden Beach Concept Plan to ensure achievement of the objectives of the Environmental Management Plan.

- A turf management plan which describes design considerations and management practices that will minimise risk and impact to the natural and aesthetic environment of and surrounding the land.

- A recommendation as to the siting of the 4th golf course green to avoid encroachment upon or damage to the adjacent Moonah woodland area.

- A recommendation as to the siting and construction of a walkway between the 4th golf course green and the 5th tee, taking into account the environmental sensitivity of the area.

- Detailed design recommendations concerning the layout of the 15th golf course hole, including appropriate buffer distances from the adjoining wetland area, landscape construction and drainage.

All use of land shall be in accordance with the requirements of the Environmental Management Plan approved by the Responsible Authority. The Environmental Management Plan may be amended with the approval of the Responsible Authority.

The Sands Torquay Comprehensive Development Plan

Prior to the commencement of any use or development of the land a Comprehensive Development Plan must be approved by the Responsible Authority. The Comprehensive Development Plan must be generally in accordance with the Golden Beach Concept Plan but modified to the satisfaction of the Responsible Authority to take into account:

- The recommendations of the approved Environmental Management Plan.

- The recommendations of the Advisory Committee report dated March 2000 in relation to Amendment R60 to the Surf Coast Planning Scheme, particularly those recommendations relating to the proportion and mixture of dwelling types and layout, and the relationship of development to adjacent existing development in Fatimah Court.

Once approved The Sands Torquay Comprehensive Development Plan shall take precedence over the Golden Beach Concept Plan incorporated in this scheme.

The approved Comprehensive Development Plan for The Sands Torquay may be modified with the further approval and to the satisfaction of the Responsible Authority.
The Sands Torquay Building Code

Prior to the construction of any buildings and works on the land a building code must be approved by the Responsible Authority. The building code shall establish appropriate architectural standards for all buildings and works on the land and shall incorporate:

- Appropriate design standards relating to buildings abutting the saltmarsh, dealing with such matters as the impact of building bulk, reflective materials, lighting etc.
- All relevant recommendations of the approved Environmental Management Plan.

The building code may be varied from time to time with the approval of the Responsible Authority as may be required to maintain and enhance the quality of development of the land.

Subdivision

A subdivision must be generally in accordance with The Sands Torquay Comprehensive Development Plan and not more than 700 residential lots shall be created.

100 of the 700 residential lots referred to above must form part of a building constructed in the area designated Possible Future Commercial Area on The Sands Comprehensive Development Plan.

A subdivision application must be referred to a referral authority listed in Clause 66.

Exemption from notice and appeal

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.

Buildings and works

Construction and extension of dwellings

A permit is not required for the construction or extension of a dwelling on a designated residential lot within the zone provided the dwelling is connected to a reticulated sewerage system, a reticulated potable water supply and a reticulated drainage system. The collection and discharge of drainage waters shall be to the satisfaction of the responsible authority.

The development of a dwelling must be in accordance with The Sands Torquay Building Code to the satisfaction of the Responsible Authority.

Construction of golf course, clubhouse and lakes

A permit is not required for the construction or carrying out of buildings and works in relation to the golf course, golf clubhouse and associated buildings or works including the course maintenance facility, or lakes provided the development is in accordance with a development plan or plans approved by the responsible authority. The development plans must be generally in accordance with The Sands Torquay Comprehensive Development Plan and must show:

- The layout and landscaping of the golf course and lakes.
- The location of the proposed golf clubhouse and associated buildings and works.
- The location of all vehicular and pedestrian access and egress within and to and from the golf course, golf clubhouse and course maintenance facility.
- The location and layout of all areas set aside for the accommodation of stationery vehicles, including bus parking areas associated with the golf course.
- The staging of the development and works.
- The location, floor layout, elevations and proposed building materials and treatment of all external finishes of the proposed buildings.
Before approving development plans for buildings, the responsible authority must consider the comments of The Sands Torquay Architectural Review Committee.

**Application requirements**

An application for development must include plans prepared to the satisfaction of the responsible authority. The plans must be generally in accordance with The Sands Torquay Comprehensive Development Plan and must show, as relevant:

- The location, dimensions and floor areas of all buildings and works.
- The height and elevations of all buildings using Australian Height Datum levels.
- The proposed building materials and treatment of all external finishes.
- The purpose or purposes for which it is intended that each building is to be used.
- The location of all vehicular and pedestrian access and egress within and to and from such development.
- The location and layout of all areas set aside for the accommodation of stationary vehicles including bus parking areas.
- The proposed landscaping associated with the development of the land.
- The location and layout of all areas set aside for the installation and use of gaming machines (as defined in the *Gaming Machine Control Act 1991*).
- The visual impact of the proposed development when viewed from Whites Beach.
- The provision, management and maintenance of open space, including:
  - identification of areas of open space that will be transferred as public open space contribution and other areas available to the public;
  - identification of areas of open space that will be available only to residents and employees;
  - specification of times when public areas will be available to the public and how it is intended to ensure that they will be available at those times;
  - proposals for the permanent management and upkeep of public areas;
  - landscape management plan for all public and non-public areas incorporating provisions for irrigation works and indicating proposed plant species; and
  - the integration with public open space land to the south and east of the zone.
- The provision of a reticulated water supply and the treatment and disposal of all wastewater and drainage water, including:
  - all works proposed to be undertaken to control and direct drainage water; and
  - measures by which collected drainage will be discharged into adjoining lands.

Before deciding on an application to use or subdivide land, construct building or construct or carry out works, or whether a development plan is satisfactory, the responsible authority must have regard to the following:

- The objectives and decision guidelines of the zone and The Sands Torquay Comprehensive Development Plan.
- The requirements of the approved Environmental Management Plan.
- The orderly and proper planning of the zone.
- The comments, as appropriate, of The Sands Torquay Architectural Review Committee.
- Whether provision has been made for:
- a satisfactory solution to the relationship between a proposed development and surrounding areas;
- satisfactory design access to public open space and the foreshore for residents and visitors to the site;
- a coherent design solution for the proposed development;
- acceptable open space design including furniture, lighting and landscaping;
- a satisfactory solution to the drainage of the site and the discharge of drainage water from the site;
- bus and taxi parking;
- adequate and efficient points of access to and egress from the site;
- the layout of the areas set aside for the accommodation of stationary vehicles;
- integrated pedestrian links with adjoining foreshore and residential areas;
- acceptable management arrangements for the maintenance, upkeep and cleanliness of public open space areas;

  - In the case of provision of open space and the Environmental Management Plan, the views of the Department of Environment and Primary Industries; and
  - In the case of servicing arrangements, the views of Barwon Water, Department of Environment and Primary Industries and, where appropriate, the Environment Protection Authority.
URBAN GROWTH ZONE

Shown on the planning scheme map as UGZ with a number (if shown).

Purpose

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

To manage the transition of non-urban land into urban land in accordance with a precinct structure plan.

To provide for a range of uses and the development of land generally in accordance with a precinct structure plan.

To contain urban use and development to areas identified for urban development in a precinct structure plan.

To provide for the continued non-urban use of the land until urban development in accordance with a precinct structure plan occurs.

To ensure that, before a precinct structure plan is applied, the use and development of land does not prejudice the future urban use and development of the land.

Application of provisions

Part A – No precinct structure plan applies

The provisions of Clauses 37.07-1 to 37.07-8 apply if no precinct structure plan applies to the land.

Part B – Precinct structure plan applies

The provisions of Clauses 37.07-9 to 37.07-16 apply if a precinct structure plan applies to the land.

Precinct structure plan provisions

A precinct structure plan applies to land when the precinct structure plan is incorporated in this scheme.

Part A – Provisions For Land Where No Precinct Structure Plan Applies

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>Dependent person’s unit</td>
<td>Must be the only Dependent person’s unit on the lot. Must meet the requirements of Clause 37.07-2.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Dwelling (other than Bed and breakfast)</strong></td>
<td>Must be the only dwelling on the lot.</td>
</tr>
<tr>
<td></td>
<td>The lot must be at least 40 hectares.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 37.07-2.</td>
</tr>
<tr>
<td><strong>Grazing animal production</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Home based business</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Informal outdoor recreation</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Poultry farm</strong></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><strong>Primary produce sales</strong></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><strong>Railway</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Rural industry (other than Abattoir and Sawmill)</strong></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><strong>Rural store</strong></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><strong>Tramway</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Any use listed in Clause 62.01</strong></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>Abattoir</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Animal production (other than Broiler farm, Grazing animal production and Intensive animal production)</strong></td>
<td></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><strong>Camping and caravan park</strong></td>
<td></td>
</tr>
</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car park</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>Cemetery</td>
<td></td>
</tr>
<tr>
<td>Crematorium</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 37.07-2.</td>
</tr>
<tr>
<td>Display home centre</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>Dwelling (other than Bed and breakfast) – if the Section 1 condition are not met</td>
<td>Must be no more than 2 dwellings on the lot.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 37.07-2.</td>
</tr>
<tr>
<td>Education centre (other than child care centre)</td>
<td></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>Industry (other than Rural Industry)</td>
<td></td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Must be no more than 5 animals.</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>Veterinary centre</td>
<td></td>
</tr>
<tr>
<td>Warehouse (other than Rural store)</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>Accommodation (other than Bed and breakfast, Camping and caravan park, Dependent person’s unit, Dwelling, Group accommodation, Host farm and Residential hotel)</td>
</tr>
<tr>
<td>Amusement parlour</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Child care centre</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
</tr>
<tr>
<td>Intensive animal production</td>
</tr>
</tbody>
</table>
Use

Nightclub
Office (other than Medical centre and Real estate agency)
Renewable energy facility
Retail premises (other than Landscape gardening supplies, Manufacturing sales, Market, Primary produce sales, Restaurant and Trade supplies)
Saleyard
Timber production

37.07-2
10/06/2008
VC48

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.

37.07-3
16/04/2014
VC111

Subdivision
A permit is required to subdivide land.

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.

37.07-4
21/09/2018
VC150

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 37.07-1. This does not apply to:
  - An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is no 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 100 square metres.
  - An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is no more than 200 square metres. The building must not be used to keep, board, breed or train animals.
Earthworks which change the rate of flow or the discharge point of water across a property boundary.

Earthworks which increase the discharge of saline water.

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.

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 zone or urban growth zone where a precinct structure plan applies.

Referral of applications
An application of the kind listed below must be referred in accordance with section 55 of the Act to the referral authority specified in Clause 66.03.

- An application to use or develop land for any of the following:
  - Display home centre.
  - Education centre.
  - Hospital.
  - Industry.
  - Medical centre.
  - Place of worship.
  - Real estate agency.
  - Warehouse.

- An application to subdivide land to create a lot smaller than 40 hectares in area.

Environmental audit
Before a pre-school centre or primary school commences on potentially contaminated land, or before the construction or carrying out of buildings and works in association with a pre-school centre or primary school commences on potentially contaminated land, 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.
In this clause, “potentially contaminated land” means land used or known to have been used for industry, mining, or the storage of chemicals, gas, wastes or liquid fuel (if not ancillary to another use of the land).

**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 effect on the future urban development and use of the land, and adjacent or nearby land, having regard to:
  - Any relevant Growth Corridor Framework Plan.
  - Any precinct structure plan being prepared for the area.
  - Any comments or directions of the referral authority.
- Whether the proposal will prejudice the logical, efficient and orderly future urban development of the land, including the development of roads, public transport and other infrastructure.
- 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.
- The impact of the siting, design, height, bulk, colours and materials to be used on the natural environment, major roads, vistas and water features, future urban use of the land, 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, public transport, walking and cycling networks, gas, water, drainage, telecommunications and sewage facilities.
- Whether the use and development will require new or upgraded infrastructure, including traffic management measures.

**Signs**

Sign requirements are at Clause 52.05. The zone is in Category 3. Despite the provisions of Clause 52.05-13, a permit may be granted, for a period of not more than 5 years, to display a sign that promotes the sale of land or dwellings.

**Part B – Provisions For Land Where A Precinct Structure Plan Applies**

**Use of land**

Any requirement in the Table of uses and any requirement specified in the schedule to this zone must be met.

A permit granted must be generally in accordance with the precinct structure plan applying to the land.
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 a zone applied by the schedule to this zone</td>
<td>Must comply with any condition opposite the use in Section 1 of the applied zone.</td>
</tr>
<tr>
<td></td>
<td>Must comply with any condition or requirement specified in the schedule to this zone or in the precinct structure plan.</td>
</tr>
<tr>
<td>Any use specified in the schedule to this zone as a use for which a permit is not required</td>
<td>Must comply with any condition or requirement specified in the schedule to this zone or in the precinct structure plan.</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 a zone applied by the schedule to this zone</td>
<td>Must comply with any condition opposite the use in Section 2 of the applied zone.</td>
</tr>
<tr>
<td></td>
<td>Must comply with any condition or requirement specified in the schedule to this zone or in the precinct structure plan.</td>
</tr>
<tr>
<td>Any use specified in the schedule to this zone as a use for which a permit is required</td>
<td>Must comply with any condition or requirement specified in the schedule to this zone or in the precinct structure plan.</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>Any use in Section 3 of a zone applied by the schedule to this zone</td>
</tr>
<tr>
<td>Any use specified in the schedule to this zone</td>
</tr>
</tbody>
</table>

37.07-10  
23/09/2011  
VC77  
Subdivision of land

A permit is required to subdivide land. Any requirement in the schedule to this zone or the precinct structure plan must be met.

A permit granted must:

- Be generally in accordance with the precinct structure plan applying to the land.
- Include any conditions or requirements specified in the schedule to this zone or the precinct structure plan.

37.07-11  
23/09/2011  
VC77  
Buildings and works

If the schedule to this zone specifies:

- That the provisions of a zone apply to the development of land, the provisions of the zone apply to land in the circumstances specified in the schedule.
Provisions relating to the development of land, those provisions apply to land in the circumstances specified in the schedule. If the schedule to this zone specifies that a permit is required to construct a building or construct or carry out works, a permit granted must:

- Be generally in accordance with the precinct structure plan applying to the land.
- Include any conditions or requirements specified in the schedule to this zone or the precinct structure plan.

**Application requirements**

An application to use or subdivide land, construct a building or construct or carry out works, must be accompanied by any information specified in the schedule to this zone.

**Exemption from notice and review**

An application under any provision of this scheme which is generally in accordance with the precinct structure plan applying to the land 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 schedule to this zone specifies otherwise.

**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:

- Any relevant Growth Area Framework Plan.
- The precinct structure plan applying to the land, including the vision and objectives of the precinct structure plan.
- Any guidelines in the schedule to this zone.

**Inconsistencies between specific and applied zone provisions**

If there is an inconsistency between the specific provisions specified in the schedule to this zone and the provisions of a zone applied by the schedule to this zone, the specific provisions prevail to the extent of any inconsistency.

**Signs**

Sign requirements are at Clause 52.05. This zone is in the category specified in the schedule to this zone or, if no category is specified, Category 3.
SCHEDULE 1 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as UGZ1.

1.0
The Plan
None Specified

2.0
Use and development
None Specified

2.1
The Land
None Specified

2.2
Applied zone provisions
None Specified

2.3
Specific provisions – Use of land
None Specified

2.4
Specific provisions - Subdivision
None Specified

2.5
Specific provisions - Buildings and works
None Specified

3.0
Application requirements
None Specified

4.0
Conditions and requirements for permits
None Specified

5.0
Exemption from notice and review
None specified.

6.0
Decision guidelines
None Specified

7.0
Signs
None Specified
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

- 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.

Construct a fence.  

Remove, destroy or lop one tree.  

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 Conservation, Forests and Lands Act 1987);</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 Forests Act 1958; or</td>
</tr>
<tr>
<td></td>
<td>Section 41 of the Country Fire Authority Act 1958.</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 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).

- 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.

- 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.

- 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:

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 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:

- 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 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.

AQUATIC SYSTEMS – SIGNIFICANT WETLANDS AND WATERWAYS

1.0

Statement of environmental significance

The mapped aquatic systems are considered significant because one or more of the following apply:

- The wetland is of regional or international significance and is protected under an international wetland agreement.
- The aquatic system supports nationally or state listed rare or threatened flora and fauna species.
- The aquatic and associated terrestrial habitats are important in the Surf Coast Shire for Environment Protection and Biodiversity Conservation Act 1999 and /or Flora and Fauna Guarantee Act 1988 listed threatened species including Orange-bellied Parrot, Growling Grass Frog and Brolga.
- The watercourses and associated riparian habitats are important in the Surf Coast Shire for a diverse range of species including the Environment Protection and Biodiversity Conservation Act 1999 and Flora and Fauna Guarantee Act 1988 listed Yarra Pygmy Perch and Australian Grayling.
- The aquatic system is a biodiversity link with significant biodiversity values providing high instream/aquatic and riparian habitat.
- The waterway and its environs contribute to the water quality and integrity of the broader catchment.

2.0

Environmental objective to be achieved

To maintain the physical and biological integrity and functioning of aquatic systems and to enhance river health and biodiversity, including:

- protection of terrestrial and aquatic habitat for native flora and fauna
- protection of water quality (including downstream water quality)
- protection and enhancement of native vegetation within riparian zones (including ecological restoration, regeneration and revegetation)
- prevention of water pollution, accelerated erosion and siltation or sedimentation
- facilitation of weed eradication
- avoidance of excessive earthworks (particularly in areas known to contain acid sulphate soils)
- maintenance of natural flows, flooding regimes, recharge and discharge of ground waters
- filtration of nutrients and other pollutants
- the natural opening and closing of coastal wetlands and estuaries
- protection and restoration of the natural hydrological (wetting and drying) cycle of waterways and wetlands.

3.0

Permit requirement

Vegetation

A permit is not required to remove, destroy or lop any vegetation that:

- Is within 3 metres of a building used for accommodation (or overhangs this area).
• Is listed as an environmental weed in the Incorporated document, *Weeds of the Surf Coast Shire (2013)*.

• Is not native to Victoria.

• Has been planted or is being managed for the purposes of agroforestry.

• Is dead, other than a standing dead tree with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

• Is the minimum amount necessary to;
  - Maintain a minor utility installation.
  - Maintain a utility installation in accordance with a code(s) of practice approved by Secretary of the Department of Environment, Land, Water and Planning.

**Fencing**

A permit is required to construct a fence. This does not apply to;

• a post and wire fence that restricts livestock, but does not restrict native fauna, access to a wetland or waterway.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider, as appropriate:

• The value and specific qualities of the effected biodiversity asset as defined in the reference document, *Surf Coast Shire Biodiversity mapping project (2014)*.

• Any relevant Flora and Fauna Guarantee Action Statements and threatening processes.

• The vegetation assessment or survey of the biodiversity assets contained on the site and whether the survey and assessment has been adequately completed under appropriate seasonal conditions, to the satisfaction of the Responsible Authority.

• The reason for removing any remnant vegetation and the practicality of any alterative options which do not require removal of remnant vegetation or other habitat components. Where alternatives exist that do not require the loss of remnant vegetation or other habitat values and will not have any adverse impacts on the aquatic system these alternatives should be favoured including the removal of vegetation with a lower ecological value (such as weeds, exotics or degraded vegetation).

• The purpose of the buildings or works and whether all reasonable effort to avoid impacts on the aquatic system has been explored with consideration given to;
  - alternative options for carrying out the buildings or works on the site and,
  - the availability of alternative land suitable for the proposed buildings and works outside the overlay area.

• Appropriate biodiversity enhancements for vegetation removal (unless already stipulated by a referral authority), having regard to;
  - The value of the native vegetation in terms of physical and biological condition, rarity, variety and habitat value for rare and/or threatened species.
  - The need to maintain viable examples of vegetation communities.
  - The likely effect removal of native vegetation will have on resident and migratory fauna and the need to retain mature trees (alive or dead) with hollows.
  - The need for regeneration and revegetation using species from the relevant Ecological Vegetation Class.
- The merits in requiring wetlands or waterways to be fenced off.
- The need to undertake environmental weed control.
- Whether an agreement under section 173 of the Act is appropriate providing for on going vegetation protection, enhancement and/or management on the land.
- the use of a conservation covenants or other similar control to ensure the long term viability of native vegetation.
- Whether adequate buffers can be retained around an aquatic system to reduce potential threats to the quality, life cycle processes or functioning of aquatic and terrestrial habitats such as;
  - 100m buffer between a septic wastewater disposal envelope and a wetland or watercourse.
  - 60m buffer between a septic wastewater disposal envelope and a drainage line/small creek.
  - 30m buffer between works causing soil disturbance and the need to increase this buffer to 60m where sites are prone to salinity or erosion.
- The means of protecting remnant vegetation during the construction of buildings and works and the on-going management of vegetation post construction.
- The need to control erosion and sedimentation during construction works and/or associated with the proposed development.
- Any impacts that buildings or works may have on the hydrological regime, water quality, or scenic, cultural heritage or recreational values of a waterway or wetland.
- Whether an agreement under section 173 of the Act, providing for on going enhancement and/or management on the land, is required.
- Whether the use of a conservation covenant or other similar mechanism to ensure the long term viability of the waterway or wetland is appropriate.
- Potential threats to the quality, life cycle processes or functioning of aquatic and terrestrial habitats.
- The impact a proposed subdivision will have on the aquatic system including any remnant vegetation on the site.
- Any relevant catchment plan including;
  - Thompsons Creek Catchment Plan (1998).
  - Spring Creek Catchment Plan (2003)
  - Painkalac Estuary Management Plan (2005)
  - Erskine River and Stony Creek Catchment Plan (2000)
SCHEDULE 2 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO2

SPECIAL WATER SUPPLY CATCHMENT AREAS

1.0 Statement of environmental significance

The sites, comprising parts of the water catchment areas of the Pennyroyal Creek, Matthews Creek, Dewings Creek, St George River, Erskine River and Painkalac Creek, are used for the provision of water for domestic use.

2.0 Environmental objective to be achieved

To protect and maintain water quality and water yields in the catchments.

To ensure that subdivision, land use and development meets the requirements of the land use determinations for the catchment.

3.0 Permit requirement

Applications 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.

4.0 Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- The land use determinations if any, for the respective catchment.
- The written comments of the Department of Sustainability and Environment and Barwon Water.
SCHEDULE 4 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO4.

HABITAT PROTECTION AND SIGNIFICANT REMNANT VEGETATION WITHIN THE COASTAL SETTLEMENTS OF LORNE, MOGGS CREEK, FAIRHAVEN, AIREYS INLET, ANGLESEA, TORQUAY AND JAN JUC.

1.0

Statement of environmental significance

The coastal settlements are within the Otway Ranges and Otway Plain bioregions and are a major conservation and ecological resource containing a number of species listed under the Flora and Fauna Guarantee Act 1988. They contain remnant vegetation of very high conservation value due to:

- the high percentage of native vegetation cover remaining,
- the diverse vegetation communities, and
- the important habitat they provide for a diverse range of flora and fauna, including rare and threatened species.

The settlements from Lorne to Anglesea directly adjoin the Great Otways National Park providing additional habitat, habitat linkages and functioning as a significant buffer to the biodiversity assets within the park.

The major threats to the biodiversity assets within these settlements are:

- Clearance, fragmentation and lack of regeneration.
- Loss of habitat including the loss of hollow-bearing trees.
- Residential subdivision and increasing development.
- Invasion of native vegetation by environmental weeds.
- Predation by cats and foxes on native fauna.
- Increasing levels of clearance in response to management against bushfire.

The protection of indigenous vegetation is intrinsic to the character and beauty of the coastal settlements and is highly valued by the community and visitors alike. All remnant vegetation is significant and removal should be avoided with a focus on removing weed species or exotics over natives in conjunction with reducing risks to persons and property from bushfire.

2.0

Environmental objective to be achieved

To recognise the important contributions that biodiversity makes to the overall character and identity of the settlements and to protect and enhance all biodiversity assets, including:

- the quality and extent of all indigenous vegetation including trees, shrubs, heath and grasses.
- patches of remnant vegetation that provide a buffer to the Great Otway National Park or conservation and nature reserves.
- Merrans Sun Orchid in Fairhaven (refer to map 1 of this schedule).
- Brookers Gum and Wrinkled Buttons in Lorne.
- The Anglesea Heathland (listed on the Register of the National Estate).
- Bellarine Yellow Gums in Torquay/Jan Juc.
- Moonah Woodland Community in Anglesea.
- habitat for rare or threatened fauna; including Rufus Bristlebird, Powerful Owl, Masked Owl, Grey Goshawk, Swamp Antechinus, Southern Toadlet, New Holland Mouse, Spot-tailed Quoll.
all rare or threatened flora including; Anglesea Grevillea, Red Beard-orchid, Southern Spider-orchid, Winter Sun-orchid, Anglesea Slender Sun-orchid and Otway Grey Gum.

### Permit requirement

#### Vegetation

A permit is not required to remove, destroy or lop any vegetation that is:

- within 3 metres of a building used for accommodation (or overhangs this area)
- listed as an environmental weed in the incorporated document, “Weeds of the Surf Coast Shire, (2013)”
- not native to Victoria
- dead
- the minimum amount necessary to;
  - maintain a minor utility installation
  - maintain a utility installation in accordance with a code(s) of practice approved by Secretary of the Department of Environment, Land, Water and Planning
- within the designated ‘habitation envelope’ area, shown in map 2 to this schedule, or is the minimum extent necessary for;
  - the construction of a vehicle access from the street to the ‘habitation envelope’ or
  - the construction and maintenance of reticulated services.

#### Fencing

A permit is required to construct a fence. This does not apply in the settlements of Torquay and Jan Juc or to a post and wire fence:

- with a 200mm clearance from ground level and
- that is not more than 1.5m in height.

### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.01-4, 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 environmental objectives to be achieved.

#### Vegetation removal

- The impact of the proposal on the biodiversity conservation values of the area.
- The value and specific qualities of the effected biodiversity asset as defined in the reference document ‘Surf Coast Shire Biodiversity mapping project’ (2014).
- The results of any vegetation assessment or survey of the biodiversity assets contained on the site and whether the survey and assessment has been adequately completed under appropriate seasonal conditions and by a suitably qualified person to the satisfaction of the Responsible Authority.
The reason for removing any remnant vegetation and the practicality of any alternative options which do not require removal of remnant vegetation or other habitat components. Where alternatives exist which do not require the loss of native vegetation or other habitat values these alternatives should be favoured including the removal of vegetation with a lower ecological value (including weeds, exotics or degraded vegetation).

Whether the retention and/or layout of new landscaping is appropriate and generally consistent with the reference document, ‘Landscaping your Surf Coast garden for bush fire,’ Surf Coast Shire (2015). Any new landscaping should not increase bushfire risk or compromise defendable space.

The quality and extent of the vegetation that is to be removed and how preference has been given to enhancing the mapped patch of vegetation primarily through weed removal and/or revegetating within the patch using species from the relevant Ecological Vegetation Class.

Buildings and works

The impact the proposed buildings or works will have on the biodiversity conservation values of the area and the practicality of siting buildings and works away from patches of native vegetation to ensure its ongoing protection.

The means of protecting native vegetation during the construction of buildings and works and the on-going management of vegetation post construction.

The need for a compact building design to reduce the defendable space footprint.

Whether the building design is site responsive and minimises the need for excessive earthworks.

The impact of proposed recreational structures such as tennis courts and swimming pools on the long term enhancement of the vegetation cover in the coastal settlements of Anglesea, Aireys Inlet, Fairhaven and Moggs Creek.

Subdivision

The impact the proposed subdivision will have on the biodiversity conservation values on the site or adjacent sites particularly public land or nature reserves.

Whether the subdivision will lead to an intensification of development abutting or within close proximity to the bushfire hazard interface and ultimately lead to inappropriate losses of native vegetation in response to bushfire mitigation measures.

Whether subdivisions reducing lot sizes abutting or close to the Great Otway National Park/settlement boundary will impact on the biodiversity values of the land or on adjacent land.

Whether the subdivision layout will;
- create new lots that are capable of providing for a new dwelling with a 2-3m clear zone, free of all combustible materials including timber fencing, outside vegetated areas.
- result in retention of indigenous vegetation and/or reduce impacts on the highest value vegetation.
- limit vehicular access to a single crossover (if practical) to minimise any adverse impact on the vegetated appearance of the street.
- provide for the placing of reticulated services in common trenches, using internal roads where practical, in order to minimise impacts on native vegetation.

Fencing

Whether vegetation can be used as the primary means for achieving privacy between residential properties.
- Whether the layout of screen fencing or extensive areas of closely knit mesh fencing enables the continued passage of native fauna across the site, having regard to the habitat on site or connectivity to habitat on surrounding land, particularly public land.

Map 1 to Schedule 4 to Clause 42.01 – Known sites of Merrans Sun Orchid in Fairhaven

Map 2 to Schedule 4 to Clause 42.01 – ‘Habitation envelopes’, Lots 1 – 6 Harvey Street, Anglesea Heathland
SCHEDULE 5 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO5.

PARTS OF THE SETTLEMENTS AND HINTERLANDS OF AIREYS INLET TO EASTERN VIEW

Statement of environmental significance

The settlements and surrounding environs between Aireys Inlet to Eastern View are within the Gherang Landscape Zone of the Otway Plain bioregion. The settlements, surrounding hinterland and coastal reserves support a range of threatened species including the Powerful Owl, Grey Goshawk, Rufous Bristlebird, Swamp Antechinus, Hooded Plover, Anglesea Grevillea and Southern Spider-orchid.

Part of the townships and around the periphery contain a significant cover of indigenous vegetation with a rating of Regional to High State conservation significance and provide an important buffer to the adjoining Great Otway National Park. The vegetation comprises the Ecological Vegetation Classes (EVCs) Heathy Woodland, Coastal Moonah Woodland, Shrubby Dry Forest, Wetland Formation, Coastal Dune Scrub Mosaic and Coastal Tussock Grassland, with dominant tree species including Messmate Stringybark, Ironbark, Moonah and Drooping Sheoke.

The settlements and surrounds are a major conservation and ecological resource containing a number of species listed under the Flora and Fauna Guarantee Act 1988 including:

- The ‘Coastal Moonah Woodland’ community.
- The Rufous Bristlebird.
- The Merran’s Sun-orchid (refer to Map 1 of this schedule).

Major environmental issues in the settlements and surrounds include:

- Land clearance.
- Loss of habitat through degradation and fragmentation
- Loss of hollow-bearing trees
- Residential subdivision and tourism development in ecologically sensitive areas
- Degradation of waterways
- Invasion of native vegetation by environmental weeds
- Lack of regeneration
- Infestation by Cinnamon Fungus
- Predation by cats and foxes on native fauna
- Balancing environmental objectives with managing wildfire threats

Environmental objective to be achieved

- To protect, enhance and restore the native vegetation cover, with emphasis on retaining intact remnant vegetation patches that provides a buffer to the National Park.
- To preserve and enhance vegetation corridors to provide habitat for the Rufous Bristlebird.
- To encourage the replacement of environmental weeds with indigenous species, particularly in landscaping associated with new developments.
- To encourage the use of post and wire fencing to provide for the movement of fauna.
- To encourage subdivision that is designed to minimise the clearing of indigenous vegetation and that retains vegetated corridors and habitat links.
To maintain a low density of development, where buildings are sited and designed to retain space around them enabling vegetation retention and planting.

- To provide large lot sizes to ensure sufficient linkages of remnant vegetation remain for fauna movement.

- To discourage the establishment of recreational structures such as tennis courts and swimming pools that prevent long term enhancement of the vegetation cover.

- To encourage building design that is site responsive and that reduces the need for cut or fill and the potential for erosion, landslip, loss of top soil or other land degradation.

- To stabilise disturbed areas by engineering works or re-vegetation.

- To protect the flora and fauna values of adjoining public land from the effects of residential development.

- To manage the retention and enhancement of vegetation cover in a manner which avoids increasing wildfire threats.

### 3.0 Permit requirement

**Fence**

A permit is required to construct a fence. This does not apply to a fence not more than 1.5 metres in height that is of post and wire construction with gaps in the wire large enough to enable the movement of indigenous fauna.

**Vegetation**

A permit is not required to remove, destroy or lop any vegetation that is:

- within 2 metres of the outer edge of the roof of a building or overhangs this area.

- not indigenous to the Aireys Inlet to Eastern View area.

- dead, unless it is a tree containing a hollow.

### 4.0 Application requirements

None specified.

### 5.0 Decision guidelines

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

- The extent to which the footprints of buildings and hard surface areas:

  - Avoid or minimises (where removal is unavoidable) the removal of indigenous vegetation.

  - Maintain sufficient width of open space around buildings that enables the viable establishment and preservation of vegetation and wildlife corridors with sufficient setback from dwellings to reduce fire hazard.

- Whether vegetation has been used as a primary means of achieving privacy.

- Whether the use of solid boundary fencing has been avoided where possible.
Where mesh fencing has been used to confine domestic animals within a portion of the site, whether adequate area remains on the property to enable the continued passage of indigenous fauna.

The need for a geo-technical report prepared by a suitably qualified professional, where a site has a slope exceeding 25%, where the site appears to be unstable or has a history of landslip addressing where relevant:
- Potential for erosion, susceptibility to landslip or other land degradation.
- The need to stabilise disturbed areas by engineering works or by re-vegetation.

Whether site disturbance resulting from excavation and/or fill would pose a risk to the health of existing vegetation being retained, or reduces the potential for future planting of vegetation.

Whether indigenous vegetation to be removed will be compensated by the provision of at least 3 new indigenous trees and five new indigenous shrubs using species listed in the Indigenous Planting Guide (2003) or in the vegetation community list in Table 1 to this schedule.

Whether new planting or compensation planting is adequate to revegetate sites of low vegetation cover.

Any relevant Flora and Fauna Guarantee Action Statements including, No. 141 for the Coastal Moonah Woodland vegetation community and No. 49 for the Rufous Bristlebird.

The means of protecting vegetation during the construction of buildings and works and the on-going management of vegetation post construction.

Whether the species and layout of new plantings are appropriate having regard to the need to minimise fire hazards.

The extent to which subdivisions:
- Minimise the removal of native vegetation, whether for works associated with a subdivision and access to a lot, or for the siting of a future dwelling and access within a lot created by a subdivision. Where sites are totally vegetated the subdivision layout should seek to remove the vegetation on the site with the lowest ecological value (i.e. weeds or vegetation that is degraded)
- Limit vehicular access in multi-dwelling developments to a single crossover to minimise any adverse impact on the vegetated appearance of the street.
- Provide for the placing of reticulated services in common trenches, using internal roads where possible, in order to maximise opportunities for future planting of vegetation within a subdivision.

The need for development plans with an application for subdivision, where the site is vacant and contains a medium to high cover of native vegetation.

Table 1 to Schedule 5 to Clause 42.01 - Vegetation Community list
Replantings should replace the same species of indigenous vegetation being removed and should represent the relevant vegetation community.

<table>
<thead>
<tr>
<th>Vegetation Community</th>
<th>Area found</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mixed Eucalypt Woodland</td>
<td>Covers most of the private land between Aireys Inlet to Eastern View except the land abutting the coastal reserve</td>
</tr>
<tr>
<td>Open woodland. Dominant species include:</td>
<td></td>
</tr>
<tr>
<td>Messmate</td>
<td></td>
</tr>
<tr>
<td>Ironbark</td>
<td></td>
</tr>
<tr>
<td>Stringybark</td>
<td></td>
</tr>
<tr>
<td>Manna Gum</td>
<td></td>
</tr>
<tr>
<td>Vegetation Community</td>
<td>Area found</td>
</tr>
<tr>
<td>----------------------</td>
<td>------------</td>
</tr>
<tr>
<td>Swamp Gum</td>
<td></td>
</tr>
<tr>
<td>Narrow Leaf Peppermint</td>
<td></td>
</tr>
<tr>
<td>Blackwood</td>
<td></td>
</tr>
<tr>
<td>Narrow-leaf Wattle</td>
<td></td>
</tr>
<tr>
<td>Golden Wattle</td>
<td></td>
</tr>
<tr>
<td>Sweet Bursaria</td>
<td></td>
</tr>
<tr>
<td>Silver Banksia</td>
<td></td>
</tr>
<tr>
<td>Prickly tea-tree</td>
<td></td>
</tr>
<tr>
<td>Understorey of small heathland shrubs with Austral Grass Tree, grasses, sedges &amp; herbaceous species. (EVC 48 “Heathy Woodland”, EVC 21 “Shrubby Dry Forest”, EVC 16 “Lowland Forest” and EVC 3 “Dampsands Herbrich Woodland”)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Freshwater Wetland</th>
<th>Confined to the Allen Noble Sanctuary at Great Ocean Road/Inlet Crescent</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Coastal Moonah Woodland</th>
<th>Distribution confined to the coastal fringe at Aireys Inlet along Eagle Rock Pde North.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open to closed woodland or shrubland. Dominant species include:</td>
<td></td>
</tr>
<tr>
<td>Moonah Drooping</td>
<td></td>
</tr>
<tr>
<td>Sheoke</td>
<td></td>
</tr>
<tr>
<td>Boobialla</td>
<td></td>
</tr>
<tr>
<td>Coast Rice-flower</td>
<td></td>
</tr>
<tr>
<td>Understorey consists of succulent shrubs and climbers such as:</td>
<td></td>
</tr>
<tr>
<td>Sea-berry Saltbush</td>
<td></td>
</tr>
<tr>
<td>Bower Spinach</td>
<td></td>
</tr>
<tr>
<td>Moss beds</td>
<td></td>
</tr>
<tr>
<td>(EVC 161 “Coastal Headland Scrub”)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Vegetation Community</th>
<th>Area found</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coastal Complex</td>
<td>Located in the coastal reserve and coastal cliffs and adjacent private land</td>
</tr>
<tr>
<td>Mosaic of open to closed shrubland, woodland, grassland and heathland. Dominant species include:</td>
<td></td>
</tr>
<tr>
<td>Moonah</td>
<td></td>
</tr>
<tr>
<td>Drooping Sheoke</td>
<td></td>
</tr>
<tr>
<td>Common Boobialla</td>
<td></td>
</tr>
<tr>
<td>Coast Pomaderris</td>
<td></td>
</tr>
<tr>
<td>Coast Beard-heath</td>
<td></td>
</tr>
<tr>
<td>Coast Tussock-grass</td>
<td></td>
</tr>
<tr>
<td>Seaberry Saltbush</td>
<td></td>
</tr>
<tr>
<td>Bower Spinach</td>
<td></td>
</tr>
<tr>
<td>(EVC 1 “Coastal Dune Scrub”)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Coastal Dune Shrubland</th>
<th>Located in the coastal reserve from the mouth of the Painkalac Creek west to Fairhaven and adjacent private land.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open to closed shrubland giving way to prostrate herbs and grasses on the coastal fringe. Dominant species include:</td>
<td></td>
</tr>
<tr>
<td>Moonah</td>
<td></td>
</tr>
<tr>
<td>Vegetation Community</td>
<td>Area found</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>------------------------------------------------</td>
</tr>
<tr>
<td>Coast Daisy-bush</td>
<td>Confined to the tidal flats of Painkalac Creek.</td>
</tr>
<tr>
<td>Coast Rice Flower</td>
<td></td>
</tr>
<tr>
<td>Coast Beard-heath</td>
<td></td>
</tr>
<tr>
<td>Coast Sword-sedge</td>
<td></td>
</tr>
<tr>
<td>Coast Tussock-grass</td>
<td></td>
</tr>
<tr>
<td>Coast Pig-face</td>
<td></td>
</tr>
<tr>
<td>Cushion Bush</td>
<td>(EVC 1 &quot;Coastal Dune Scrub&quot;)</td>
</tr>
</tbody>
</table>

**Coastal Tussock Grassland**

Complex of Tussock Grassland dominated by:
- Coast Tussock Grass
- Chaffy Saw-sedge
- Sea Rush
- Saline herbfield dominated by Beaded Glasswort, Creeping Brookweed, Salt Lawrencia.

Vegetation gives way to tidally inundated mudflats at Painkalac Creek.
(EVC 163 "Coastal Tussock Grassland"

Map 1 to the Schedule to Clause 42.01 - Endangered Species Map
VEGETATION PROTECTION OVERLAY

Shown on the planning scheme map as VPO with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To protect areas of significant vegetation.
To ensure that development minimises loss of vegetation.
To preserve existing trees and other vegetation.
To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.
To maintain and enhance habitat and habitat corridors for indigenous fauna.
To encourage the regeneration of native vegetation.

Vegetation significance and objectives

A schedule to this overlay must contain:

- A statement of the nature and significance of the vegetation to be protected.
- The vegetation protection objectives to be achieved.

Permit requirement

A permit is required to remove, destroy or lop any vegetation specified in a schedule to this overlay.
This does not apply:

- If the table to Clause 42.02-3 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>Remove, destroy or lop one tree.</td>
<td>Clause 59.06</td>
</tr>
</tbody>
</table>

Table of exemptions

The requirement to obtain a permit does not apply to:

**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;
The requirement to obtain a permit does not apply to:

- 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 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 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.

<table>
<thead>
<tr>
<th>Geothermal energy exploration and extraction</th>
<th>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>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.</td>
</tr>
<tr>
<td>Land management and directions notice</td>
<td>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>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 | 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. |
| Noxious weeds | 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). |
| Pest animal burrows | 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. |
The requirement to obtain a permit does not apply to:

<table>
<thead>
<tr>
<th>Plantation</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<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 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 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 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 costeining 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:  
  - 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 Owners 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 significance of the vegetation to be protected and the vegetation protection objective contained in a schedule to this overlay.
- The effect of the proposed use, building, works or subdivision on the nature and type of vegetation to be protected.
- The role of native vegetation in conserving flora and fauna.
- The need to retain native or other vegetation if it is rare, supports rare species of flora or fauna or forms part of a wildlife corridor.
- The need to retain vegetation which prevents or limits adverse effects on ground water recharge.
- The need to retain vegetation:
  - Where ground slopes exceed 20 percent.
  - Within 30 metres of a waterway or wetland.
  - On land where the soil or subsoil may become unstable if cleared.
  - On land subject to or which may contribute to soil erosion, slippage or salinisation.
  - In areas where the removal, destruction or lopping of vegetation could adversely affect the integrity or long term preservation of an identified site of scientific, nature conservation or cultural significance.
  - Which is of heritage or cultural significance.
- The need to remove, destroy or lop vegetation to create a defendable space to reduce the risk of bushfire to life and property.
- Any relevant permit to remove, destroy or lop vegetation in accordance with a land management plan or works program.
- Whether the application includes a land management plan or works program.
- Whether provision is made or is to be made to establish and maintain vegetation elsewhere on the land.
- Any other matters specified in a schedule to this overlay.
SCHEDULE 1 TO THE VEGETATION PROTECTION OVERLAY

Shown on the planning scheme map as VPO1

SIGNIFICANT NATIVE VEGETATION

1.0

Statement of nature and significance of vegetation to be protected

Areas identified in this scheme are considered significant because one or more of the following apply:

- The vegetation comprises important biodiversity links and corridors between large public land blocks of forest.
- The vegetation forms a link between a major block of vegetation and smaller remnant areas.
- The areas consolidate remnant corridors along streams.
- Areas are considered to be of high conservation significance containing diverse flora and fauna and/or threatened species or communities.
- Areas are representative of a depleted vegetation type in the region or State.

Vegetation to be protected includes native trees, understorey vegetation, heath and grasses.

2.0

Vegetation protection objective to be achieved

To protect and ensure the long term future of significant native vegetation.
To ensure development and use does not impact on significant native vegetation.
To encourage regeneration of significant native vegetation.
To promote the use of locally indigenous plants for regeneration and revegetation.
To ensure siting and design of development and works maintains the physical and biological integrity of the natural system.

3.0

Permit requirement

A permit is required to remove, destroy or lop native vegetation. This does not apply where:

- The vegetation is on the building side of a vertical line 2 metres from the outer edge of the roof of a building, except where an approved landscape plan or site plan specifies the retention of the vegetation.
- The vegetation is listed as an environmental weed in the incorporated document "Environmental Weeds - Invaders of our Surf Coast, 2nd Edition (2002)".
- The vegetation removal is in accordance with an approved Whole Farm Plan.
- The vegetation removal is within the Alcoa Lease Area and is necessary to undertake any use, works and development allowed under the Mines (Aluminium Agreement) Act 1961 and is consistent with a management plan approved by the Secretary to the Department Sustainability and Environment.

Application requirements

An application to remove vegetation must:

- Indicate:
  - The total extent of native vegetation on the subject land;
  - The total extent of proposed clearing, destruction or lopping;
  - The location of any river, stream, watercourse, wetland or channel on the subject land; and
- If relevant, the location of areas with a slope exceeding 20%.

- Specify the purpose of the proposed clearing.
- Demonstrate that the extent of removal, destruction or lopping of native vegetation has been reduced as much as is reasonable and practicable.
- Specify proposals for revegetation following disturbance, or for restoration of an alternate site, including proposed species and ground stabilisation.
- Include a report on the vegetation and habitat significance of the area and the vegetation to be removed, to the satisfaction of the Responsible Authority.

**Referral of applications**

Applications 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.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider, as appropriate:

- Any comments by the Department Sustainability and Environment (DSE).
- The importance of using indigenous species of local provenance for revegetation.
- The need to retain remnant vegetation and conserve flora and fauna habitats including habitat corridors and biolinks.
- The need to maintain ecological processes and dynamics of the ecosystem in a local context.
- The value of the native vegetation in terms of physical and biological condition, rarity, variety and habitat quality.
- The need to maintain viable examples of vegetation communities.
- The need to maintain habitat corridors and to prevent the fragmentation of habitats and the degradation of native riparian habitats.
- The preservation of and the impact of soils and the need to prevent erosion.
- The purpose for the removal, destruction or lopping of native vegetation.
- The likely effect of removal, destruction or lopping of native vegetation on resident and migratory fauna and the need to retain trees (live and dead) with hollows for habitat value.
- The need to retain the connectivity in a local, regional, state or national context of linear remnants (vegetation along roadsides, unused roads, railway lines, rivers, streams and water channels), habitat corridors and biolinks.
- The need for fencing and off the native vegetation and other land management areas.
- The alternative options for carrying out development on land and the availability of alternative land outside the overlay area.
- The impacts on soil, water, flora, fauna, air and ecosystems.
- Pest plant and animal control.
- The future use of the land and whether it is appropriate to include conditions requiring restoration, regeneration, revegetation or other treatment of any part of the land.
- Whether an agreement under section 173 of the Act is appropriate providing for vegetation protection and/or management on the land.
- The existence or potential use of conservation covenants or other similar controls.
- DSE Action Statements for endangered species and communities and threatening processes.
- The relevant Regional Vegetation Plan and DSE Biodiversity Map.
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.

<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>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>
</tr>
<tr>
<td>- A carport, garage, pergola, verandah, deck, shed or similar structure.</td>
<td>Clause 59.05</td>
</tr>
<tr>
<td>- A rainwater tank.</td>
<td>Clause 59.05</td>
</tr>
<tr>
<td>The buildings and works must be associated with a dwelling.</td>
<td></td>
</tr>
</tbody>
</table>
# Table of exemptions

<table>
<thead>
<tr>
<th>The requirement to obtain a permit does not apply to:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Emergency works</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Fire protection</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Geothermal energy exploration and extraction</strong></td>
</tr>
<tr>
<td><strong>Greenhouse gas sequestration and exploration</strong></td>
</tr>
<tr>
<td><strong>Land management or directions notice</strong></td>
</tr>
<tr>
<td><strong>Land use conditions</strong></td>
</tr>
<tr>
<td><strong>Mineral exploration and extraction</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
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><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 costeering 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).

### 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.

GREAT OCEAN ROAD AND COASTAL ENVIRONS

BELLS BEACH, POINT ADDIS, ANGLESEA, BIG HILL AND LORNE HINTERLAND

1.0 Statement of nature and key elements of landscape

The Victorian south west coast is internationally significant and includes spectacular coastline, untouched landscapes and scenic views of the ocean and vegetated areas from the Great Ocean Road and other coastal locations. Key elements of the landscape are its forests, mountains, valleys and a diversity of coastal landscapes, including the shorelines, rivers and estuaries, rugged cliffs and headlands and long sandy beaches and dunes.

The natural beauty of the coastal environment can be enjoyed from viewing points and viewsheds all along the Great Ocean Road and other scenic areas on the coast and from significant viewing areas within privately owned properties. It is a major tourist asset for the Shire and the State of Victoria. The lifestyle and amenity it offers both permanent and non-permanent residents are key reasons they choose to locate in these areas.

The scenic landscape value of the Bells Beach Surfing Recreation Reserve and surrounds derives from the coming together of the pastoral landscape and the seascape, and from the relative absence of built structures visible within viewsheds. For many, the connection with Bells Beach extends beyond the surf break and includes the environmental, landscape, social and cultural values of the reserve and its hinterland. The landscape creates a sense of space around the reserve observed from the reserve itself, Surf Coast Walk and the approaches to the reserve from Bones Road, Bells Boulevard and Jarosite Road. This internationally significant area must be treated with considerable sensitivity. The special qualities of the area result in constant pressure for subdivision and tourist related uses and development, which conflicts with the preservation of the environmental, cultural and scenic attributes of the area, and with the ambiance and amenity enjoyed by residents and visitors.

The preservation of remnant native vegetation is crucial to the protection of scenic vistas and the maintenance of biodiversity links. Much of the land covered by this schedule contains vegetation of high conservation significance, containing diverse, and in some cases threatened, flora and fauna.

The purpose of this overlay is to ensure that future development does not compromise the quality of these assets and to maintain and protect significant viewsheds and remnant vegetation and habitats.

2.0 Landscape character objective to be achieved

To preserve and enhance the scenic landscape values and environmental qualities within viewsheds of the Great Ocean Road, Bells Beach and coastal environs by:

- ensuring that the appearance of a forested, heathland landscape is the dominant feature between coastal townships
- encouraging the discreet placement of simple, unobtrusive structures within the hinterland landscape, particularly when viewed from the Great Ocean Road and on the approach to Bells Beach (Jarosite, Addiscot, Bones, Bells Beach Road and Bells Boulevard)
- preserving and enhancing the cultural heritage values of the Bells Beach Surfing Recreation Reserve by protecting the outlook from all roads approaching Bells Beach, traversing through the open rural and bushland landscape of the Bells Beach hinterland
- managing development so that it does not impact on significant vegetation (locally indigenous trees, shrubs, herbs and grasses) shown within Maps 1 - 6 of this schedule
encouraging the siting of development to retain other native trees that may help to soften development when viewed from off-site

managing development of properties visible from the Great Ocean Road and within the Bells Beach hinterland to ensure the scenic and landscape values of the area remain the prominent feature

minimising the visual impact of development having regard to building size, height, bulk, siting and external materials and colours.

Permit requirement

Buildings and works
A permit is required to construct a fence, except where:

- The fence is of timber post and wire construction; and
- The fence is not more than 1.5 metres in height.

Vegetation
A permit is required to remove, destroy or lop native vegetation except where:

- The vegetation is dead.
- The vegetation is on the building side of a vertical line 3 metres from the outer edge of the roof of an existing or approved building.
- The vegetation is listed as an environmental weed in the incorporated document “Weeds of the Surf Coast Shire (2014)”. 

Decision guidelines
Before deciding on an application, in addition to the decision guidelines in Clause 42.03, the responsible authority must consider, as appropriate:

Visual prominence
If the proposed development is ‘visually recessive’, ‘visually apparent’ or visually dominant’ within the landscape.

- A development is ‘visually recessive’ when the following siting and design principles are followed; sits below the existing tree canopy, is modest in size and height (predominantly single storey) so that the surrounding landscape dominates the structure, is tucked into a hill side or utilises a stand of trees as a backdrop, maximises landscaping and has minimal hard surface areas, constructed in natural materials and colours (stone and/or timber), is located below a ridge line and is setback far enough from the street or public vantage point so that it is hardly visible from beyond the site.

- A development that is ‘visually apparent’ is sited and designed similar to a ‘visually recessive’ building but doesn’t apply one or more of the above mentioned principles so that it is visually more apparent when viewed from beyond the site.

- A visually dominant development will include opposing attributes to a ‘visually recessive’ building and will be highly visible within the landscape.

- All development must be ‘visually recessive’ within the Bells Beach viewshed.

- All development should be visually recessive’ but may be ‘visually apparent’ within the viewshed of the Great Ocean Road.

Whether the visibility of a building or works can be reduced by siting in an alternative location (refer Map 1 to this schedule) and/or through the planting of vegetation.
Building height, design and siting

- Whether the proposed building height is: single storey in locations highly visible within the Bells Beach hinterland, shown as very high – critical in Map 1 to this schedule.

- Whether a building height less than 7.5 metres from ngl (in areas other than the Bells Beach view shed) is required in order to ensure development is visually recessive or apparent as appropriate.

- Whether a building height greater than 7.5 metres from natural ground level on steeply sloping land is reasonable and will not add to the prominence and visibility of the building from beyond the site.

- Whether ridge tops or locations of high visibility (shown in Map 1 to this schedule) are kept free of bulky development to prevent silhouettes against the sky.

- Whether buildings follow the contours of the land and are stepped down the site to reduce the visual prominence.

- Whether buildings are separated into different elements, retaining maximum space between buildings for vegetation in visually prominent sites to minimise their visual impact.

- Whether the scale, setbacks, design, siting and overall form of the development does not visually contrast with the surrounding landscape features, and interrupt or block key views from significant public observation points.

- Whether the design and siting of proposed buildings and works would retain remnant vegetation and provide adequate space on site for the planting of new vegetation.

- Whether all materials and colours blend with the natural bush environment and minimise the visual impact and glare of the roof when viewed from beyond the site.

Fencing

- Whether proposed fencing complements the coastal hinterland character, using solid fencing sparingly.

Recreational structures

- Whether private recreational structures, such as tennis courts and swimming pools, have been sited in cleared areas to ensure minimal or no losses of screening vegetation or vegetation of environmental significance.

Vegetation Removal

- Whether the vegetation removal proposed has taken into consideration:
  - The need to avoid and minimise losses to significant native vegetation shown in Maps 2 – 7.
  - The need to protect vegetation located on ridgelines, along water courses, in areas of environmental or habitat significance, and on land subject to landslip or erosion.
  - The need to protect vegetation in a prominent location which makes an important contribution to the landscape character.
  - The need to protect vegetation that will screen or soften the appearance of existing or proposed buildings when viewed from the Great Ocean Road, Bells Beach hinterland or other significant public viewing points.
  - The need to provide sufficient open space for the viable preservation of existing trees and the establishment of replacement trees.

- Scenic Landscapes and Environmental Assets (Clause 22).
- Rural Tenement Policy (Clause 22).
- Streetscape and Landscaping Policy (Clause 22).
- Great Ocean Road Landscape Assessment Study and Great Ocean Road Region Study
- Victorian Coastal Strategy
- Biodiversity Mapping Project 2014

Map 1: Bells Beach viewshed locations, low - critical
Significant vegetation and habitat maps (green)

Map 2: Bells Beach hinterland
Map 3: Point Addis
Map 4: Anglesea hinterland
Map 5: Big Hill – Spout Creek
Map 6: North of Lorne
Map 7: South of Lorne – Cumberland River
SCHEDULE 3 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO3.

ANGLESEA

1.0  
Statement of nature and key elements of landscape

The coastal township of Anglesea is nestled in a coastal woodland and heathland environment, fronting the ocean and surrounded by Crown Land on three sides, with the Anglesea River providing a dominant focus through the middle of the town. Key elements of the landscape include:

- The significant cover of indigenous vegetation, dominated by Messmate Stringybark (*Eucalyptus obliqua*) with scattered occurrences of other gums including Manna Gum (*Eucalyptus viminalis*), Swamp Gum (*Eucalyptus ovata*) and Narrow-leaf Peppermint (*Eucalyptus radiata*).

- Isolated areas of Coastal Moonah Woodland in Point Roadknight and around the Anglesea River which is listed as threatened under the *Flora and Fauna Guarantee Act 1988*.

- Nationally significant heathlands to the east and west of the town, and a number of nature reserves of moderate to high conservation significance throughout the town.

- The Anglesea River estuary and opening to the ocean beach, with its long sandy beaches, cliff faces and protected bays, including Point Roadknight.

- Public viewing points in and around the town, which provide spectacular views of the natural landscape features, including the ocean, cliff tops, Point Roadknight, Anglesea River, and the natural bush and heathland surrounding the town.

2.0  
Landscape character objective to be achieved

- To reinforce a landscape character that comprises:
  - A low scale, non-suburban residential environment dominated by native vegetation, where the built form is visually recessive in the landscape and contained in a bushland setting.
  - Viewsheds of natural landscapes including the ocean, cliff tops, Point Roadknight, Anglesea River, and the natural bush and heathland surrounding the town.

- To protect and enhance the native indigenous vegetation cover, and protect the flora and fauna values of local nature reserves and surrounding public lands from the effects of urban development.

3.0  
Permit requirement

A permit is not required to construct a building or construct or carry out works.

A permit is required to remove, destroy or lop native vegetation. This does not apply to native vegetation that is:

- Dead;

- Less than 2 metres in height and is not a species of Grass Tree (*Xanthorrhoea*); 

- On the building side of a vertical line 2 metres from the outer edge of the roof of an existing or approved building; or


Application Requirements

An application to remove, destroy or lop native vegetation must be accompanied by the following information, as appropriate:
A site plan (drawn to scale) showing the boundaries of the site, existing and proposed buildings and works, existing native vegetation and the native vegetation to be removed.

A report that details:
- The species, size, condition and, if possible, the Ecological Vegetation Class of all native vegetation on site that is to be removed and retained.
- The expected impact of proposed works on native vegetation that is proposed to be retained, and recommended measures to suitably protect trees from damage during the proposed works.
- Recommended means of retaining vegetation as a preference to removal.

A written explanation of the steps that have been taken to:
- Avoid the removal of native vegetation, where possible.
- Minimise the removal of native vegetation.
- Appropriately offset the loss of native vegetation through net gain, where appropriate.

**Decision guidelines**

Before deciding on an application the responsible authority must consider, as appropriate:

- The impact of native vegetation removal on landscape and biodiversity values.
- The quality and condition of the vegetation.
- The capacity to site and design buildings to avoid or minimise the removal of native vegetation.
- The capacity of the site to accommodate offset planting that will be able to be maintained in a healthy condition and that will positively contribute to the landscape character objectives.
- The appropriateness of the species and siting and arrangement of new plantings having regard to the need to minimise risk from bushfire.
SCHEDULE 4 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO4

LORNE RESIDENTIAL AREAS

1.0

Statement of nature and key elements of landscape

Lorne is located on the natural amphitheatre that sweeps around Loutit Bay and is a popular destination on the internationally significant Great Ocean Road. The Great Ocean Road landscape from Lorne to Kennett River is recognised as being of national importance in the Great Ocean Road Region – A Land Use and Transport Strategy, and its associated Great Ocean Road Region Landscape Assessment Study (GORRLAS) 2003. The factors contributing to the significance of the landscape of the Great Ocean Road environs are detailed in the GORRLAS. A significant quality of the special character of Lorne is the tree covered hillsides extending down to the ocean, with built form recessed in the landscape.

The tall indigenous tree canopy is of particular importance to the landscape and is dominated by Messmate (Eucalyptus oblique) and Mountain Grey Gum (E. cypellocarpa). Other species include Manna Gum (E. viminalis), Narrow-leaf Peppermint (E. radiata), Swamp Gum (E. ovata) and the rare Brooker’s Gum (E. brookeriana) and Blue Gum (E. globulus ssp. globulus).

The preservation and reinstatement of native vegetation is crucial to the protection of the landscape, the scenic vistas, the amenity of individual properties and the maintenance of biodiversity links.

2.0

Landscape character objective to be achieved

To maintain and enhance the vegetated landscape quality of significant public vistas, especially as viewed from the Great Ocean Road and the coast.

To conserve, enhance and reinstatethe cover of indigenous vegetation, with particular emphasis on the tall tree canopy.

To maintain and enhance the sense of the built form being visually recessive in the landscape and in a bushland setting, and the amenity this affords individual properties.

Protect and enhance the biodiversity and habitat value of the township environs.

To manage the retention and enhancement of vegetation cover in a manner that avoids increasing wildfire threat.

3.0

Permit requirement

Buildings and works

A permit is not required to construct a building or carry out works.

Vegetation

A permit is required to remove, destroy or lop native vegetation. This does not apply to vegetation that is:

- Dead.
- Less than 3 metres in height and is not shown on an approved landscape plan or site plan specifying its retention.
- Within 2 metres of the outer edge of the roof of a building or overhangs this area.
Application requirements
An application to remove, destroy or lop native vegetation must be accompanied by the following information, as appropriate:

- A site plan (drawn to scale) showing the boundaries of the site, existing and proposed buildings and works, existing native vegetation and the native vegetation to be removed.
- A description of the native vegetation to be removed, including the extent and type of native vegetation, the number and size of any trees to be removed and, if possible, the Ecological Vegetation Class of the native vegetation.
- Topographical information, highlighting ridges, crests and hilltops, streams and waterways, slopes of more than 20 percent, drainage lines, low lying areas, saline discharge areas, and areas of existing erosion.
- A report by a qualified arborist that details:
  - The structure, health and species of native vegetation on site.
  - The expected impact of proposed works on native vegetation that is proposed to be retained in development, and recommended measures to suitably protect trees from damage during the proposed works.
  - Recommended means of retaining vegetation as a preference to removal.
- A written explanation of the steps that have been taken to:
  - Avoid the removal of native vegetation, where possible.
  - Minimise the removal of native vegetation.
  - Appropriately offset the loss of native vegetation through net gain.

Decision guidelines
Before deciding on an application, in addition to the decision guidelines in clause 42.03-3, the responsible authority must consider, as appropriate:

- The cumulative impact of native vegetation removal on landscape values, biodiversity conservation and management.
- The quality and condition of the vegetation.
- The capacity to site and design buildings to avoid or minimise the removal of native vegetation.
- The capacity of the site to accommodate offset planting that will be able to be maintained in a healthy condition and that will positively contribute to the landscape character objectives.
- The appropriateness of the species and layout of new plantings having regard to the need to minimise risk from wildfire.
SCHEDULE 5 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO5

BARWON RIVER ENVIRONS – WINCHELSEA TOWNSHIP

1.0

Statement of nature and key elements of landscape

The Barwon River runs north-south through the township of Winchelsea and is the town’s most significant natural asset in terms of its scenic landscape value and environmental, social and recreational values.

The features that contribute to the landscape value of the Barwon River environs is the sense of open space, vegetation – River Gums and expansive grassed areas – low scale and unobtrusive adjoining development and the focal point of the historic blue stone bridge.

2.0

Landscape character objective to be achieved

To ensure that the development of land adjoining the Barwon River Reserve within the township maintains and enhances the scenic landscape values of the Barwon River, in particular through the retention of native vegetation, by ensuring buildings are low scale and unobtrusive and by maintaining a sense of openness.

3.0

Permit requirement

A permit is not required to construct a building or construct or carry out works where all of the following requirements are met:

- The height of the building is less than 5 metres.
- The building is setback at least 10 metres from a boundary with the Barwon River Reserve.

A permit is required to construct a fence within 10 metres of the boundary with the Barwon River Reserve. This does not apply to a fence that is:

- Of timber post and wire construction; and
- Not more than 1.5 metres in height.

A permit is required to remove, destroy or lop native vegetation. This does not apply to native vegetation that is:

- Dead.
- On the building side of a vertical line 2 metres from the outer edge of the roof of an existing or approved building.

Application requirements

An application to remove, destroy or lop native vegetation must be accompanied by the following information, as appropriate:

- A site plan (drawn to scale) showing the boundaries of the site, existing and proposed buildings and works, existing native vegetation and the native vegetation to be removed.
- A landscape plan that shows:
  - The species, size, condition and, if possible, the Ecological Vegetation Class of all native vegetation on site that is to be removed and retained.
The expected impact of proposed works on native vegetation that is proposed to be retained, and recommended measures to suitably protect trees from damage during the proposed works.

Recommended means of retaining vegetation as a preference to removal.


A report by a qualified arborist that details the structural health and species of the native vegetation.

- Topographical information, highlighting ridges, crests and hilltops, streams and waterways, slopes of more than 20 percent, drainage lines, low lying areas, saline discharge areas, and areas of existing erosion.

- A written explanation of the steps that have been taken to:
  - Avoid the removal of native vegetation, where possible.
  - Minimise the removal of native vegetation.
  - Appropriately offset the loss of native vegetation.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 42.03-4, the responsible authority must consider, as appropriate:

- The need to protect and enhance the scenic landscape values of the Barwon River environs.
- The need to maintain the sense of low scale and unobtrusive development alongside the Barwon River.
- Whether the proposed development could reasonably be located on land outside of this overlay.
- Whether development can be located and designed to avoid the removal of native vegetation.
- Whether development is located and designed to minimise the removal of native vegetation.
- The need to offset the loss of native vegetation.
- The preservation of and impact on the natural environment or landscape values, biodiversity conservation and management.
- The conservation significance and status of the native vegetation.
- The quality and condition of the vegetation.
SCHEDULE 6 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO6

CENTRAL TORQUAY AND JAN JUC RESIDENTIAL AREAS

1.0

Statement of nature and key elements of landscape

Vegetation is a key element of neighbourhood character in the coastal townships of Torquay and Jan Juc. The vegetation helps to screen the appearance of buildings from the street and neighbouring properties and reinforces the casual coastal character of the towns. Bellarine Yellow Gums (Eucalyptus leucoxylon subsp. bellarinensis) and Moonah (Melaleuca lanceolata subsp. lanceolata) are very important indigenous species listed under the Flora and Fauna Guarantee Act 1988 and, along with other indigenous species, are also a link to the pre-settlement landscape. Whilst indigenous species are particularly significant, all mature trees and shrubs (except for environmental weeds) play an important role in defining the coastal character of Torquay and Jan Juc and hence are to be protected.

2.0

Landscape character objective to be achieved

To reinforce a landscape character that comprises:

- A moderate tree canopy supported by understorey shrubs, with emphasis on indigenous vegetation.
- An open vegetated streetscape where the vegetation acts to filter and soften the appearance of buildings and hard surface areas.

3.0

Permit requirement

A permit is not required to construct a building or carry out works.

A permit is required to remove, destroy or lop any Bellarine Yellow Gum (Eucalyptus leucoxylon subsp. bellarinensis) or Moonah (Melaleuca lanceolata subsp. lanceolata), any exotic tree greater than 5 metres in height or native vegetation greater than 3 metres in height. This does not apply:

- If the vegetation is dead.
- If the vegetation is within 2 metres of the outer edge of the roof of a building or overhangs this area.
- To the reasonable trimming of vegetation for the purpose of maintaining its on-going health and proportion within the garden landscape.

Application requirements

An application to remove, destroy or lop vegetation must be accompanied by a report that:

- Includes a site plan (drawn to scale) showing the boundaries of the site, existing and proposed buildings and works, existing vegetation and the vegetation to be removed.
- Describes the vegetation to be removed, including the extent and type of vegetation, and the number and size of any trees to be removed.
- Specifies the purpose of the proposed removal, destruction or lopping of vegetation.
- Demonstrates that the extent of removal, destruction or lopping has been reduced as much as is reasonable and practicable.
- Where applicable, details measures to protect vegetation during construction of buildings and works and identifies on-going management requirements of vegetation post construction.
- Specifies proposals for revegetation following disturbance, including proposed species and ground stabilisation.

### Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- Whether the vegetation to be removed is identified in the report ‘Bellarine Yellow Gums in the Surf Coast Shire’, Mark Trengove (2001)

- Whether the vegetation to be removed is of the species Bellarine Yellow Gum (*Eucalyptus leucoxylon subsp. bellarinensis*) or Moonah (*Melaleuca lanceolata subsp. lanceolata*).

- Whether the removal, lopping and/or destruction of Bellarine Yellow Gum (*Eucalyptus leucoxylon subsp. bellarinensis*) or Moonah (*Melaleuca lanceolata subsp. lanceolata*) can be avoided.

- Whether the removal, lopping and/or destruction of vegetation that contributes to the screening of development from property boundaries has been avoided.

- Whether replacement planting and/or the revegetation of sparsely vegetated sites with predominantly indigenous and native plants are needed to provide effective filtering of development from property boundaries.

- Whether the lopping or removal of vegetation would substantially improve the passive or active solar performance of the dwelling on the site or neighbouring property.

- The type, significance and condition of vegetation to be removed and/or retained.

- The capacity of the site to accommodate offset planting that will be able to be maintained in a healthy condition and that will positively contribute to the landscape character objectives.

- Whether protective measures are needed to prevent disturbance of vegetation associated with building construction activities.

- Any written comments from the Department of Sustainability and Environment for applications to remove, lop and/or destroy Bellarine Yellow Gum (*Eucalyptus leucoxylon subsp. bellarinensis*) and/or Moonah (*Melaleuca lanceolata subsp. lanceolata*).
SCHEDULE 7 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO7.

BELLBRAE TOWNSHIP

1.0

Statement of nature and key elements of landscape

The village of Bellbrae is located on a north facing hillside that sits within an enclosed valley landform. The undulating topography together with a significant cover of Eucalyptus sp provides a sense of enclosure with panoramic views available when entering the town from the north and from various view points within the town itself.

The town includes numerous historic buildings which reinforces the towns ‘historic’ character. The sporadic cover of vegetation both within the township, along the Spring Creek and on the encircling hills provides a filtering effect to the built form giving the overall appearance that the village is ‘nestled’ within a canopy of native and exotic trees.

The town is contained around School Road with a sprinkling of discreet houses visible on the north facing hills. There are a limited number of vacant blocks remaining in the vicinity of Moores Road and the future development of these sites could be highly prominent from the town and from the Anglesea Road. It will be important to ensure that new development in this area is respectful of the landscape, historic and rural setting and does not detract from School Road as the village core.

2.0

Landscape character objective to be achieved

To protect the open rural landscape setting of the northern entry into the town and to reinforce School Road as the village core.

To ensure development north of the settlement boundary is sited and designed to ‘nestle’ into the landscape, incorporating elements reflective of the rural/historic setting.

To enhance the vegetated appearance of the northern entry to the town.

3.0

Permit requirement

A permit is required to remove, destroy or lop native vegetation. This does not apply to vegetation that:

- Is dead.
- Is located within 3 metres of a building.
- Will be less than 2 metres in height at maturity and is not shown on an approved landscape plan or site plan specifying its retention.

4.0

Application requirements

An application for buildings and works should be accompanied by the following information, as appropriate:

- A site plan (drawn to scale) showing the boundaries of the site, existing and proposed buildings and works, and existing vegetation.
- Details of the type and colour of all external building materials.
- A landscape plan that shows the planting of primarily indigenous canopy trees that will assist in softening the buildings within the landscape.
- Topographical information that shows:
- Ridges, crests, hilltops
- Low lying areas, and
- Slopes of more than 20 percent.

An application for vegetation removal should be accompanied by:

- A description of the vegetation to be removed, including the height, botanical and/or common name of the vegetation.
- A vegetation offset plan that includes primarily indigenous trees.

### Decision guidelines

Before deciding on an application the responsible authority must consider, as appropriate, whether:

- The identification of School Road as the town’s centre can be maintained, through:
  - The siting of new buildings away from visually prominent landscapes by availing of the undulating land form or,
  - Through minimising building bulk and height where a building cannot be integrated into the landscape.

- The rural/historic setting of the town’s northern entry has been enhanced through:
  - The siting and design of buildings to avoid or minimise the removal of large shrubs and trees.
  - The introduction of new native, or limited exotic, shrubs and trees that will soften the visual appearance of a building within the landscape and enhance the historic bush/character of the town’s entry.
  - Incorporating rural/historic features into the design such as soft colours, gabled roofes and verandahs.
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>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>Clause 59.07</td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
<td></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></td>
</tr>
<tr>
<td>- 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.</td>
<td></td>
</tr>
</tbody>
</table>
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.
43.01-5 11/04/2019 VC156

**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*.

43.01-6 31/07/2018 VC148

**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.

43.01-7 31/07/2018 VC148

**Application requirements**

An application must be accompanied by any information specified in the schedule to this overlay.

43.01-8 04/10/2018 VC149

**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 alteration controls apply?</th>
<th>Tree controls apply?</th>
<th>Outbuildings or fences not exempt under Clause 43.01-4</th>
<th>Included on the Victorian Heritage Register under the Heritage Act 2017?</th>
<th>Prohibited uses permitted?</th>
<th>Name of Incorporated Plan under Clause 43.01-2</th>
<th>Aboriginal heritage place?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surf Coast Shire</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO163</td>
<td>Great Ocean Road</td>
<td>_</td>
<td>_</td>
<td>_</td>
<td>yes Ref H2261</td>
<td>yes</td>
<td></td>
<td></td>
<td>no</td>
</tr>
<tr>
<td></td>
<td>Great Ocean Road between Torquay and Allansford, Surf Coast Shire</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>The heritage place includes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Part HO68 Graves of Lindsay Children (Splitters Graves) and</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Part HO77 Mountjoy Parade Heritage Area</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aireys Inlet</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO91</td>
<td>Angahook Bark Hut. 10 Inlet Crescent, Aireys Inlet.</td>
<td>yes</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>yes Ref H2270</td>
<td></td>
<td>no</td>
</tr>
<tr>
<td>HO1</td>
<td>Split Point Lightstation Complex. 24 Federal Street and 7-13 Federal Street,</td>
<td>_</td>
<td>_</td>
<td>_</td>
<td>yes Ref H2270</td>
<td>yes</td>
<td></td>
<td></td>
<td>no</td>
</tr>
<tr>
<td></td>
<td>Aireys Inlet.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO92</td>
<td>Pearse Cairn. Federal Drive, Aireys Inlet.</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PS map ref</td>
<td>Heritage place</td>
<td>External paint controls apply?</td>
<td>Internal alteration controls apply?</td>
<td>Tree controls apply?</td>
<td>Outbuildings or fences not exempt under Clause 43.01-4</td>
<td>Included on the Victorian Heritage Register under the Heritage Act 2017?</td>
<td>Prohibited uses permitted?</td>
<td>Name of Incorporated Plan under Clause 43.01-2</td>
<td>Aboriginal heritage place?</td>
</tr>
<tr>
<td>------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>---------------------------------</td>
<td>-------------------------------------</td>
<td>----------------------</td>
<td>--------------------------------------------------------</td>
<td>-------------------------------------------------------------------</td>
<td>-----------------------------</td>
<td>-------------------------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>Anglesea</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO93</td>
<td>Regatta Boat Shed &amp; adjacent Race Organiser’s Stand. Great Ocean Road, Anglesea.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>HO94</td>
<td>Angahook General Store, 119 Great Ocean Road, Anglesea.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>_</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>HO95</td>
<td>‘Children’s Joy’. 129 Great Ocean Road, Anglesea.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>_</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>HO96</td>
<td>“Rivernook”, 131 Great Ocean Road, Anglesea.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>HO98</td>
<td>&quot;Lorna Larme&quot; 45 Harvey Street, Anglesea.</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>boundary cypress hedge only</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>HO99</td>
<td>“Ben Nevis” 69 Harvey Street, Anglesea.</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>trees greater than 3 metres in height.</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>HO100</td>
<td>Anglesea Memorial Hall 1 McMillan Street, Anglesea.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>HO101</td>
<td>Rangi Marie 5 McMillan Street, Anglesea.</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>no</td>
<td>_</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>HO102</td>
<td>Blink Bonnie 39-43 Parker Street, Anglesea.</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>no</td>
<td>_</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>HO103</td>
<td>Boat sheds (3) River Reserve Road, Anglesea.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>PS map ref</td>
<td>Heritage place</td>
<td>External paint controls apply?</td>
<td>Internal alteration controls apply?</td>
<td>Tree controls apply?</td>
<td>Outbuildings or fences not exempt under Clause 43.01-4</td>
<td>Included on the Victorian Heritage Register under the Heritage Act 2017?</td>
<td>Prohibited uses permitted?</td>
<td>Name of Incorporated Plan under Clause 43.01-2</td>
<td>Aboriginal heritage place?</td>
</tr>
<tr>
<td>------------</td>
<td>----------------</td>
<td>-------------------------------</td>
<td>-------------------------------------</td>
<td>----------------------</td>
<td>---------------------------------------------------</td>
<td>------------------------------------------------------------------</td>
<td>-----------------------------</td>
<td>---------------------------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>HO104</td>
<td>Carinya 1 Tonge Street, Anglesea.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td><strong>Barrabool</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO7</td>
<td>“Ballancea” homestead including interior. 250 Ballancea Road, Barrabool.</td>
<td>yes</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO13</td>
<td>“Tasman” homestead. 755 Barrabool Rd, Barrabool.</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO14</td>
<td>Wescott’s Stable. 850 Barrabool Rd, Barrabool.</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO9</td>
<td>“Foymount” homestead. 960 Barrabool Rd, Barrabool.</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO3</td>
<td>Barrabool Uniting (formerly Presbyterian) Church including former Manse and mature garden setting specifically Cupressus macrocarpa (Monterey Cypress) hedges, and Pinus Radiata (Radiata Pine), Lagunaria Patersonia (Norfolk Island Hibiscus), Araucaria heterophylla (Norfolk Island Pine), Fraxinus oxycarpa (Golden Ash) and Cupressus sp. trees. 1135 Barrabool Rd (cnr Andersons Rd), Barrabool.</td>
<td>yes - Church and former Manse.</td>
<td>yes - Church.</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO8</td>
<td>“Berramongo” homestead including interior. 100 Crooks Road, Barrabool.</td>
<td>no</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO12</td>
<td>“Stanbury” Barn including interior. 130 Devon Rd, Barrabool.</td>
<td>yes</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>PS map ref</td>
<td>Heritage place</td>
<td>External paint controls apply?</td>
<td>Internal alteration controls apply?</td>
<td>Tree controls apply?</td>
<td>Outbuildings or fences not exempt under Clause 43.01-4</td>
<td>Included on the Victorian Heritage Register under the Heritage Act 2017?</td>
<td>Prohibited uses permitted?</td>
<td>Name of Incorporated Plan under Clause 43.01-2</td>
<td>Aboriginal heritage place?</td>
</tr>
<tr>
<td>------------</td>
<td>----------------</td>
<td>--------------------------------</td>
<td>-------------------------------------</td>
<td>----------------------</td>
<td>-------------------------------------------------------</td>
<td>----------------------------------------------------------------</td>
<td>---------------------------</td>
<td>-----------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>HO10</td>
<td>“Merrawarp” homestead including interior. 50 Honeys Road, Barrabool.</td>
<td>yes</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO4</td>
<td>Former Holy Trinity Anglican Church School. 400 Merrawarp Rd, Barrabool.</td>
<td>_</td>
<td>_</td>
<td>_</td>
<td>_</td>
<td>yes Ref No H889</td>
<td>yes</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO5</td>
<td>Holy Trinity Anglican Church and Vicarage. 410 Merrawarp Rd, Barrabool.</td>
<td>_</td>
<td>_</td>
<td>_</td>
<td>_</td>
<td>yes Ref No H888</td>
<td>yes</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO11</td>
<td>“Neuchatel” 460 Merrawarp Rd (Cnr. Barrabool Road), Barrabool.</td>
<td>_</td>
<td>_</td>
<td>_</td>
<td>_</td>
<td>yes Ref No H773</td>
<td>yes</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td><strong>Bellbrae</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO6</td>
<td>Bellbrae Cemetery Monumental Masonry. 65 School Rd, Bellbrae.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td><strong>Bells Beach</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO88</td>
<td>Bells Beach Surfing Recreation Reserve Coastal Reserve, Bells Beach</td>
<td>_</td>
<td>_</td>
<td>_</td>
<td>_</td>
<td>yes Ref No. H2032</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO105</td>
<td>Addiscot Homestead 140 Bells Road, Bells Beach.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td><strong>Benwerrin</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO36</td>
<td>Babington Sawmill Settlement, including sawmill complex and derelict cottage. 215 Benwerrin-Mount Sabine Road, Benwerrin</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>PS map ref</td>
<td>Heritage place</td>
<td>External paint controls apply?</td>
<td>Internal alteration controls apply?</td>
<td>Tree controls apply?</td>
<td>Outbuildings or fences not exempt under Clause 43.01-4</td>
<td>Included on the Victorian Heritage Register under the Heritage Act 2017?</td>
<td>Prohibited uses permitted?</td>
<td>Name of Incorporated Plan under Clause 43.01-2</td>
<td>Aboriginal heritage place?</td>
</tr>
<tr>
<td>-----------</td>
<td>----------------</td>
<td>--------------------------------</td>
<td>------------------------------------</td>
<td>----------------------</td>
<td>------------------------------------------------------</td>
<td>-------------------------------------------------</td>
<td>-----------------------------</td>
<td>--------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>HO37</td>
<td>House 630 Benwerrin-Mount Sabine Road, Benwerrin.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO38</td>
<td>Wanliss Nut farm Opposite 915 Erskine Falls Road, Benwerrin.</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>Wanliss Nut farm Incorporated Plan. June 2006</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td><strong>Big Hill</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO39</td>
<td>East Point (Edna Walling Property), including remnant fabric and archaeological evidence of the Walling cottage, the rock walls, steps, chimney stacks/fireplaces and garden remnants. 1060 Great Ocean Road, Big Hill.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td><strong>Buckley</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO106</td>
<td>Former Laketown School 1600 Princes Highway, Buckley.</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td><strong>Deans Marsh</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO40</td>
<td>Bridge Part Government Road, (adjacent 1200 Birregurra-Deans Marsh Road) Deans Marsh. The heritage place is the bridge and all land within 20 metres of each side of the bridge.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO41</td>
<td>Howard's Carrying Depot, including the brick building, nissen hut, petrol pump and gate. 1390 Birregurra-Deans Marsh Road, Deans Marsh</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>PS map ref</td>
<td>Heritage place</td>
<td>External paint controls apply?</td>
<td>Internal alteration controls apply?</td>
<td>Tree controls apply?</td>
<td>Outbuildings or fences not exempt under Clause 43.01-4</td>
<td>Included on the Victorian Heritage Register under the Heritage Act 2017?</td>
<td>Prohibited uses permitted?</td>
<td>Name of Incorporated Plan under Clause 43.01-2</td>
<td>Aboriginal heritage place?</td>
</tr>
<tr>
<td>------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>-------------------------------</td>
<td>------------------------------------</td>
<td>----------------------</td>
<td>------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
<td>-----------------------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>HO42</td>
<td>Lawrence Cottage 1409 Birregurra Deans Marsh Road, Deans Marsh</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>HO43</td>
<td>Deans Marsh Uniting (formerly Methodist) Church and hall. 22 Deans Marsh-Lorne Road &amp; Pennyroyal Valley Road (Cnr), Deans Marsh</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>HO44</td>
<td>Deans Marsh Primary School (State School No. 1642) and Marjorie Lawrence (eucalypt) plantation. 30 Deans Marsh – Lorne Road, Deans Marsh</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>Marjorie Lawrence plantation only</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>HO45</td>
<td>St Pauls Anglican Church and hall 40 Deans Marsh-Lorne Road, Deans Marsh</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>HO46</td>
<td>Deans Marsh Public Hall &amp; Recreation Reserve, including the public hall, sports grounds, fibro pavillion, memorial gates and cypress boundary plantation. 6-20 Pennyroyal Valley Road, Deans Marsh</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>HO47</td>
<td>Presbyterian Church (former). 11 Pennyroyal Valley Road, Deans Marsh</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>HO48</td>
<td>Yan Yan Gurt Woolshed., 1910 Winchelsea-Deans Marsh Road, Deans Marsh</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>HO49</td>
<td>Deans Marsh Hotel (former), 2250 Winchelsea-Deans Marsh Road, Deans Marsh</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>PS map ref</td>
<td>Heritage place</td>
<td>External paint controls apply?</td>
<td>Internal alteration controls apply?</td>
<td>Tree controls apply?</td>
<td>Outbuildings or fences not exempt under Clause 43.01-4</td>
<td>Included on the Victorian Heritage Register under the Heritage Act 2017?</td>
<td>Prohibited uses permitted?</td>
<td>Name of Incorporated Plan under Clause 43.01-2</td>
<td>Aboriginal heritage place?</td>
</tr>
<tr>
<td>------------</td>
<td>----------------</td>
<td>-------------------------------</td>
<td>------------------------------------</td>
<td>---------------------</td>
<td>-----------------------------------------------------</td>
<td>---------------------------------------------------------------</td>
<td>---------------------------</td>
<td>-----------------------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>HO50</td>
<td>Mrs McInnes Milk Bar and Boarding House (former). 2255 Winchelsea-Deans Marsh Road, Deans Marsh</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>Freshwater Creek</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO15</td>
<td>St David's Lutheran Church and Cemetery. 905 Anglesea Rd, Freshwater Creek.</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>yes Ref No. H1903</td>
<td>yes</td>
<td></td>
<td>no</td>
</tr>
<tr>
<td>Lorne</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO51</td>
<td>Keverell  16 Armytage Street, Lorne</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO53</td>
<td>Queens Park Caravan Park &amp; Air Spotters Cabin 20 Armytage Street, Lorne</td>
<td>yes</td>
<td>no</td>
<td>yes</td>
<td>yes – two small buildings near front entrance and stone walling associated with terracing</td>
<td>no</td>
<td>no</td>
<td>Queens Park Caravan Park Incorporated Plan. June 2006</td>
<td>no</td>
</tr>
<tr>
<td>HO107</td>
<td>Banuke 6-8 Beale Street, Lorne</td>
<td>no</td>
<td>no</td>
<td>yes – trees greater than 3 metres in height.</td>
<td>yes – timber outbuilding and front fencing.</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO108</td>
<td>Two Former Police Lock Up Buildings 1-7 Charles Street, Lorne. The Heritage Place is the lock up buildings and all land within 1 metre of all sides of the buildings.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>PS map ref</td>
<td>Heritage place</td>
<td>External paint controls apply?</td>
<td>Internal alteration controls apply?</td>
<td>Tree controls apply?</td>
<td>Outbuildings or fences not exempt under Clause 43.01-4</td>
<td>Included on the Victorian Heritage Register under the Heritage Act 2017?</td>
<td>Prohibited uses permitted?</td>
<td>Name of Incorporated Plan under Clause 43.01-2</td>
<td>Aboriginal heritage place?</td>
</tr>
<tr>
<td>------------</td>
<td>-----------------------------------------------------</td>
<td>-------------------------------</td>
<td>-------------------------------------</td>
<td>----------------------</td>
<td>--------------------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>-----------------------------</td>
<td>-----------------------------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>HO109</td>
<td>“Valetta” 3 Fern Avenue, Lorne.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>HO52</td>
<td>Wareen 15 Fern Avenue, Lorne</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>HO54</td>
<td>Log Cabin 76 George Street, Lorne</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>HO56</td>
<td>Cumberland River Picnic Shelter 2680 Great Ocean Road, Lorne</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>HO78</td>
<td>Cumberland River Ford 2680 Great Ocean Road, Lorne</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>HO79</td>
<td>Cumberland River Cypress Tree 2680 Great Ocean Road, Lorne</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>Cumberland River Cypress Tree. Incorporated Plan June 2006</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>HO110</td>
<td>Lorne Public Cemetery 10 Howard Street, Lorne</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>HO57</td>
<td>Toll Gate Cottage 4 Minapre Street, Lorne</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>HO60</td>
<td>Erskine River Shops 2-6 Mountjoy Parade, Lorne</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>HO34</td>
<td>Erskine House 35 Mountjoy Parade, Lorne.</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>yes Ref No. H1812</td>
<td>yes</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>HO111</td>
<td>Lorne War Memorial 51 Mountjoy Parade, Lorne.</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>PS map ref</td>
<td>Heritage place</td>
<td>External paint controls apply?</td>
<td>Internal alteration controls apply?</td>
<td>Tree controls apply?</td>
<td>Outbuildings or fences not exempt under Clause 43.01-4</td>
<td>Included on the Victorian Heritage Register under the Heritage Act 2017?</td>
<td>Prohibited uses permitted?</td>
<td>Name of Incorporated Plan under Clause 43.01-2</td>
<td>Aboriginal heritage place?</td>
</tr>
<tr>
<td>-----------</td>
<td>----------------</td>
<td>-------------------------------</td>
<td>-------------------------------------</td>
<td>---------------------</td>
<td>-------------------------------------------------</td>
<td>--------------------------------------------------------------------</td>
<td>---------------------------</td>
<td>-----------------------------------------------</td>
<td>-----------------------------</td>
</tr>
</tbody>
</table>
| HO61      | Lorne Cinema  
76-80 Mountjoy Parade, Lorne | –                             | –                                   | –                   | –                                               | yes Ref No. H2230                                                   | yes                       | no                                             | no                          |
| HO58      | Cypress Avenue  
Lorne Foreshore, Lorne | no                             | no                                  | yes                 | no                                              | no                                                                 | no                       | Cypress Avenue Lorne Foreshore Incorporated Plan. June 2006 | no                          |
| HO59      | Lorne Swimming Pool and Kiosk  
81 Mountjoy Parade, Lorne | yes                            | no                                  | no                  | no                                              | no                                                                 | no                       | _                                             | no                          |
| HO28      | St Cuthbert's Uniting Church .  
92 Mountjoy Parade, Lorne. | no                             | no                                  | no                  | no                                              | yes                                                                | _                        | no                                             | no                          |
| HO62      | Butchers Shop (former).  
112-112a Mountjoy Parade, Lorne. | yes                            | no                                  | no                  | no                                              | no                                                                 | _                        | no                                             | no                          |
| HO64      | Lorne Hotel  
176-178 Mountjoy Parade, Lorne | yes                            | no                                  | no                  | no                                              | no                                                                 | _                        | no                                             | no                          |
| HO32      | All Saint Anglican Church  
190 Mountjoy Pde, Lorne. | no                             | no                                  | yes – trees greater than 3 metres in height. | yes – front fencing and retaining walls along Mountjoy Parade only. | no                                                                  | yes                      | _                                             | no                          |
| HO29      | Leighwood.  
222 Mountjoy Parade, Lorne. | –                              | –                                   | –                   | –                                               | yes Ref No H604                                                      | yes                      | no                                             | no                          |
| HO30      | Jura.  
242-244 Mountjoy Pde, Lorne. | –                              | –                                   | –                   | –                                               | yes Ref No H822                                                      | yes                      | no                                             | no                          |

The Heritage Place is the war memorial and all land within 2 metres of all sides of the paved base of the memorial.
<table>
<thead>
<tr>
<th>PS map ref</th>
<th>Heritage place</th>
<th>External paint controls apply?</th>
<th>Internal alteration controls apply?</th>
<th>Tree controls apply?</th>
<th>Outbuildings or fences not exempt under Clause 43.01-4</th>
<th>Included on the Victorian Heritage Register under the Heritage Act 2017?</th>
<th>Prohibited uses permitted?</th>
<th>Name of Incorporated Plan under Clause 43.01-2</th>
<th>Aboriginal heritage place?</th>
</tr>
</thead>
<tbody>
<tr>
<td>HO65</td>
<td>House 246-248 Mountjoy Parade, Lorne</td>
<td>yes</td>
<td>no</td>
<td>yes – trees greater than 3 metres in height only.</td>
<td>yes – front fencing and retaining walls along Mountjoy Parade only.</td>
<td>no</td>
<td>no</td>
<td>–</td>
<td>no</td>
</tr>
<tr>
<td>HO66</td>
<td>Pacific Hotel 268-270 Mountjoy Parade, Lorne</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>–</td>
<td>no</td>
</tr>
<tr>
<td>HO67</td>
<td>Swing Bridge (footbridge) Ocean Road at Erskine River mouth, Lorne</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>–</td>
<td>no</td>
</tr>
</tbody>
</table>
| HO68      | Graves of Lindsay Children (Splitters Graves) Ocean Road, Lorne  
The Heritage Place is the graves and all land within 3 metres of all sides of the graves. | yes                             | no                                  | no                                                                                  | no                                                     | no                                                      | no                       | –                                             | no                |
<p>| HO69      | House 19 Ocean Road, Lorne.                         | no                              | no                                  | no                                                                                  | no                                                     | no                                                      | no                       | –                                             | no                |
| HO70      | House 53 Ocean Road, Lorne.                         | no                              | no                                  | no                                                                                  | no                                                     | no                                                      | no                       | –                                             | no                |
| HO71      | House, including the Canary Island Palm tree. 69 Ocean Road, Lorne. | no                              | no                                  | yes – Canary Island Palm only.                                                      | no                                                     | no                                                      | no                       | –                                             | no                |
| HO72      | House 79 Ocean Road, Lorne.                         | no                              | no                                  | no                                                                                  | no                                                     | no                                                      | no                       | –                                             | no                |
| HO113     | “Stanmorr” 64 Otway Street, Lorne                   | no                              | no                                  | no                                                                                  | no                                                     | no                                                      | no                       | –                                             | no                |</p>
<table>
<thead>
<tr>
<th>PS map ref</th>
<th>Heritage place</th>
<th>External paint controls apply?</th>
<th>Internal alteration controls apply?</th>
<th>Tree controls apply?</th>
<th>Outbuildings or fences not exempt under Clause 43.01-4</th>
<th>Included on the Victorian Heritage Register under the Heritage Act 2017?</th>
<th>Prohibited uses permitted?</th>
<th>Name of Incorporated Plan under Clause 43.01-2</th>
<th>Aboriginal heritage place?</th>
</tr>
</thead>
<tbody>
<tr>
<td>HO26</td>
<td>Primary School No 2162 18 Smith Street &amp; 15 Grove Road, Lorne.</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>yes</td>
<td>yes Ref No H1716</td>
<td>yes</td>
<td></td>
<td>no</td>
</tr>
<tr>
<td>HO114</td>
<td>“Kyanga” 56 Smith Street, Lorne.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO115</td>
<td>House 58 Smith Street, Lorne.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO74</td>
<td>Ravenswood 70 Smith Street &amp; Bay Street, Lorne</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO31</td>
<td>Varna, 101-103 Smith Street, Lorne.</td>
<td>no</td>
<td>no</td>
<td>yes – trees greater than 3 metres in height only.</td>
<td>yes – front fencing and retaining walls along Mountjoy Parade only.</td>
<td>no</td>
<td>yes</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO75</td>
<td>Waverley House 3 Waverley Avenue, Lorne</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO76</td>
<td>Amberley House 15-19 William Street, Lorne</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO77</td>
<td>Mountjoy Parade Heritage Area. Mountjoy Parade and Smith Street, Lorne The heritage place is the area covered by Local Planning Policy 22.10 and includes the Moreton Bay Fig on the foreshore.</td>
<td>no</td>
<td>no</td>
<td>yes - trees greater than 3 metres in height only.</td>
<td>yes – front fencing and retaining walls along Mountjoy Parade only.</td>
<td>no</td>
<td>no</td>
<td>Moreton Bay Fig Incorporated Plan. June 2006</td>
<td>no</td>
</tr>
</tbody>
</table>

**Modewarre**

<table>
<thead>
<tr>
<th>PS map ref</th>
<th>Heritage place</th>
<th>External paint controls apply?</th>
<th>Internal alteration controls apply?</th>
<th>Tree controls apply?</th>
<th>Outbuildings or fences not exempt under Clause 43.01-4</th>
<th>Included on the Victorian Heritage Register under the Heritage Act 2017?</th>
<th>Prohibited uses permitted?</th>
<th>Name of Incorporated Plan under Clause 43.01-2</th>
<th>Aboriginal heritage place?</th>
</tr>
</thead>
<tbody>
<tr>
<td>HO116</td>
<td>Avenue of Honour Adjacent 910 Cape Otway Road, (between Considines &amp; Taylors Roads), Modewarre.</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>PS map ref</td>
<td>Heritage place</td>
<td>External paint controls apply?</td>
<td>Internal alteration controls apply?</td>
<td>Tree controls apply?</td>
<td>Outbuildings or fences not exempt under Clause 43.01-4</td>
<td>Included on the Victorian Heritage Register under the Heritage Act 2017?</td>
<td>Prohibited uses permitted?</td>
<td>Name of Incorporated Plan under Clause 43.01-2</td>
<td>Aboriginal heritage place?</td>
</tr>
<tr>
<td>-----------</td>
<td>----------------</td>
<td>-------------------------------</td>
<td>-------------------------------------</td>
<td>---------------------</td>
<td>-----------------------------------------------</td>
<td>-------------------------------------------------</td>
<td>--------------------------</td>
<td>-----------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>HO117</td>
<td>Former Modewarre State School No.396 910 Cape Otway Road, Modewarre.</td>
<td>yes</td>
<td>no</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO118</td>
<td>Modewarre Memorial Hall, including mature oak tree and Honour Boards 910 Cape Otway Road, Modewarre.</td>
<td>no</td>
<td>yes</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO119</td>
<td>Former Bible Christian Siloam Chapel 440 Considines Road, Modewarre.</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>Mt Duneed</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO17</td>
<td>Summerhill (Prefabricated Iron Cottage). 155 Mt Duneed Rd, Mt Duneed.</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>yes Ref No H1131</td>
<td>yes</td>
<td></td>
<td>no</td>
</tr>
<tr>
<td>Torquay</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO16</td>
<td>“Scammel” house (Deckhouse from the wreck “Scammel”). 24 Pride St, Torquay.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO90</td>
<td>Sea View Villa 2A Pearl Street, Torquay.</td>
<td>no</td>
<td>no</td>
<td>yes – trees greater than 3 metres in height only</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO120</td>
<td>Former Butcher’s Shop and associated Outbuildings 19 Anderson Street and part of 32 Munday Street, Torquay.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>no</td>
<td>yes</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO121</td>
<td>Torquay Uniting Church 27 Anderson Street, Torquay.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>PS map ref</td>
<td>Heritage place</td>
<td>External paint controls apply?</td>
<td>Internal alteration controls apply?</td>
<td>Tree controls apply?</td>
<td>Outbuildings or fences not exempt under Clause 43.01-4</td>
<td>Included on the Victorian Heritage Register under the Heritage Act 2017?</td>
<td>Prohibited uses permitted?</td>
<td>Name of Incorporated Plan under Clause 43.01-2</td>
<td>Aboriginal heritage place?</td>
</tr>
<tr>
<td>-----------</td>
<td>------------------------------------</td>
<td>-------------------------------</td>
<td>-------------------------------------</td>
<td>---------------------</td>
<td>---------------------------------------------------</td>
<td>------------------------------------------------------------------</td>
<td>---------------------------</td>
<td>-----------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>HO122</td>
<td>Torquay Caravan Park</td>
<td>no</td>
<td>no</td>
<td>yes – trees greater than 3 metres in height only.</td>
<td>yes</td>
<td>no</td>
<td>yes</td>
<td>Torquay Caravan Park Incorporated Plan May 2009</td>
<td>no</td>
</tr>
<tr>
<td>HO123</td>
<td>Former Payne’s Garage</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td></td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO124</td>
<td>Torquay Public Hall</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td></td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO125</td>
<td>St Luke’s Anglican Church</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>no</td>
<td></td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO126</td>
<td>Torquay Foreshore Precinct</td>
<td>no</td>
<td>no</td>
<td>yes – trees greater than 3 metres in height only.</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>Torquay Foreshore Incorporated Plan May 2009</td>
<td>no</td>
</tr>
<tr>
<td>HO127</td>
<td>House</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td></td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO128</td>
<td>Taylor Park</td>
<td>no</td>
<td>no</td>
<td>yes – trees greater than 3 metres in height only.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>Taylor Park Incorporated Plan May 2009</td>
<td>no</td>
</tr>
</tbody>
</table>

**Winchelsea**

<table>
<thead>
<tr>
<th>PS map ref</th>
<th>Heritage place</th>
<th>External paint controls apply?</th>
<th>Internal alteration controls apply?</th>
<th>Tree controls apply?</th>
<th>Outbuildings or fences not exempt under Clause 43.01-4</th>
<th>Included on the Victorian Heritage Register under the Heritage Act 2017?</th>
<th>Prohibited uses permitted?</th>
<th>Name of Incorporated Plan under Clause 43.01-2</th>
<th>Aboriginal heritage place?</th>
</tr>
</thead>
<tbody>
<tr>
<td>HO129</td>
<td>Former Shire Engineer’s House</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td></td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO130</td>
<td>“Fairview”</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td></td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO131</td>
<td>Former Wesleyan Mission Chapel</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td></td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>PS map ref</td>
<td>Heritage place</td>
<td>External paint controls apply?</td>
<td>Internal alteration controls apply?</td>
<td>Tree controls apply?</td>
<td>Outbuildings or fences not exempt under Clause 43.01-4</td>
<td>Included on the Victorian Heritage Register under the Heritage Act 2017?</td>
<td>Prohibited uses permitted?</td>
<td>Name of Incorporated Plan under Clause 43.01-2</td>
<td>Aboriginal heritage place?</td>
</tr>
<tr>
<td>-----------</td>
<td>---------------------------------------------------------</td>
<td>-------------------------------</td>
<td>----------------------------------</td>
<td>----------------------</td>
<td>--------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
<td>-----------------------------</td>
<td>--------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>HO132</td>
<td>Former Army Hut</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td>27 Barkly Street, Winchelsea.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO133</td>
<td>House</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td>29 Barkly Street, Winchelsea.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO20</td>
<td>St Thomas Anglican Church and School Room</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td>31 Barwon Terrace, Winchelsea.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO134</td>
<td>Former Anglican Vicarage</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td>5 Batson Street, Winchelsea.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO135</td>
<td>“Kooringa”</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td>10 Blacks Road, Winchelsea.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO24</td>
<td>Murdeduke Homestead.</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td>730 Cressy Rd, Winchelsea.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO136</td>
<td>Winchelsea Primary School</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td>15 Gosney Street, Winchelsea.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO137</td>
<td>House</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td>39 Harding Street, Winchelsea.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO138</td>
<td>Former Winchelsea Shire Hall</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>no</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td>28 Hesse Street, Winchelsea.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO21</td>
<td>Winchelsea Uniting Church and Manse.</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td>30-34 Hesse St, Winchelsea.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO139</td>
<td>“The Isles”</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td>39 Hesse Street, Winchelsea.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO140</td>
<td>“Toyerville”</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td>Lot 1, 41 Hesse Street, Winchelsea.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PS map ref</td>
<td>Heritage place</td>
<td>External paint controls apply?</td>
<td>Internal alteration controls apply?</td>
<td>Tree controls apply?</td>
<td>Outbuildings or fences not exempt under Clause 43.01-4</td>
<td>Included on the Victorian Heritage Register under the Heritage Act 2017?</td>
<td>Prohibited uses permitted?</td>
<td>Name of Incorporated Plan under Clause 43.01-2</td>
<td>Aboriginal heritage place?</td>
</tr>
<tr>
<td>-----------</td>
<td>----------------</td>
<td>-----------------------------</td>
<td>----------------------------------</td>
<td>-------------------</td>
<td>-----------------------------</td>
<td>-----------------------------------------------</td>
<td>----------------</td>
<td>-----------------------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>HO089</td>
<td>Memorial Grandstand and Gates. Eastern Reserve, 70 Hopkins Street, Winchelsea</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>yes</td>
<td>Ref No. H1525</td>
<td>yes</td>
<td></td>
<td>no</td>
</tr>
<tr>
<td>HO23</td>
<td>Ingleby Homestead and Outbuildings. 765 Ingleby Road, Winchelsea and 3470 Cape Otway Road, Birregurra</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>yes</td>
<td>Ref No H364</td>
<td>yes</td>
<td></td>
<td>no</td>
</tr>
<tr>
<td>HO22</td>
<td>Barwon Park. 105 Inverleigh-Winchelsea Rd, Winchelsea.</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>yes</td>
<td>Ref No H365</td>
<td>yes</td>
<td></td>
<td>no</td>
</tr>
<tr>
<td>HO141</td>
<td>Bills Water Trough. Main Street, Winchelsea. The Heritage Place is the trough and all land within 2 metres of all sides of the trough.</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td></td>
<td>no</td>
<td></td>
<td>no</td>
</tr>
<tr>
<td>HO142</td>
<td>Barwon Hotel. 1 Main Street, Winchelsea.</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td></td>
<td>no</td>
<td></td>
<td>no</td>
</tr>
<tr>
<td>HO19</td>
<td>Colonial Bank. Lot 2, 33 Main Street, Winchelsea.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>--</td>
<td></td>
<td>no</td>
</tr>
<tr>
<td>HO143</td>
<td>Winchelsea Post Office. 34 Main Street, Winchelsea.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td></td>
<td>no</td>
<td></td>
<td>no</td>
</tr>
<tr>
<td>HO144</td>
<td>“Daisy Cottage” 35 Main Street, Winchelsea.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td></td>
<td>no</td>
<td></td>
<td>no</td>
</tr>
<tr>
<td>HO145</td>
<td>“Chelsea House” 39 Main Street, Winchelsea.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td></td>
<td>no</td>
<td></td>
<td>no</td>
</tr>
<tr>
<td>HO146</td>
<td>House 41 Main Street, Winchelsea.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td></td>
<td>no</td>
<td></td>
<td>no</td>
</tr>
<tr>
<td>PS map ref</td>
<td>Heritage place</td>
<td>External paint controls apply?</td>
<td>Internal alteration controls apply?</td>
<td>Tree controls apply?</td>
<td>Outbuildings or fences not exempt under Clause 43.01-4</td>
<td>Included on the Victorian Heritage Register under the Heritage Act 2017?</td>
<td>Prohibited uses permitted?</td>
<td>Name of Incorporated Plan under Clause 43.01-2</td>
<td>Aboriginal heritage place?</td>
</tr>
<tr>
<td>------------</td>
<td>----------------</td>
<td>-------------------------------</td>
<td>-------------------------------------</td>
<td>---------------------</td>
<td>------------------------------------------------------</td>
<td>---------------------------------------------------------------</td>
<td>---------------------------</td>
<td>-----------------------------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>HO147</td>
<td>Former Orchard Bakery &amp; associated Dwelling 44 Main Street, Winchelsea.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO148</td>
<td>Former Police Station 53 Main Street, Winchelsea.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO149</td>
<td>House 59 Main Street, Winchelsea.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO150</td>
<td>“Balgownie” 65-67 Main Street, Winchelsea.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO151</td>
<td>Winchelsea Cemetery 205 McConachy Street, Winchelsea.</td>
<td>yes</td>
<td>no</td>
<td>yes trees greater than 3 metres in height only</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO152</td>
<td>St John the Baptist Roman Catholic Church and Presbytery 5 Mercer Street, Winchelsea.</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO153</td>
<td>“Plum Tree Cottage” 9 Mercer Street, Winchelsea.</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO154</td>
<td>Former Bootmaker’s Shop &amp; Dwelling 21 Mercer Street, Winchelsea.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO18</td>
<td>Barwon River Bridge. Over Barwon River, Princes Highway, Winchelsea.</td>
<td>_</td>
<td>_</td>
<td>_</td>
<td>_</td>
<td>yes Ref No H1456</td>
<td>yes</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO155</td>
<td>Winchelsea Railway Station 2-18 Railway Terrace, Winchelsea.</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>HO156</td>
<td>Former Winchelsea Public Library 1A Willis Street, Winchelsea.</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>_</td>
<td>no</td>
</tr>
<tr>
<td>PS map ref</td>
<td>Heritage place</td>
<td>External paint controls apply?</td>
<td>Internal alteration controls apply?</td>
<td>Tree controls apply?</td>
<td>Outbuildings or fences not exempt under Clause 43.01-4</td>
<td>Included on the Victorian Heritage Register under the Heritage Act 2017?</td>
<td>Prohibited uses permitted?</td>
<td>Name of Incorporated Plan under Clause 43.01-2</td>
<td>Aboriginal heritage place?</td>
</tr>
<tr>
<td>-----------</td>
<td>-----------------------------------------------------</td>
<td>-------------------------------</td>
<td>------------------------------------</td>
<td>----------------------</td>
<td>----------------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
<td>-----------------------------</td>
<td>-----------------------------------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>HO157</td>
<td>Former Timon Schroeter’s Store 11 Willis Street, Winchelsea.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO158</td>
<td>Shinners’ Café and Dwelling 13 Willis Street, Winchelsea.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO159</td>
<td>Globe Theatre 17-19 Willis Street, Winchelsea.</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>yes</td>
<td>Ref No. H226</td>
<td>yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO160</td>
<td>Winchelsea Hotel 20 Willis Street, Winchelsea.</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO161</td>
<td>Murrell’s Store 22 Willis Street, Winchelsea.</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO162</td>
<td>“Meningoort” (former hospital) 37 Willis Street, Winchelsea.</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO25</td>
<td>Wormbete Homestead including Outbuildings and Gardens. 565 Winchelsea-Deans Marsh Rd, Winchelsea.</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>No</td>
<td>yes</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Notes: Insert Interim control Expiry Date dd/mm/yyyy if interim controls apply
See 43.01 for relevant provisions and scope
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>
</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>- An outdoor swimming pool.</td>
<td></td>
</tr>
</tbody>
</table>

The buildings and works must be associated with a dwelling.
### Information requirements and decision guidelines

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Clause 59.05</td>
</tr>
<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 in an industrial zone.</td>
<td></td>
</tr>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $500,000 where the land is in a commercial zone or a Special Use, Comprehensive Development, Capital City, Docklands, Priority Development or Activity Centre Zone.</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.

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.

TORQUAY JAN JUC COASTAL TOWNSCAPE CHARACTER

1.0

20/03/2014

Design objectives

To protect and enhance the low rise coastal township character of Torquay Jan Juc.

To minimise the visual prominence of development when viewed from the streetscape and adjoining properties, having regard to building height.

To ensure the height of buildings is compatible with the existing scale and character of dwellings within the streetscape and neighbourhood.

2.0

20/03/2014

Buildings and works

A permit is not required to construct a building or construct or carry out works other than to construct a building which is more than 7.5 metres above natural ground level or to extend a building where the extension is more than 7.5 metres above natural ground level (excluding any television antenna, chimney, flue or solar panels attached to the building)

3.0

20/03/2014

Subdivision

A permit is not required to subdivide land.

4.0

27/05/2019

Signs

None specified.

5.0

27/05/2019

Application Requirements

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:

- Details of the type and colour of all external building materials.
- A landscape plan that shows:
  - The location, species and height of existing vegetation that is to be retained and/or removed.
  - The planting of at least two canopy trees within the front setback area.
  - A detailed planting schedule using species predominantly selected from the Indigenous Planting Guide (2003), with emphasis on the use of Bellarine Yellow Gum, Messmate Stringybark, Ironbark, Manna Gum, Drooping Sheoak and Moonah Woodland community species, as appropriate to the locality.

6.0

27/05/2019

Decision guidelines

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:

- Whether the height causes the building to be visually prominent within the streetscape or when viewed from adjoining properties.
- Whether a building height over 7.5 metres is reasonable due to the physical constraints of the site and will not result in reduced residential amenity by way of visual bulk.
- Whether the building is designed and sited to minimise the appearance of visual bulk.
- The extent of building that exceeds a height of 7.5 metres above natural ground level.
- Whether the landscaping of the site will achieve the effect of softening the appearance of the building in the streetscape and from adjoining properties.
SCHEDULE 2 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO2.

BELL STREET, TORQUAY

1.0

Design objectives

To strengthen the identity of Bell Street activity node as an entertainment precinct, emphasising its links with adjacent tourist accommodation places and the surf beaches.

To promote excellence in the design, articulation and massing of buildings.

To encourage external building materials, finishes and colours that present a vibrant image associated with the beach and surfing culture intrinsic to Torquay.

To encourage the integration of the streetscape and street landscaping with any new development.

To ensure the provision of adequate car parking and safe vehicular access for all development.

To ensure that signs are used for business identification purposes rather than product advertising and that images are displayed that complement the surf and beach culture of Torquay without compromising the amenity, coastal character and identity of the town.

2.0

Buildings and works

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

- Development should reflect and express the coastal town culture of Torquay, particularly surfing, with regard to building articulation, mass, external materials, finishes and colours.

Buildings should:

- Have a lightweight image, utilising timber and other natural and innovative materials.

- Include disaggregated structures with interesting spaces and projections while still conveying simplicity and distinction.

- Comprise facades that utilise light, shade and texture.

- Utilise accent or vibrant ‘beachy’ colours where appropriate, within the streetscape context.

Building heights must be consistent with the surrounding streetscape character.

All car parking required as part of a development must be provided on site to the rear or side of buildings. Staff car parking should be provided at the rear of allotments. Any car parking having frontage to Bell Street must be well landscaped to reduce its visual impact.

3.0

Subdivision

None specified.

4.0

Signs

None specified.

5.0

Application requirements

None specified.
Decision guidelines

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 extent to which the building architecture expresses the culture of Torquay.
SCHEDULE 4 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as  DDO4

LORNE COMMERCIAL / TOURIST ACCOMMODATION PRECINCTS

Precinct 1 – Central Retail Core Precinct

Precinct 2 – Commercial and Tourist Mixed Use Precinct

Precinct 3 – Tourist Accommodation Precinct

Refer to the Map to Schedule 4 for precinct boundaries.

1.0

Design objectives

All Precincts

To improve and enhance the image and appearance of the Lorne commercial and tourist precincts so as to create a pleasant place to shop and recreate and to reinforce the unique urban/retail character that is recognisably Lorne.

To consolidate development within the commercial core of the township.

To encourage development that will accommodate a mixture of retail, office, entertainment and visitor accommodation facilities within the commercial core of the township.

To encourage a scale of development which is complementary to and compatible with the overall character of the centre and amenity of the surrounding development.

Central Retail Core Precinct

To promote the central retail core precinct as the preferred location for new retail development.

To consolidate retail activities at street level with office and non-retail activities encouraged to locate at either first floor level or at the periphery of the central retail core.

To maintain the low rise character of building facades along Mountjoy Parade.

To encourage the establishment of tourist accommodation and units above street level.

To implement urban design guidelines which improve the character and appearance of the precinct to create a pleasant place to shop and recreate.

Commercial and Tourist Mixed Use Precinct

To encourage a mix of commercial, entertainment, recreational, leisure uses and tourist development which would complement the foreshore location and the primary retail function of the Central Retail Core.

To limit further expansion of the commercial premises in the vicinity of the Erskine River unless it can be demonstrated there is an overwhelming need for an increase in floor space to service the local and visitor population; and the use cannot reasonably be accommodated within the Central Retail Core.

To maintain the low rise character of building facades along Mountjoy Parade and the Erskine River environs.

To improve the character and appearance of the precinct so that the physical environment offers variety, interest and encourages pedestrian movement along Mountjoy Parade.

Tourist Accommodation Precinct

To encourage a diversity of dwelling types and a range of accommodation for residents and visitors to Lorne in proximity to the Central Retail Core and recreational resources of the township.
To ensure that the scale of the development is compatible with that of the surrounding land uses.
To ensure that new development maintains the low rise nature of the built environment in Lorne.
To encourage landscaping that positively contributes to the landscape character of the township, in particular the retention and planting of tall canopy trees.
To ensure that the opportunities for landscaping are maximised within and across development sites.
To protect the residential amenity derived from the availability of views of landscape features.

2.0

Buildings and works

Requirements

Central Retail Core

Building Height

- The height of a building on land with a frontage to Mountjoy Parade should not exceed 7.5 metres above the footpath level at the street alignment.
- Any part of a building which exceeds a height of 7.5 metres should be set back at least 7.5 metres from the frontage to Mountjoy Parade.
- The maximum height of all buildings should not exceed 10 metres above the footpath level at the Mountjoy Parade street alignment.

Plot Ratio

- The maximum building plot ratio of a site should not exceed 2.0.

Commercial and Tourist Mixed Use Precinct

Building Height

- The height of all buildings on land with a frontage to Mountjoy Parade should not exceed 4.5 metres above the footpath level at the street alignment.
- Any part of a building which exceeds a height of 4.5 metres should be setback from the frontage and contained below an angle of 30 degrees as measured from the top of the building at the street alignment.
- Any two storey element should be setback at least 10 metres from the street frontage.
- The maximum height of all buildings should not exceed 8.0 metres above the footpath level at the Mountjoy Parade street alignment.

Plot Ratio

- The maximum plot ratio should not exceed 1.0.

Tourist Accommodation Precinct

Building Height

- The maximum height of all buildings should not exceed 8.0 metres above natural ground level.

Landscaping

- At least 30 percent of the site area should be set aside for landscaping including the 2 metre setback areas adjoining any front and side street boundary.
Advertising signs

Advertising sign requirements are at Clause 52.05-8, Category 3.

Decision Guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 43.02-5, the responsible authority must consider, as appropriate:

Central Retail Core

- Building height at street level should be scaled to maximise sunlight penetration and allow views over the buildings from the properties on the west side of Smith Street.
- Variations in facade and building height will be encouraged to achieve varied streetscape forms and to create view corridors between the frontage of buildings.
- A non-continuous building mass will be encouraged at street level with occasional setbacks along the streetscape to act as suntraps and activity areas.
- Ground floor awnings, post supported verandahs and decks will be encouraged, but continuity will be discouraged in the interests of achieving a diversity of facades and combination of sunlight and shade to the footpath areas using creative design ideas. Decks should be designed to add depth and texture to building facades but should not be solidly roofed to maximise sunlight penetration in the afternoon.
- Roof elements on the upper most portion of buildings visible from the adjacent street should be designed to slope toward the street at an angle of around 25 to 30 degrees.
- A sense of life, vitality, habitation and a continually changing visual panorama will be encouraged along Mount Joy Parade, and this should be taken into account in the design and articulation of facades and built form. Creative design ideas will be encouraged in achieving these objectives.
- Painted external surfaces should provide colour, variation and detail to the streetscape.
- Planting will be encouraged to add visual interest to the streetscape and accentuate the strong image of Lorne with its well vegetated hillsides.
- Lighting be used to softly accentuate building form, texture and variety of the streetscape.

Commercial and Tourist Mixed Use Precinct

- Building height should be limited to ensure maximum sunlight penetration to the footpath and to allow retention of views across the buildings from the first floor of buildings behind.
- Development should be stepped back in full storey height elements with sufficient setback to allow sunlight penetration and achieve a single storey visible building height to the street.
- Building heights should enhance the traditional character of the street and visually strengthen this area as a distinct component from the Central Retail Core.
- Variation in parapet height and roof height will be encouraged to add visual interest to the streetscape.
- A non-continuous building mass will be encouraged with setback areas provided regularly along the streetscape to highlight a detached lower scale character for the streetscape.
- The rambling guesthouse form will be used as an architectural prototype in this precinct, the most significant visual elements being:
  - The long horizontally emphasised facade portions.
  - The use of timber in wall surfaces and verandah detailing.
  - The dominant generous, expansive roof forms.
- The wide verandahs, which are generally roofed.

- Roof elements should slope towards the street at an angle of around 25 to 30 degrees, and be large in area and volume in the form of traditional expansive guesthouses.

- Tree planting on private lots, or the provision of large plants in tubs will be encouraged to enhance the existing and potential high landscape quality of this precinct.

**Tourist Accommodation Precinct**

- Building height should be scaled to ensure it does not dominate existing or proposed landscaping and vegetation cover on the site.

- Building setbacks and siting should provide for the retention and re-establishment of significant landscaping.

- Residential development adjacent Mountjoy Parade should reflect the built character and overall objectives of this policy.

- The design and built form of buildings should reflect the character of traditional buildings in the precinct.

- Whether landscaping areas have been consolidated so as to maximise the opportunity to plant tall canopy trees.

- The need to emphasise planting within landscape areas.

- The appropriateness of allowing non-indigenous tree species having regard to the growing conditions and space available.

**Advertising signs all precincts**

- Advertising signs should be designed to integrate with the architectural style and character of a building and where possible should be included as an integral part of the design theme of a development.

- Advertising signs attached to buildings should not obscure architectural features and supporting structures should not be obtrusive when viewed from public areas.

- The advertising area should be proportionate to the building or structure on which the sign is located and should not unreasonably obscure views to surrounding signs.

- Advertising schemes should incorporate graphics, symbols and colours that reflect themes of the beach, ocean and natural environment.

- Above-verandah signs are strongly discouraged.

- Illuminated signs should be located below verandah level.

- Pole signs are strongly discouraged.

- Promotion signs are strongly discouraged.
Map 1 – Lorne Commercial / Tourist Centre Precincts
**SCHEDULE 5 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO5**.

**INDUSTRIAL AREAS**

**1.0**

**Design objectives**

To enhance the visual character and image of the Shire’s industrial areas through appropriate building design and landscaping, reflective of the image and character of the town.

To ensure that development is appropriate to and blends with the surrounding streetscape in relation to scale, height, size, bulk, materials and finishes.

To integrate built form and landscaping to create an interesting and human-scaled environment.

To ensure an excellent standard of architecture and urban design on land adjacent the Surf Coast Highway.

To protect the amenity and environmental quality of the townships in general and adjacent non-industrial land uses in particular.

To protect environmental assets, notably areas of significant vegetation on nearby and adjacent land.

To provide a high level of amenity for business, employees, customers and visitors to industrial estates, particularly for West Coast Business Park which will evolve to become the largest employment node within the municipality.

To provide a range of larger lot sizes along the Surf Coast Highway within the West Coast Business Park to encourage higher profile amenities and business services, inclusive of major office development, to locate on allotments abutting the Surf Coast Highway.

To ensure that fences and signs are integrated with the building and site/landscaping design in terms of design, style, location, colour and graphics to enhance the architectural and landscape presentation of the occupancy.

To ensure that the design and layout of premises facilitates efficient vehicle movements, adequate parking and avoids pedestrian and vehicle conflicts.

To minimise conflict of loading and service areas with the vehicle and pedestrian functioning of the street.

To ensure that storage area location and design does not detrimentally impact on the appearance of the streetscape.

To substitute landscaping and planting of native vegetation in lieu of fencing wherever practicable.

To encourage a coordinated approach to advertising where there is multiple occupancy of sites.

To minimise the visibility of outdoor signs along the Surf Coast Highway, Great Ocean Road, Princes Highway and Erskine Falls Road.

To protect internal streetscapes from sign clutter.

**2.0**

**Buildings and works**

**Permit requirement**

A permit is required to construct a fence.

**Requirements**

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:
Building design

In the West Coast Business Park, Torquay development should achieve design excellence for facades visible from the Surf Coast Highway. Development proposals must demonstrate how they will contribute to the attractiveness of the entrance to Torquay.

Buildings should be designed to:
- provide interest in elevations with detail and articulation
- identify and emphasise the main entry
- utilise glass and other feature materials to provide for articulation of walls which are visible from streets
- have a lightweight, disaggregated appearance where visible from streets and public places
- allow for signage to be integrated with the built form.

Buildings on corner lots should be designed to emphasise the corner with a clear, strong design. Facades should address both streets.

Buildings should be designed to bring more ‘people intensive’ uses such as the office component, to the front.

Buildings should be designed to integrate all storage and utility areas.

Building colours should be subdued or recessive as opposed to bright, reflective eye-catching colours.

Any rooftop plant, lift over-runs, service entries, communication devices and other technical attachments should be designed and located on the building so as not to detract from its appearance or be visible for pedestrians in the street.

Exterior components of plumbing, heating, cooling and ventilation systems should be designed to be integrated into the architecture and not be visible from the street.

Building designs should maximise the incorporation of environmental sustainability principles and techniques.

All site and building envelope design should maximise solar access in those parts of the site where there will be a high level of human activity.

Development of land abutting a non-industrial zone must:
- Ensure good daylight and solar access to adjacent residential dwelling windows and primary areas of private open space.
- Minimise impact of overbearing scale.

Buildings adjoining non-industrial zones should be designed to minimise noise transfer through the use of masonry, brick and similar noise attenuating materials.

Building height

Buildings should not exceed a height above natural ground level of:
- 12 metres on lots within the West Coast Business Park, Torquay which are more than 150 metres from the Surf Coast Highway road reserve; and 8 metres for land within 150 metres of the Surf Coast Highway road reserve.
- 8 metres in all other areas.

Building siting

All buildings should have a minimum front street (narrow frontage) setback of:
- 20 metres from a road designated as Category 1 in a Road Zone.
- 10 metres in the Anglesea Industrial Estate.
- 8 metres in the West Coast Business Park, Torquay.
- 6 metres in all other cases.

- Corner allotments with a side street (long frontage) should have a minimum setback of 4 metres.
- Buildings should have a minimum 7 metre setback from the southern boundary of the Baines Crescent Service Business Precinct.
- Buildings should have a minimum 6 metre setback from the southern boundary of the Anglesea Industrial Estate.

**Landscaping**

- In the West Coast Business Park, Torquay provision is to be made for the landscape areas in accordance with Map 1 to this Schedule (exclusive of any approved access):
  - Within the front street (narrow frontage) setback a minimum depth of 8 metres along the entire frontage.
  - Within the side street (long frontage) setback a minimum depth of 4 metres along the entire sideage.
  - On land abutting the Surf Coast Highway a visual landscape buffer a minimum depth of 4 metres along that boundary.

- In all other industrial areas provision is to be made for the following landscape areas:
  - On land abutting a residential zone a minimum of 4 metres along that boundary.
  - On land opposite a residential zone a minimum width of 3 metres along that boundary.
  - In all other areas a minimum width of 3 metres in front setbacks and minimum 1.5 metres in side street setbacks.

- The landscape areas should be designed to:
  - Frame and soften buildings, reducing the apparent bulk or mass of the building.
  - Reduce the visual impact of car parking and other hard surface or storage areas whilst allowing surveillance of car parking and safe sightlines.
  - Provide shade and shelter.

- Landscaping areas should not be used for car parking, loading and/or storage.

- The landscaping should be designed to provide a unified and cohesive appearance and planting must be of sufficient height, density and mix, using predominantly locally indigenous plants listed in Table 1 to this Schedule, to achieve the effect of framing and softening buildings within the streetscape.

- Island planting beds should:
  - Be provided at least every 10 parking spaces.
  - Have a minimum dimension of 2.5 metres back of kerb to back of kerb.
  - Contain a minimum of one tree capable of providing shade.

- Landscape areas should be protected from accidental trafficking or vehicle damage by utilising 150mm minimum height kerbs and/or traffic bollards.
Parking and site access

- The standard number of car parking spaces required by the Car Parking provisions of the scheme (clause 52.06) for the development should not be reduced.
- In the West Coast Business Park, Torquay vehicular access to individual lots must be provided from internal roads within the Estate. Access directly from Surf Coast Highway will not be permitted.
- Parking areas should be designed and located to minimise the visual impact on the street and adjoining properties.
- Parking areas should meet the following setbacks:
  - In the West Coast Business Park, Torquay a minimum of 8 metres from a front street and 4 metres from a side street.
  - In all other areas, a minimum setback of 3 metres from the front boundary and 1.5 metres from other boundaries.
- Site access points should be located to provide for safe vehicle movements and to minimise conflicts with through traffic, intersections and pedestrian routes.
- Vehicular entry should be restricted to one driveway per lot, with a maximum crossover width of 6 metres.
- Passenger vehicle parking and access should be designed to enable vehicles to enter and exit the site in a forward motion.

Loading and service areas

- Facilities should be designed to allow all loading and servicing to be contained within the site and without disruption of traffic flows on abutting roads.
- Loading areas should be designed to minimise adverse impact on the streetscape (particularly street trees) and street function (on-street parking).
- Where the floor area of a building exceeds 2600 square metres, loading and service areas and associated manoeuvring space should be designed to be separated from car parking and circulation areas.

Outdoor storage

- Goods and materials should be stored indoors unless this is impractical or unsafe.
- Outdoor storage areas should be designed so as not to be visible from public roadways or publically accessible areas.
- The location of outdoor storage areas within designated front and side street setbacks or within landscape areas is strongly discouraged.
- Refuse storage areas should be:
  - Large enough to contain all refuse generated on site between collections.
  - Located to provide clear and convenient access for refuse collection vehicles and a convenient depository for refuse generated on site.
  - Screened from view from public roadways or publically accessible areas.

Lighting

- Lighting should be designed to provide adequate security for people and property.
- Lighting should be designed to prevent spill-over into adjacent properties where this may cause annoyance or detrimental impact.
Fencing

- Fencing should be unobtrusive and visually ‘recessive’ and should:
  - Blend with the building design detail.
  - Not be overbearing in scale.
  - Integrate with the landscaping.

- Front fencing should be setback in line with the front or side wall of the building or, where there is no building, in accordance with the building setback provisions of this Schedule.

Subdivision

Requirements

A permit to subdivide land must meet the following requirements:

- Subdivision of land in the West Coast Business Park, Torquay must ensure the following landscape amenity buffer reservations are provided:
  - A minimum 50 metre wide reserve adjacent to any residential zones.
  - A minimum 30 metre wide reserve adjacent to the Surf Coast Highway.

- Subdivision of land in the West Coast Business Park should incorporate larger lots along the Surf Coast Highway.

- Subdivision creating lots less than 1,000 square metres should be the subdivision of existing buildings or be in accordance with an approved development.

Exemption from notice and review

An application to subdivide land 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.

Signs

Sign requirements are at Clause 52.05. All land located within Lots 129 to 136 (inclusive) on Plan of Subdivision 602894X, Surf Coast Highway, Torquay is in Category 2. All other land is in Category 3.

Requirements

- Signs are encouraged to be attached flat to a building and be:
  - Proportional to the scale of the building, not dominating the façade, parapets or walls.
  - Integrated with the design of the building in terms of shape, colour and graphics, adding to the architectural style of the building.
  - Sited below the roof line.
  - Modest in size and quantity.

- Illuminated signs, promotion signs and reflective signs are strongly discouraged.

- Where illuminated signs are deemed appropriate, these may only operate between the hours of 5.00 am and 9.00 pm.

- A freestanding sign or pole sign should only be considered where buildings are not readily visible from the street, such as in a multi-occupancy site. Such signs should:
- Identify the business occupying the site only.
- Be fixed to a permanent support structure other than a perimeter fence.
- Be of modest height, preferably low to the ground, such that it does not dominate in the streetscape, and should generally not exceed 4 metres in height.

- Signs attached to fences are strongly discouraged.

### Application requirements

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:

- A site analysis and design response which addresses the streetscape character and the features and constraints of the locality and the site.
- A landscape plan.
- A report which demonstrates how the proposal addresses the objectives, performance requirements and decision guidelines of this Schedule.

### Decision guidelines

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:

#### Building height

- Whether building height may be exceeded by mechanical plant and architectural features where it can be demonstrated that these do not conflict with the objectives of this clause.

#### Landscaping

- Whether the landscaping design and siting, the species used and the planting densities:
  - Help frame and soften any building, provide shade to parking and amenity areas, and reduce the apparent bulk or mass of any building.
  - Provide an aesthetic working environment.

#### Signs

- Whether the sign:
  - Is minimal in size and quantity.
  - Integrates with the building style and landscape design.
  - Does not detract from the visual amenity of the streetscape.

### Background documents documents

Surf Coast Industrial Zone Outdoor Advertising Sign Guidelines (2011)

### Table 1 – Recommended Planting Schedule

<table>
<thead>
<tr>
<th>Species</th>
<th>Common name</th>
<th>Height (m)</th>
<th>Spread (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trees</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Species</td>
<td>Common name</td>
<td>Height (m)</td>
<td>Spread (m)</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>----------------------------</td>
<td>------------</td>
<td>------------</td>
</tr>
<tr>
<td><em>Allocasuarina verticillata</em></td>
<td>Drooping Sheoke</td>
<td>4-10</td>
<td>3-6</td>
</tr>
<tr>
<td><em>Eucalyptus leucoxylon ssp. bellarienesis</em> (or other dwarf forms)*</td>
<td>Yellow Gum</td>
<td>4-20</td>
<td>7-10</td>
</tr>
<tr>
<td><em>Eucalyptus willisii</em></td>
<td>Shining Peppermint</td>
<td>2-10</td>
<td>4</td>
</tr>
<tr>
<td><em>Melaleuca lanceolata</em></td>
<td>Moonah</td>
<td>2-5</td>
<td>3-7</td>
</tr>
<tr>
<td><em>Eucalyptus ovata</em></td>
<td>Swamp Gum</td>
<td>6-20</td>
<td>6-10</td>
</tr>
<tr>
<td><em>Eucalyptus tricarpa</em></td>
<td>Ironbark</td>
<td>10-30</td>
<td>10-20</td>
</tr>
<tr>
<td><strong>Large shrubs</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Bursaria spinosa</em></td>
<td>Sweet Bursaria</td>
<td>1-6</td>
<td>2-3</td>
</tr>
<tr>
<td><em>Leptospermum myrsinoides</em></td>
<td>Silky Tea-tree</td>
<td>0.5-2.5</td>
<td>1-1.5</td>
</tr>
<tr>
<td><em>Leptospermum scoparium</em></td>
<td>Manuka</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td><em>Leucopogon parviflorus</em></td>
<td>Coast Beard Heath</td>
<td>2-4</td>
<td>2-3</td>
</tr>
<tr>
<td><strong>Small shrubs and groundcovers</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Allocasuarina misera</em></td>
<td>Dwarf Sheoke</td>
<td>0.5-1</td>
<td>1-2</td>
</tr>
<tr>
<td><em>Atriplex semibaccata</em></td>
<td>Creeping/Berry Saltbush</td>
<td>0.1-0.3</td>
<td>1-3</td>
</tr>
<tr>
<td><em>Calytrix tetragona</em></td>
<td>Fringe Myrtle</td>
<td>1</td>
<td>1-2</td>
</tr>
<tr>
<td><em>Correa alba</em></td>
<td>White Correa</td>
<td>0.5-2</td>
<td>1-3</td>
</tr>
<tr>
<td><em>Correa reflexa</em></td>
<td>Common Correa</td>
<td>0.3-2</td>
<td>1-2</td>
</tr>
<tr>
<td><em>Leucopogon virgatus</em></td>
<td>Common Beard Heath</td>
<td>0.3-1</td>
<td>0.2-0.6</td>
</tr>
<tr>
<td><em>Pomaderris paniculosa ssp paralia</em></td>
<td>Coast Pomaderris</td>
<td>1-2</td>
<td>0.5-1</td>
</tr>
<tr>
<td><em>Rhagodia candolleana</em></td>
<td>Seaberry Saltbush</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td><em>Tetratheca ciliata</em></td>
<td>Common Pink Bells</td>
<td>0.3-0.5</td>
<td>0.3-0.6</td>
</tr>
<tr>
<td><strong>Grasses, sedges and lilies</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Austrodanthonia sp.</em></td>
<td>Wallaby Grasses</td>
<td>0.1-0.4</td>
<td>0.1-0.3</td>
</tr>
<tr>
<td><em>Dianella revoluta</em></td>
<td>Black-anther Flax-lily</td>
<td>0.3-1</td>
<td>0.5-2</td>
</tr>
<tr>
<td><em>Lepidosperma sp.</em></td>
<td>Sword/Rapier Sedges</td>
<td>0.5-1.5</td>
<td>1.5</td>
</tr>
<tr>
<td><em>Lomandra longifolia</em></td>
<td>Spiny-headed Mat-rush</td>
<td>0.5-1</td>
<td>0.5-1.2</td>
</tr>
<tr>
<td><em>Lomandra multiflora</em></td>
<td>Many-flowered Mat-rush</td>
<td>0.2-0.5</td>
<td>0.15-0.2</td>
</tr>
<tr>
<td><em>Poa sp.</em></td>
<td>Tussock Grasses</td>
<td>0.2-0.9</td>
<td>0.7-1</td>
</tr>
</tbody>
</table>
Map 1 to the Schedule to Clause 43.02 – PREFERRED LANDSCAPE AREAS

This map depicts the boundary setbacks that are to form part of the landscape area of each site within the West Coast Business Park, Torquay.
SCHEDULE 6 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO6.

TORQUAY TOWN CENTRE

Precinct 1 – Central Retail Core Precinct

Precinct 2 – Bristol Rd (West) Precinct

Precinct 3 – The Foreshore Precinct

Refer to Map 1 to the Schedule to Clause 43.02 for precinct boundaries

1.0 Design objectives

All Precincts

To facilitate the development of a vibrant mixed use activity centre that is designed to cater for active uses at ground level and offices, community facilities and apartments at upper levels.

To promote a design and built form that contributes to a casual and relaxed yet vibrant atmosphere throughout the Torquay Town Centre emphasising strong associations with the beach, surfing and coastal culture of the township.

To reinforce the generally modest, human scale aspect of the built form and consistent rhythm of narrow, active shopfronts.

To encourage an innovative and adventurous approach to building design and the use of sustainable design principles.

To encourage development with a pedestrian emphasis, incorporating structures and landscaping to provide summer shade, winter sun and protection from the weather.

To encourage the establishment of quality landscaping on public and private land throughout the Town Centre, promoting indigenous planting to create a link between the commercial heart of Torquay and its natural environment.

To ensure the design of car parking and vehicular access contributes to the built and landscape qualities of the area.

To encourage interesting and innovative signs that contribute to, but do not dominate, a vibrant streetscape.

To minimise the number of signs along The Esplanade and Zeally Bay Road so as not to detract from the natural environment of these areas.

Precinct 1 – Central Retail Core & Precinct 2 – Bristol Road (West)

To create a landscaped pedestrian thoroughfare linking Gilbert Street to Taylor Park, the Bristol Road supermarket and car parking areas.

To encourage buildings to extend to the front and side boundaries to create a unified streetscape image consistent with the existing and preferred character.

To promote first floor setbacks along Gilbert Street to encourage the provision of balconies for outdoor living, dining and other activities.

To enhance the traditional ‘strip shopping centre’ image of multiple shopfronts in Gilbert Street, west along Bristol Road.

To ensure that large format retail premises (e.g. supermarkets, department stores) are sleeved by smaller retail premises to create active facades, maintain the rhythm of small shop fronts and avoid large expanses of blank wall.
Precinct 3 - Foreshore

To promote a more urban, active and intensively built environment that will encourage a greater diversity of land use and draw the vibrancy and activity of Gilbert Street towards the foreshore.

To create an active and vibrant street frontage along The Esplanade that ensures quality public space with a generous promenade and the use of light weight canopies and balconies.

To promote innovative façade treatments and building forms with roof forms and materials that complement the building design, contribute to interest and variety of the streetscape and take advantage of the coastal aspect.

To promote development on the corners of Gilbert Street and Zeally Bay Road with The Esplanade as gateways through strong / innovative architectural treatment, enhancing the visual link with the foreshore.

Buildings and works

A permit is required to construct a fence which abuts a road or public area, including a public car park.

The following buildings and works requirements apply to an application to construct a building or carry out works:

Precinct 1 “Central Retail Core” & Precinct 2 “Bristol Road (West)”

Building height and siting

- In Precinct 1 buildings should not exceed two storeys and 8 metres in height above natural ground level. Higher elements must be supported with detailed design considerations in a written submission that respects the streetscape character and sunlight / shadowing impacts on adjoining premises and public areas, and advances coastal design and environmentally sustainable design principles.

- In Precinct 2 building heights should not exceed 9 metres above natural ground level.

- Building height should be scaled to maximise sunlight penetration to pedestrian areas during winter.

- Zero building setbacks to front and side boundaries are encouraged.

Building design

- Building design should utilise simple, cantilevered awnings to reflect the modernist styling of some of the older buildings in Gilbert Street and to avoid cluttering pedestrian space with verandah posts.

- At ground floor level shop fronts should be inviting and encourage interaction. The use of a combination of solid material and glass is preferred to fully glazed shop fronts.

- Blank walls should be avoided for facades fronting public areas. Where it is impractical to provide windows, consideration should be given to the use of glass bricks or other design features, which break up the surface and provide interest.

- Design and choice of materials (including recycled materials) should be based on principles of best practice ecological sustainable design that is also reflective of the Torquay coastal architecture.

- Vibrant colours that convey a feeling of beaches, sand, water and activity to assist in creating a vibrant and colourful streetscape are encouraged.

- Where larger buildings are proposed, façade detail, materials and colours should be designed to provide interest and articulation. The traditional ‘strip shopping centre’ image of multiple shopfronts should be maintained.
Precinct 3 “Foreshore”

Building setbacks – The Esplanade

- Buildings should be set back from The Esplanade frontage to achieve a minimum 6 metre wide promenade along The Esplanade to encourage outdoor dining areas and retail activity and accommodate street planting. Some variation in frontage setback is preferred.

- Buildings with frontage to The Esplanade must be set back from the rear boundary to provide space for dual 90 degree angle parking, pedestrian access and service delivery (refer Torquay Town Centre Parking and Access Strategy, 2011).

- Second and third storey building components (including balconies, balustrades, sunshades, pergolas etc) should be designed and/or set back from The Esplanade frontage so as not to cause additional overshadowing of the front setback area/footpath at the 2 pm equinox.

Building setbacks – Zeally Bay Road & Cliff Street

- Building should be set back from the Zeally Bay Road frontage to achieve a minimum 3 metre wide footpath along Zeally Bay Road and to enable the retention and planting of street trees to complement the streetscape adjacent to Taylor Park.

- Buildings must be set back from the Cliff Street frontage to achieve a minimum 3 metre wide footpath along Cliff Street and provision for 90 degree parking on the eastern side of the road (refer Torquay Town Centre Parking and Access Strategy, 2011).

- Second and third storey building levels should be stepped back from the Zeally Bay Road and Cliff Street frontages in average 3 metre increments to achieve visual interest and opportunity for privacy separation. Variation in setback to create interest in building form is encouraged.

Building setbacks – Gilbert Street

- Buildings may have a ‘zero’ lot line along the Gilbert Street road frontages provided:
  - a minimum 3 metre wide unobstructed footpath is maintained; and
  - a splay out to 7 metre along the Gilbert Street frontage for the properties at the corner of Gilbert Street and The Esplanade is achieved in accordance with Diagram 1.

Diagram 1: Gilbert Street / The Esplanade corner building setback splay

- Any third storey building component (including balconies, balustrades, sunshades, pergolas etc) should be set back from the Gilbert Street frontage (north side) so as not to cause additional overshadowing of the footpath between the 11 am and 2 pm equinox.

Building setbacks – general

- Third storey level building elements should be set back from the southern property boundary so as not to cause overshadowing of the adjoining property at that level between 9 am and 3 pm at the equinox.
Building height

- Buildings (including service installations and other appurtenances of a building) should not exceed 3 storeys and 10.5 metres in height. Higher elements must be supported with detailed design considerations in a written submission that demonstrate how the design objectives are achieved.

Building design

- Ground floor facades should be designed to activate the street and have a high proportion of glazing to promote visibility into and out of buildings.
- Retractable (fold back) doors are encouraged to integrate outdoor dining areas with indoor areas.
- Balconies must not extend beyond the front wall of the ground floor, and balustrades should be a minimum of 50% transparent to maintain daylight and openness of design.

Access and parking

- Development of sites fronting The Esplanade should provide for rear parking accessed from the laneway off Zeally Bay Road.
- Vehicle access directly off The Esplanade is discouraged, except for properties where no rear access is possible.
- Parking associated with residential accommodation should be integrated with the development on site.

Landscaping

- Landscaping should comprise hardy plant varieties, preferably indigenous, that are appropriate to coastal conditions and therefore likely to maintain a healthy appearance.
- On street planters may be used to highlight and define the character of individual commercial properties and outdoor eating areas provided native vegetation is used (preferably indigenous) and provided they do not impede the movement of pedestrians.
- Planters should be sturdy and reflect the coastal character/geology by imitating local materials and coastal textures.
- Specimen trees, street furniture and art work are to be incorporated into the footpath design along The Esplanade and Zeally Bay Road.
- Balconies should be softened with landscaping contained in planters.
- Public car park areas are to contain trees that provide a canopy cover of these areas of at least 25% at maturity.
- An aesthetic screen (comprising of plants, fencing or by other means) is to be provided along boundaries common with residential uses sufficient to effect a minimum 75% concealment of buildings and activities from the adjacent residential properties.

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.

Subdivision

None specified.
4.0
27/05/2019
C131surf

Signs
Sign controls are at Clause 52.05. All land located on The Esplanade and Zeally Bay Road is in Category 3. All other land within the Town Centre is in Category 1.

Requirements

- Signs should be included as part of the planning permit application for a new development.
- Signs should not obscure architectural features, and supporting structures should not be obtrusive when viewed from public areas.
- The size of signs should be proportionate to the design and scale of buildings on which they are displayed and be respectful of human scale and streetscape amenity.
- Signs at verandah height and above are discouraged, other than business identification signs which should be fixed flush to the building façade unless the design is particularly innovative and will enhance the streetscape.
- Along Zeally Bay Road floodlit signs and internally illuminated signs are discouraged, unless it can be demonstrated that the signs will not unreasonably affect the amenity of Taylor Park.
- Signs fronting the foreshore reserve and Taylor Park should be understated and designed as part of the building architecture. Pole signs and high wall signs are discouraged.
- Where Category 1 applies the following signs are discouraged:
  - High wall sign
  - Major promotion sign
  - Panel sign
  - Pole sign
  - Sky sign
- Temporary banners and flags are discouraged, except for promotional purposes. Bunting and streamer signs are discouraged.
- Illumination levels of floodlit or internally illuminated signs should not cause detriment to the amenity of nearby dwellings.
- Illuminated signs are to be turned off nightly between 11.00pm and 7.00am.

5.0
27/05/2019
C131surf

Application requirements
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:

All planning applications (except for minor buildings and works) must be accompanied by a town activity centre and site description and a design response that explains how the proposed development responds to the objectives and the relevant requirements of this schedule in the context of the town activity centre and site description.

6.0
27/05/2019
C131surf

Decision guidelines
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:

- Whether minor projections that exceed the recommended height to create architectural interest cause detrimental overshadowing, create a sense of visual bulk or compromise the proportions of the streetscape.
7.0

Background Documents
Torquay Town Centre Parking and Access Strategy 2011-16 (2011)
Torquay Town Centre Revitalisation Project (2001)
Torquay Town Centre – Foreshore Zone Design Guidance (2007)

Map 1 to the Schedule to Clause 43.02: Torquay Town Centre – Precinct Plan
**SCHEDULE 7 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO7**.

**SURF COAST BOULEVARD**

Precinct 1 – Landmark

Precinct 2 – Early Torquay

Precinct 3 – Surf Centre

Precinct 4 – Transitional

Precinct 5 – Residential

Refer to Map 1 of this Schedule for precinct boundaries

### 1.0 Design objectives

**All Precincts**

To recognise the regional tourism importance of the Surf Coast Highway as the gateway to the Surf Coast and a prelude to the Great Ocean Road.

To create an integrated landscaped boulevard along the Surf Coast Highway between the public and private realm.

To maintain and enhance the wide landscape image of the west side of the Surf Coast Highway by ensuring development complies with the building setback line (refer to Map 2 of this Schedule) and by promoting native, preferably indigenous, landscaping of the setback areas.

To promote excellence in the architecture, design, articulation and massing of buildings to ensure that development contributes to making an attractive entrance statement to the town.

To encourage environmentally sustainable design in all buildings and infrastructure.

To encourage external building materials, finishes and colours that present a vibrant image associated with the beach and surfing culture intrinsic to Torquay.

To ensure the provision of adequate car parking and safe vehicular access for all development without visual detriment to the built and landscape qualities of the area.

To ensure a high standard of amenity for occupants of the buildings, neighbouring residents and the public.

To ensure that signs are used for business identification purposes, rather than product advertising, and promote the incorporation of images as part of the advertising that complement the surf and beach culture of Torquay without compromising the amenity, coastal character and identity of the town.

To improve the facilities for pedestrians and cyclists and promote safe pedestrian and bicycle access.

**Precinct 1 – Landmark**

To ensure new development reflects Torquay’s surfing culture and beach lifestyle identity and provide a unique and attractive landmark.

To ensure landscaping is a significant component of the site and is integrated with the built form.

**Precinct 2 – Early Torquay**

To ensure new development reinforces the character of early Torquay’s domestic scale buildings within a landscape setting.
To provide an attractive, well landscaped and visually interesting edge to the Surf Coast Highway that complements the strong entry statement made in Precinct 1.

To open up property frontages to the highway through the removal of high fencing as land converts to commercial type uses, and to supplement this with indigenous planting.

**Precinct 3 – Surf Centre**

To ensure development enhances the role of the area as a memorable and distinctive icon in the Surf Coast Shire through design and scale.

To integrate flamboyant advertising (colour and images) with the building design to promote the surfing culture and beach lifestyle identity of Torquay.

To use public art to contribute to the identity of the precinct.

**Precinct 4 – Transitional**

To ensure new development responds sensitively to the largely domestic scale and variety of buildings in the area.

To reinforce the landscaped boulevard character of the Surf Coast Highway.

To provide an appropriate address to the Surf Coast Highway through the removal of high fencing and installing visually significant indigenous vegetation.

**Precinct 5 – Residential**

To ensure new residential development responds sensitively and contributes to the coastal architecture reflective of Torquay’s historical character.

To reinforce the landscaped boulevard character of the Surf Coast Highway.

To provide an appropriate address to the Surf Coast Highway through the removal of solid high fencing and installing visually prominent indigenous vegetation.

**Subdivision – all precincts**

To ensure the frontage width of lots is consistent with the typical width of existing lot frontages in the street and respects the pattern of development in the area.

**Buildings and works**

A permit is required to construct a fence on a road boundary or boundary of a public area, including a public car park.

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

**Precinct 1 “Landmark”**

**Vision**

The presentation of this site encapsulates the culture of Torquay, both in building design excellence and high quality landscaping. The architecture and significant amount of landscaping integrate to present an outstanding entrance statement, conveying the natural and cultural elements of the area including the surf, the coast, the indigenous vegetation, and the lifestyle, leisure and values of a sustainable coastal community. This unique design sits well with the mixed used tourist focus within this precinct, with opportunities for various forms of integrated accommodation, offices, restaurants, and tourist-related retail.
Building height

- Buildings may be up to a maximum height of 12 metres above natural ground level provided no detriment is caused to adjoining properties through overshadowing or visual bulk. Minor projections may exceed 12 metres to create architectural interest.

- A portion of a building located on the corner of Surf Coast Highway and Grossmans Road may be up to a maximum of 16 metres above natural ground level provided:
  - it makes a unique and dynamic statement that contributes to the identity of the development; and
  - it does not exceed 6 metres by 6 metres in area as shown in Diagram 1 of this Schedule.

- Building height should vary throughout the development in order to create visual interest and avoid building mass.

Building siting

- Buildings must be set back from the Surf Coast Highway in accordance with Map 2 of this Schedule.

- Buildings must be set back 10 metres from the Grossmans Road frontage as shown in Diagram 1 of this Schedule.

- Parking must be set back 40 metres from the Grossmans Road corner as shown in Diagram 1 of this Schedule.

- A three metre wide footpath should be incorporated along building edges which face roads, car parks or other public areas. This may include existing public footpaths.

Building & site design

- Buildings should address public roads and spaces, through the placement of entrance doors and large display windows.

- Weather protection should be provided for pedestrians through the use of verandas along building frontages.

- Windows should be appropriately located and shaded to facilitate thermal control and provide for cross-ventilation.

- Buildings should incorporate renewable energy technology and achieve a minimum 4.5 star base building rating under the Australian Buildings Greenhouse Rating Scheme using ABGR rating calculator, administered by the Sustainable Energy Authority of Victoria. This should be demonstrated in a report prepared by an accredited professional.

- Buildings should collect and reuse rainwater and greywater and achieve a maximum water consumption of 30 litres/day/person using the Green Star Water Calculator. This should be demonstrated in a report prepared by an accredited professional.

- Loading zones should not be visible from public areas.

- Building services such as air conditioning units, gas storage bottles and waste storage should not be visible from public areas.

- Adequate space should be allocated for the storage of waste receptacles.

- Footpaths and benches should be provided for pedestrians.

Landscaping

- Landscaping, plant selection and pavement treatment should unify the site and create a pedestrian oriented environment.
Building setback areas are to contain trees that provide a canopy cover of these areas of at least 50% within 10 years of installation. This is to be complemented with understorey planting that maintains adequate pedestrian access and a visual opening between 1 and 3 metres in height as shown in Diagram 2 to this Schedule.

A screen of plants is to be provided along boundaries common with residential uses sufficient to effect a 75% concealment of buildings and activities from the adjacent residential properties within 10 years.

Planting visible from the public domain is to be predominantly with indigenous species.

Precinct 2 “Early Torquay”

Vision
Not quite a walk in the past, but this strip maintains strong elements of Torquay’s early history and hence complements (through contrast) the strong cultural statement of the opposite precinct. The conversion of land uses from residential to health and well being, including tourist accommodation, leisure and recreational establishments has continued whilst maintaining the original domestic scale. Landscaping is largely indigenous and of high quality, complementing the streetscape and opposite precinct.

Building height and siting
- Buildings should not exceed two storeys and a maximum height of 7.5 metres above natural ground level. Front facades should be maintained to a maximum of one storey, with two storey elements permissible to the rear.
- Buildings should be set back at least 6 metres from the Surf Coast Highway frontage and 2 metres from the side property boundaries to maintain the housing characteristic of this precinct.
- Garages and carports shall be set back from the building frontage by at least the width of the garage/carport.

Building design
- Buildings should address the property frontage through placement of entrance doors and windows, and be protected by verandahs along the building frontage.

Landscaping
- Building setback areas are to contain trees that provide a canopy cover of these areas of at least 50% at maturity. This is to be complemented with understorey planting along street frontages that maintains a visual opening between 1 and 3 metres in height that maintains a view between the building and the street.
- Planting is to be predominantly with indigenous species.
- Fencing forward of the building should not exceed 1.2 metres in height and is to be of lightweight natural materials.

Precinct 3 “Surf Centre”

Vision
This is the hub of surf retailing and the surfing industry. Buildings form a dominant feature arising from architecture that reflects the ‘surfing’ culture. Advertising is integrated into the building design and plays an important visual role, particularly at night with backlit images and colourful lighting. The area is vibrant at night and day with people shopping, socialising, dining and wining. Quality landscaping, and urban design complement the distinctive architecture enhancing the amenity of open spaces.
Building height

- Buildings on the eastern side of the highway, may be up to a maximum height of 12 metres above natural ground level provided no detriment is caused to adjoining properties through overshadowing, or visual bulk and the third storey or portion of the building which exceeds 8 metres in height is set back at least 5 metres from the front building line as shown in Diagram 3.

- Buildings on the western side of the highway may be up to a maximum height of 12 metres above natural ground level provided no detriment is caused to adjoining properties by overshadowing, or visual bulk.

- Minor projections may be permitted to exceed the 12 metre height on both sides of the highway provided no detriment is caused to adjoining properties by overshadowing or visual bulk and architectural interest is created.

- A portion of a building located on the western corner of Surf Coast Highway and Baines Crescent or Beach Road may be up to a maximum of 16 metres above natural ground level provided:
  - it makes a unique and dynamic statement that contributes to the identity of the development; and
  - it does not exceed 6 metres by 6 meters in area as shown in Diagram 1 of this Schedule.

Building siting

- Buildings located on the western side of the highway must be set back in accordance with the building line shown on Map 2 of this Schedule and at least 5 metres from side street boundaries.

- Buildings located on the western side of the highway should incorporate a three metre wide footpath along building edges which face roads, car parks or other public spaces.

- Buildings located on the eastern side of the highway must be set back from the Surf Coast Highway in accordance with Diagram 3 of this Schedule to allow for a minimum of a three metre wide footpath. This area may include the Council provided footpath.

- Buildings located on the eastern side of the highway which abut a secondary road may be constructed to the edge of the property boundary with this road.

Building and site design

- Buildings should address public roads and spaces, through the placement of entrance doors and large display windows.

- Weather protection should be provided for pedestrians through the use of verandahs along building frontages.

- Windows should be appropriately located and shaded to facilitate thermal control, and provide for cross-ventilation.

- Buildings should incorporate renewable energy technology and achieve a minimum 4.5 star base building rating under the Australian Buildings Greenhouse Rating Scheme using ABGR rating calculator, administered by the Sustainable Energy Authority of Victoria. This should be demonstrated in a report prepared by an accredited professional.

- Buildings should collect and reuse rainwater and greywater and achieve a maximum water consumption of 30 litres/day/person using the Green Star Water Calculator. This should be demonstrated in a report prepared by an accredited professional.

- Loading zones should not be visible from public areas.

- Building services such as air conditioning units, gas storage bottles and waste storage should not be visible from public areas.
Adequate space should be allocated for the storage of waste receptacles.

Footpaths and benches should be provided for pedestrians.

**Landscaping**

- On the western side of the highway, building setback and parking should contain trees that provide a canopy cover of these areas of at least 50% after 10 years. This should be complemented with understorey planting along street frontages that maintains a visual opening between 1 and 3 metres in height that maintains a view between the building and the street as shown in Diagram 2 to this Schedule.

- On the eastern side of the highway, car park areas should contain trees that provide a canopy cover of these areas of at least 50% within 10 years. Building setback areas should provide some opportunity to incorporate pockets of landscaping which complement the building design and streetscape.

- A screen of plants is to be provided along boundaries common with residential uses sufficient to effect a 75% concealment of buildings and activities from the adjacent residential properties within ten years.

- Planting visible from the public domain is to be predominantly with indigenous species.

**Precinct 4 “Transitional”**

**Vision**

This precinct provides a transition zone between residential uses and the Surf City Precinct. The precinct itself comprises a mix of uses including residential, health and well being uses, tourist accommodation, leisure and recreational establishments at a medium level density of development. The diverse Torquay coastal building design is complemented with high quality landscaping, integrated with the abutting highway landscape theme.

**Building height and siting**

- Buildings should not exceed two storeys and a maximum height of 7.5 metres above natural ground level. Consideration shall only be given to front building facades higher than 7 metres where they make a unique and dynamic statement and emphasise the significance of a particular location.

- Buildings to the east of the highway should be set back at least 6 metres from the highway frontage to provide for landscaping. Buildings to the west must be set back in accordance with the building line shown on Map 2 of this Schedule, but not less than 6 metres from the highway frontage (including any service road frontage) to provide for landscaping. Second storey elements of residential buildings should be set back a further 1.5 metres from the building frontage.

**Building design**

- Both commercial and residential buildings should address the Surf Coast Highway through placement of entrance doors and windows and should be protected by verandahs, wide eaves or similar along the building frontage.

- At ground floor level shop fronts should be inviting and encourage interaction. The use of a combination of solid material and glass is preferred to fully glazed shop fronts to encourage interesting design and textures of building frontages.

- Design and choice of materials (including recycled materials), based on principles of best practice ecological sustainable design that is also reflective of the Torquay coastal architecture are encouraged.

- Garages and carports shall be set back from the building frontage by at least the width of the garage/carport.
Landscaping

- Building setback areas are to contain trees that provide a canopy cover of these areas of at least 50% at maturity. This is to be complemented with understorey planting along street frontages that maintains a visual opening between 1 and 3 metres in height that maintains a view between the building and the street.

- A screen of plants is to be provided along commercial property boundaries common with residential uses sufficient to effect a 75% concealment of buildings and activities from the adjacent residential properties within ten years.

- Planting is to be predominantly with indigenous species.

- Fencing forward of the building on properties west of the highway should not exceed 1.2 metres in height and is to be of lightweight natural materials.

- Fences forward of the building on properties with residential uses east of the highway should not exceed 1.8 metres in height. The fence should be semi-permeable and constructed of lightweight natural materials, which presents an attractive image to the street that does not dominate the streetscape as a solid wall. The fence should be at least partially set back from the property boundary to allow for significant landscaping with indigenous plants to soften the appearance of the fence.

- Side fences to the rear of the building on properties with residential uses to the east of the highway, should not exceed 1.8 metres in height, and must be constructed of lightweight natural materials. The fence may be solid in its construction.

Precinct 5 “Residential”

Vision

The predominant residential use remains intact. Redevelopment of individual sites has sought to avoid stark contrast in style and colour and utilise simple and clean design response reminiscent of Torquay’s historical character. The southern approach to this precinct presents as an integrated, complementary domestic scale of development framed by landscaping that retains view lines over the golf course and toward the coast.

Building height and siting

- Buildings should not exceed two storeys and a maximum height of 7.5 metres above natural ground level. Second storey elements should occupy not more than half the building frontage width or should be accommodated within the roof form.

- Buildings on the east side of the highway should be set back at least 6 metres from the highway frontage to provide for landscaping. Buildings to the west must be set back in accordance with the building line shown on Map 2 of this Schedule, but not less than 6 metres from the highway frontage to provide for landscaping. Second storey elements of residential buildings should be set back a further 1.5 metres from the building frontage.

- Garages and carports shall be set back from the building frontage by at least the width of the garage/carport.

Building design

- Buildings should address the property frontage through placement of entrance doors and windows and be protected by verandahs, wide eaves or similar along the building frontage.

Landscaping

- Site frontages are to contain a combination of plantings that includes trees that provide a canopy cover of at least 50% at maturity and which maintains some filtered view lines between the building and the street.

- Planting is to be predominantly with indigenous species.
- Fences forward of the building should not exceed 1.8 metres in height. The fence should be semi-permeable and constructed of lightweight natural materials, which presents an attractive image to the street that does not dominate the streetscape as a solid wall. The fence should be at least partially set back from the property boundary to allow for significant landscaping with indigenous plants to soften the appearance of the fence.

- Side fences to the rear of the building, should not exceed 1.8 metres in height, and must be constructed of lightweight natural materials. The fence may be solid in its construction.

### Subdivision
None specified.

### Signs
In addition to the requirements of the zone, a permit is required to display the following signs:

- Business identification sign.
- Internally–illuminated sign.
- Promotion sign.

### Performance criteria

- Signs should be integrated with the building form and therefore should comprise and be assessed as part of any planning permit application for any new development.
- Signs should not obscure architectural features, and supporting structures should not be obtrusive when viewed from public areas.
- Signs should be dominated by images and pictures of surfing and the coast.
- Advertising at verandah height and above should be limited to business identification and imagery that is not dominated by product branding and should be fixed flush to the building facade unless the design is particularly innovative and will enhance the streetscape.
- In residential zones any freestanding sign shall be limited to one sign per premises, contained within the site and having an area of not more than 2 square metres and a maximum height of 2.5 metres.
- In commercial zones, any freestanding sign shall be limited to a single co-ordinated sign located at a crossover / entry point for all tenants served by that access.
- In commercial zones, signs must not comprise high wall, major promotion, or pole signs.
- Bunting and streamer signs should be minimised and should reflect the building design theme.
- Illumination levels of floodlit or internally illuminated signs should not cause detriment to the amenity of nearby dwellings.

### Application requirements
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:

- All planning permit applications must be accompanied by a completed “Performance Checklist” from the Surf Coast Highway Urban Design Guidelines.
Decision guidelines

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 extent to which a development proposal builds on the design elements of the Torquay coastal architecture and meets the standards of the *Surf Coast Highway Urban Design Guidelines, July 2006*.

Map 1 to the Schedule to Clause 43.02 – Surf Coast Highway Precincts
Map 2 to the Schedule to Clause 43.02 – Building Setback Line, West Side of Surf Coast Highway
Diagram 1 to Schedule 7 to Clause 43.02 – Building Siting & Height for Precinct 1

- Incorporate landmark on corner of building closest to Grossmans Road, and ensure that horizontal extent of tower feature is no more than 6m.
- 10m minimum setback to Grossmans Road.
- 40m minimum landscaped setback to parking from Grossmans Road to incorporate installation of landmark and planting design on corner to complement bulk landmark.
- 20m minimum setback to property frontage.
Diagram 2 to Schedule 7 to Clause 43.02 – Road-side Planting

Install canopy trees that mature to cover at least 50% of car park within 10 years of installation.

Ensure trees are clean stemmed to at least 3m height.
Provide understorey planting which does not exceed 1m height to protect sight lines.
Provide garden beds which are at least 2m wide to street and car park edge.

Diagram 3 to Schedule 7 to Clause 43.02 – Building Setback in Precinct 3, Eastern Side of Highway

5m

3m FOOTPATH

Surf Coast HWY
SCHEDULE 8 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO8.

BOSTON ROAD RESIDENTIAL PRECINCT

1.0

Design objectives

To facilitate an integrated medium density residential development that is reflective of the Boston Road streetscape, respecting its built and natural character.

To encourage building design that complements the cultural, environmental and landscape values of Torquay, comprising a diversity of materials, colours, heights and setbacks which achieves a general ‘unity within diversity’ philosophy.

To encourage the retention and establishment of native and indigenous vegetation that screens buildings from the street and from adjoining properties.

To encourage sustainable building design and construction methods which incorporate measures to reduce energy and water use.

To integrate garages and driveways within building designs to avoid their dominance within the streetscape.

To ensure that the style and height of fences reflect the preferred street character and retain a sense of openness between properties and to the street.

2.0

Buildings and works

Permit requirement

A permit is not required to construct or extend the following buildings and works associated with one dwelling on a lot:

- Works normal to a dwelling.
- An outbuilding (other than a garage or carport) with a gross floor area that does not exceed 10 square metres and a maximum building height of no more than 3 metres above ground level.

A permit is required to construct a fence on or within 3 metres of a street boundary with Boston Road, Payne Street or Bristol Road.

Requirements

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

Street setback

Walls of buildings, including carports and garages, must be setback a minimum of 3 metres from the Boston Road frontage, provided that:

- At least 25 per cent of the length of a ground level façade is setback a minimum 4.5 metres.
- At least 30 per cent of the length of a second storey façade is setback a minimum of 4.5 metres.
- The full length of a third storey façade is setback a minimum of 1.5 metres from the dominant face of the second storey.

Walls of buildings, including carports and garages, must be setback a minimum of 6 metres from the Payne Street frontage.

Porches, pergolas and verandahs should not encroach into these setbacks.
Building height
The maximum building height is 9 metres for three storey dwellings and 7.5 metres for two storey dwellings. Plant or equipment may exceed the height limit to a maximum of 1.2 metres provided it is:

- Appropriately screened
- Does not occupy more than 3.0 square metres in area (with the exception of solar panels); and
- Is not visible from the street kerbline directly opposite in Boston Road or Bristol Road.

Site coverage
The site area covered by buildings must not exceed 80 per cent.

Fencing
Fences forward of the building line must:

- not exceed a height of 1.5 metres and must be at least 35 per cent permeable.
- be of a contemporary, screen-like design and any gates should match the fence in height and permeability.

Exemption from notice and review
An application for construction of a building or to 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.

Subdivision

Exemption from notice and review
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.

Signs
None specified.

Application requirements
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:

Buildings and works

- Details of the type and colour of all external building materials.
- A landscape plan that shows:
  - The location, species and height of existing vegetation that is to be retained and/or removed.

Subdivision
An application for subdivision that creates a vacant lot must show a building envelope or be accompanied by development plans that demonstrate that the lot is capable of supporting a dwelling that will meet the design objectives of this clause.
5.0
Decision guidelines
None specified.

6.0
Background Documents
SCHEDULE 9 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO9.

ANGLESEA TOWN CENTRE

1.0

Design objectives

To establish an identifiable and cohesive village character for the town centre whilst encouraging shops to express their individual identity as a means of achieving visual interest.

To ensure that development complements the preferred coastal village character of the town centre, with emphasis on simple building forms and well defined pedestrian areas.

To retain the low rise built character of the centre and allow for a reasonable sharing of views from residential properties to the rear.

To encourage the use of natural and earthy external building materials and colours that are reflective of Anglesea’s natural environment, including the bush, beach, ocean and cliff faces.

To encourage innovative and creative advertising signs that are designed to be part of the shopfront façade treatment and are of a scale and design that reflects the centre’s village character.

To encourage and promote development which utilises sustainable design principles.

To promote the use of indigenous plant species in landscaping, and integrate landscaping with the design of car parking areas.

2.0

Buildings and works

A permit is required to construct a fence which has abuttal to a road or public area, including a public car park.

Requirements

- Buildings should not exceed a height of 7.5m above natural ground level. Minor projections may be permitted to exceed this height to create architectural interest provided they do not cause detrimental overshadowing, create a sense of visual bulk, result in loss of views of natural features or compromise the proportions of the streetscape.

- Building façade design should provide for individuality in shop front presentation and comprise not less than a ratio of 10% of solid material to glass area in the shopfront below verandah level.

- Large areas of blank wall or highly reflective/brightly coloured surfaces should be avoided for facades fronting public areas. Where possible areas of blank space should be reduced by additional window openings which contribute to the display of goods from within, or by the display of community/tourist information.

- The addition of parapets to buildings above verandahs is encouraged to improve the general proportions of the building façade, and should be varied in shape to reinforce the sense of small individual shopfronts.

- Verandah posts should not impair vehicular or pedestrian movement.

3.0

Advertising

Advertising sign requirements are at Clause 52.05-9, Category 3.

Performance criteria

In addition to the decision guidelines at Clause 52.05-2:
Advertising signs should be designed to integrate with the architectural style and character of the building and streetscape image, and should be included as an integral part of the design theme of a development.

Advertising signs attached to buildings should not obscure architectural features and supporting structures should not be obtrusive when viewed from public areas.

Advertising at verandah height and above should be limited to business identification and should be fixed flush to the building façade unless the design is particularly innovative and will enhance the streetscape.

Signs should not dominate or obscure other signs as a result of visual clutter.

Signs should not emit excessive glare or reflection from internal or external illumination or cause detriment to the amenity of nearby dwellings.

The following signs will not be supported:

- Illuminated signs above verandah level.
- Pole signs.
- Promotion signs.

### Decision guidelines

Before deciding on an application, in addition to the objectives and performance criteria under each heading above and in Clause 43.02, the responsible authority must consider:

- The extent to which a building is consistent with the design principles expressed in the Anglesea Streetscape Project 1996.
- Whether landscaping and works within public areas is consistent with the Streetscape and Landscaping Policy at Clause 22.02 and the Anglesea Great Ocean Road Study 2016.

### Reference Documents

*Anglesea Streetscape Project 1996*

*Anglesea Great Ocean Road Study 2016*
SCHEDULE 10 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO10.

THE SETTLEMENTS OF AIREYS INLET, FAIRHAVEN AND MOGGS CREEK

1.0 Design objectives

To preserve and enhance the low density, low scale, vegetated character of the settlements.

To ensure lots are of a sufficient size and width to encourage vegetation retention and reinstatement, buildings that meet the preferred neighbourhood character and adequate space for bushfire protection.

To retain a sense of openness between properties by encouraging the use of open style fencing and vegetated buffers in preference to solid fences.

To preserve the night sky ambience of the settlements.

2.0 Buildings and works

A permit is not required to construct a building or construct or carry out works.

A permit is required to construct a fence, other than a post and wire fence that is not more than 1.5 metres in height.

Requirements

For properties fronting the Great Ocean Road, a fence forward of the front wall of a dwelling (Section A on Diagram 1) should not exceed 1.5 metres in height and should not be less than 50% permeable over the whole length of the fence.

For any other property, a fence forward of the front wall of a dwelling (Section A on Diagram 1), other than post and wire, is strongly discouraged.

Fencing adjacent or to the rear of a dwelling (Section B on Diagram 1) should not exceed 1.8 metres in height and should be limited in length, and used only for the purpose of providing privacy to habitable room windows or designated areas of private open space.

Diagram 1
Subdivision

Requirements
A permit to subdivide land must meet the following requirements:

A lot must have an area of at least:

- 800 square metres in Precinct A as shown on Map 1 of this schedule.
- 550 square metres in Precinct B, except for corner sites where the minimum area must be 600 square metres, as shown on Map 1 of this schedule.
- 1000 square metres in Precinct C as shown on Map 2 of this schedule.
- 1800 square metres in Precinct D as shown on Map 2 of this schedule.
- 4000 square metres in Precinct E as shown on Map 2 of this schedule.

Lots created by subdivision:

- that include a battle-axe driveway, must not include the area of the driveway in the lot area calculation.
- that are located within precinct D, must not include the area shown coloured on Map 3 of this Schedule.
- must be capable of containing an existing dwelling, or supporting a new dwelling, that will meet the requirements of Schedule 1 to Clause 43.05 Neighbourhood Character Overlay.

The above requirements cannot be varied with a permit.

Exemption from notice and review
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.

Signs
Sign requirements are at Clause 52.05. All land is in Category 4.

Application requirements
None specified.

Decision guidelines
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:

Fencing

- Whether fencing forward of a dwelling is appropriate having regard to the streetscape character and prevailing front fence style of the area.
- Whether vegetation can be used in preference to fencing to provide privacy between dwellings.
- Whether solid fencing has been used sparingly and only for achieving privacy for habitable room windows and designated areas of private open space.
- Whether the fencing material contributes to an open non-suburban character and has a lightweight appearance.
- The need to avoid brush fences and other similarly highly combustible fence materials in order to reduce bushfire risk.
• Whether fencing abutting a public open space reserve or walkway needs to be permeable to allow surveillance of the public realm.

Subdivision

• Whether a larger lot area is required to provide sufficient area for a dwelling, the protection of native vegetation and any defendable space to manage bushfire risk, or to address any other site constraints.

• Whether the subdivision has been designed to minimise any adverse impact on the vegetated appearance of the street or the site.

• Whether all new lots have been designed and located such that any future dwelling will not be visually prominent when viewed from the Great Ocean Road or any other significant viewing point.

• Whether roads, accessways and footpaths within a new subdivision have been designed to have an informal vegetated appearance, and where constructed of an impervious material, propose a texture and colour that gives a similar appearance to gravel.

• Whether intended street lighting has been limited to single lighting at intersections only.
Map 1 to the Schedule 10 to Clause 43.02
Map 2 to the Schedule 10 Clause 43.02

Map 3 to the Schedule 10 to Clause 43.02
SCHEDULE 11 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO11.

AIREYS INLET TO EASTERN VIEW HINTERLAND

1.0

Design objectives

To preserve scenic landscapes and enhance the low scale, low density, vegetated character from Aireys Inlet to Eastern View by:

- Ensuring that development presents an inconspicuous profile against the landscape setting, allowing the landscape to remain the key feature of the settlements, particularly where the vegetation canopy height is low and/or a site is prominently located.

- Ensuring that buildings are sited and designed to avoid protruding over or above ridgelines or form a silhouette against the sky when viewed from the Great Ocean Road or any other significant viewing point.

- Retaining a sense of openness between properties by encouraging the use of open style fencing and vegetated buffers in preference to solid paling fences.

- Encouraging building design that is site responsive and is stepped down the slope, following the natural contour of the land, avoiding the need for cut or fill. Ensuring that the scale, setbacks, site coverage and overall form of development respects the low scale, vegetated character of the settlements.

- Ensuring that buildings are sited and designed to avoid and/or minimise removal of native vegetation.

- Retaining the large lot size subdivision pattern that enhances significant open landscapes

- Providing adequate building setbacks in order to retain space around buildings and to sustain landscaping and vegetative screening set back from dwellings to avoid fire risks but which better integrates built form within the landscape.

- Encouraging the use of warm, natural and earthy colour schemes and roofs that are clad in a non-reflective material and colour to enable buildings to blend with the natural surroundings.

- Discouraging the establishment of private recreational structures such as tennis courts and swimming pools and the illumination of existing structures.

- Encouraging accessways that have an informal vegetated appearance

To achieve a reasonable sharing of views of significant landscape features, including views of the ocean and coastal shoreline, the Split Point Lighthouse, the Painkalac valley and natural bushland in the hinterland.

To preserve the night sky ambience of the hinterland.

2.0

Buildings and works

A permit is required to:

- Construct an outdoor swimming pool associated with a dwelling.

- Construct a fence, other than a post and wire fence that is not more than 1.5 metres in height and contains a 200 mm clearance from ground level to enable the movement of small indigenous fauna.

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

Building height

Building height should not exceed 7.5 metres.
Building setbacks
On land within the Low Density Residential Zone a building must be set back at least:

- 9 metres from a street boundary.
- 3 metres from a side or rear boundary.

Fences
Front fencing must be of post and wire construction.
Any solid side or rear boundary fence must be:

- Sited behind the front wall of an existing or proposed building; and
- Not more than 1.8 metres in height.

Building setback and fences requirements cannot be varied with a permit.

Subdivision
Exemption from notice and review
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.

Signs
Sign requirements are at Clause 52.05. All land is in Category 4 Sensitive areas.

Application requirements
None specified.

Decision guidelines
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:

Building height
- Whether a lower building height is required in order to meet the design objectives of this schedule, particularly where a building would protrude above the tree canopy.
- Whether a greater building height on steeply sloping land will be in keeping with the landscape character of the area having regard to the proportioning and bulk of the building.

Design and siting
- Whether the scale, setbacks, site coverage, design, siting and overall form of development is consistent with the low scale, low density, vegetated character of the hinterland.
- Whether the design and siting of proposed buildings and works would retain existing vegetation and provide adequate space on site for the planting of new vegetation.

Fencing
- Whether solid fencing has been used sparingly and only to screen private open space or a habitable room window where satisfactory screening is not or cannot be provided by vegetation.
Recreational structures

- Whether swimming pools are integrated with the design of the dwelling and meet the objectives of this schedule.
- Whether private recreational structures such as tennis courts and swimming pools would compromise long term enhancement of the vegetation cover.

Subdivision

- Whether the subdivision has been designed to avoid or minimise the removal of native vegetation.
- Whether the siting and design of new lots ensure future dwellings will not be visually prominent when viewed from the Great Ocean Road or any other significant viewing point.
- Whether the subdivision will adversely affect the environmental values of adjoining or nearby public land.
- Whether roads, accessways and footpaths within a subdivision have been designed to have an informal appearance, with an emphasis on retaining vegetation within road verges and alternatives to concrete kerb and channel drainage and standard bitumen (e.g. gravel or exposed aggregate).
- Whether the use of street lights has been limited to a single light at an intersection.
SCHEDULE 12 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO12.

LORNE RESIDENTIAL AREAS

1.0

Design objectives

To ensure that lot sizes are sufficient to accommodate adequate vegetation, including substantial trees, buildings that meet the preferred neighbourhood character, and provide space for wildfire management requirements.

To protect the quality of the vegetated amphitheatre vista of the Lorne township as viewed from the public realm.

To reinforce and/or establish an unfenced open character throughout Lorne.

To encourage a diversity of dwelling types within locations in close proximity to the commercial centre of Lorne.

To preserve historic places and landscapes that contribute to the character and history of Lorne.

To minimise the visual impact of signage.

2.0

Buildings and works

Permit Requirement

A permit is not required to construct a building or carry out works.

A permit is required to construct a fence. This does not apply to a fence that is:

- Of post and wire construction; and
- Not more than 1.5 metres in height; and
- Not located on a street boundary or within a street boundary building setback.

3.0

Subdivision

Requirements

Subdivision must meet the following requirements:

- A lot must have an area of at least:
  - 550m²;
  - 1000m² for land within the Mountjoy Parade Heritage Precinct (HO77).

- Each lot created should be capable of complying with the requirements of Schedule 2 to the Neighbourhood Character Overlay (Clause 43.05).

- Be the subdivision of existing dwellings or be accompanied by an application to develop more than one dwelling.

The minimum lot area requirement can only be varied with a permit where:

- The land is within a Restructure Overlay and the number of lots to be created conforms with the maximum number of dwellings allowed in the Table to the Lorne Restructure Plan (incorporated document); or

- All of the following apply:
  - The land is within the area shown shaded on Map 1 to this schedule; and
The creation of lots less than 550m² increases dwelling diversity by providing smaller dwelling types (in floor area and number of bedrooms).

A permit is not required to subdivide land if the land is developed by two or more dwellings which were lawfully constructed or approved by a permit issued under this Scheme before 16 October 2008.

Exemption from notice and review

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.

Advertising signs

Advertising sign requirements are at Clause 52.05-8, Category 4.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 43.02-5 the responsible authority must consider:

Fencing

- Whether fencing forward of the building is in keeping with the preferred streetscape character.
- Whether solid fencing has been used sparingly and only for achieving privacy for habitable room windows and designated areas of private open space.
- Whether the fencing material contributes to an open non-suburban character and has a lightweight appearance.
- Whether vegetation can be used in preference to fencing to provide privacy between dwellings.
- Whether solid fencing would be visible beyond the site.
- Whether fencing abutting a public open space reserve or walkway needs to be permeable to allow surveillance of the public realm.

Subdivision

- The need for a lower density of development or larger lots for any of the following reasons:
  - to minimise the removal of native vegetation;
  - in response to the topography of the land;
  - due to the visual prominence of the site from the Great Ocean Road and other public viewing points;
  - the size, shape or orientation of the land;
  - to minimise the risk from wildfire;
  - any other constraint.
- Whether the development of land at higher densities will encourage a diversity of housing types, in particular smaller dwellings.
- The need to restrict certification of the plan of subdivision under the Subdivision Act 1988 prior to the substantial completion of the development.
- Whether roads and footpaths are designed to achieve an informal appearance, with an emphasis on retaining and planting vegetation within road verges and alternatives to concrete kerb and channel drainage.
- Whether provision is being made to locate service infrastructure, including power supply lines and telephone cables, underground.

**Advertising signs**
- The need to avoid brightly coloured signage, large signs or a proliferation of signs that would detract from the landscape values.

**Map 1 – Subdivision Precinct**
SCHEDULE 13 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO13.

COASTAL BOULEVARDS, TORQUAY-JAN JUC

1.0 Design objectives

To encourage building design that complements the coastal landscape setting and the scenic and landscape values of the foreshore environs.

To ensure that development provides for spacing around buildings and visual permeability when viewed from foreshore areas and the street.

To minimise the visual impact of development when viewed from public areas, having regard to building size, height, bulk, siting, site coverage, car parking and external materials and colours.

To encourage retention and establishment of native and indigenous vegetation that enhances the softening of development, with emphasis on the establishment of vegetation that improves the interface with the foreshore areas.

To provide for the reasonable sharing of views of the foreshore, ocean and significant landscape features from properties affected by this Schedule.

To reinforce and/or establish a low fenced or unfenced open character along the coastal boulevards and reserves.

2.0 Buildings and works

Permit requirement

A permit is not required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an outbuilding (other than a garage or carport) with a gross floor area that does not exceed 10 square metres and a maximum building height of no more than 3 metres above ground level.

A permit is required to construct an outdoor swimming pool associated with a dwelling if the proportion of the site covered by buildings, hard surfaces and pools exceeds 50 per cent of the site area.

A permit is required to construct a fence that is more than 1.0 metre in height and located on or within:

- 6 metres of the front street boundary.
- 1 metre of a boundary abutting a public open space or foreshore reserve.

Requirements

Street setback

Walls of buildings should be set back from streets at least:

- 6 metres from the front street.
- 3 metres from a side street on a corner lot.

Porches, pergolas, balconies and verandahs may not encroach into these setbacks.

Building height

Buildings should not exceed a height of 7.5 metres above natural ground level.
Site coverage / landscaping
At least 50 per cent of the site should be available for the planting of vegetation. The area available for the planting of vegetation cannot include driveways, paths, decks, terraces, patios, swimming pools and tennis courts (whether or not these areas are pervious).

Parking and access
Garages and carports should be set back at least 1 metre behind the main building façade and should be visually compatible with the development.

Only one single width vehicle crossover should be provided to each lot.

A driveway should be predominantly set back at least 1 metre from the side boundary it is closest to, to allow for a 1 metre landscaped buffer.

Garages should not exceed one third of the total building width as seen from the street.

Side and rear setbacks
A new building should be set back at least:

- 3 metres from one side boundary at ground floor level.
- 3 metres from both side boundaries at first floor level.
- 6 metres from a rear boundary abutting a public open space or foreshore reserve.

Application requirements
An application to construct a building or to construct or carry out works must be accompanied by the following information, as appropriate:

- Details of the type and colour of all external building materials.
- A landscape plan that shows:
  - The location, species and height of existing vegetation that is to be retained and/or removed.
  - A detailed planting schedule using species predominantly selected from the *Indigenous Planting Guide* (2003), with emphasis on the use of Coastal Dune, Coastal Shrubland and Coastal Heathland species, as appropriate to the locality.

Subdivision
An application for subdivision that creates a vacant lot less than 300m² must show a building envelope or be accompanied by development plans that demonstrate that the lot is capable of supporting a dwelling that will meet the design objectives of this clause.

Exemption from notice and review
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.

Advertising signs
Advertising sign requirements are at Clause 52.05-9, Category 4.

Decision guidelines
Before deciding on an application, in addition to the decision guidelines in Clause 43.02-5 the responsible authority must consider:

- Whether the siting, height, scale, architectural design and materials and colours of a proposed building have appropriate regard to:
- the preferred neighbourhood, streetscape and vegetation character of the area as described in the Torquay-Jan Juc Neighbourhood Character Study and Vegetation Assessment (2006) and Torquay-Jan Juc Neighbourhood Character Study Review (2012);
- the coastal landscape setting;
- the visual permeability of the built form when viewed from foreshore reserves and the street.

- Whether the height causes a building to dominate the foreshore reserve or streetscape and allows for a reasonable sharing of views of the foreshore, ocean and significant landscape features.
- Whether the area available for landscaping is sufficient to provide vegetation that will achieve the effect of:
  - softening the prominence of buildings in the streetscape and when viewed from the foreshore reserve; and
  - complementing the coastal landscape setting.
- Whether driveways and parking areas have been designed to be visually recessive in the streetscape.
- Whether provision has been made for accommodating future demand for undercover parking (if necessary) in a manner consistent with the objectives of this schedule.

**Fencing**
- Whether a fence on or within 6 metres of the front street boundary:
  - Is appropriate having regard to the streetscape character and the level of compatibility of the fence with the prevailing style, scale and materials of existing fencing within the streetscape.
  - Allows for openness / visual permeability between private and public areas.
- Whether a fence on or within 1 metre of a boundary abutting a public open space or foreshore reserve is:
  - Required for privacy needs.
  - Of a style and design that complements the adjacent public open space or foreshore reserve.

**Subdivision**
- Whether the subdivision of land at higher densities will encourage a diversity of housing types, in particular smaller dwellings.
SCHEDULE 15 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO15.

AIREYS INLET COMMERCIAL AREAS

1.0 Design objectives
To ensure new development respects the coastal character of Aireys Inlet.
To ensure the scale of new buildings respects the predominant low rise development in Aireys Inlet.
To enhance views to the Split Point Lighthouse, the landscape ridgelines, the general store and the valley.
To provide for pedestrian permeability and access to the Painkalac Creek.

2.0 Buildings and works
The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

- The preferred maximum building height is 8 metres.
- Development above 8 metres should:
  - Present as two-storey building when viewed from the Great Ocean Road and Painkalac Creek.
  - Be designed to allow for views to the Split Point Lighthouse, the landscape ridgelines, the general store and the valley.
- Buildings should display a coastal style of architecture and be suitably articulated.
- Buildings should be designed to differentiate horizontal and vertical tenancies.
- Buildings should be designed to create a pedestrian focussed street, through the provision of wide footpaths and cantilevered balconies, awnings and/or verandas at the street edge.
- Buildings should be designed to have an active frontage to the Great Ocean Road and where possible, the Painkalac Creek corridor.
- Buildings should be designed to enhance pedestrian linkages between the Great Ocean Road and Painkalac Creek.
- Car parks should be designed to prevent light spillage to the adjoining neighbourhood and the Painkalac Creek environs.
- Car parks should include shade trees, footpaths and bicycle storage areas.
- Large car parking areas should be located away from the active street edge and be designed to integrate with the adjacent sites.

3.0 Subdivision
None specified.

4.0 Signs
Sign requirements are at Clause 52.05. All land located within this Schedule is in Category 3.

5.0 Application requirements
None specified.
Decision guidelines

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:

- How the design, height and visual bulk of new buildings address potential amenity impacts on surrounding development.
- How the design of new buildings responds to the coastal character of Aireys Inlet and the Great Ocean Road environs.
- The impact the proposal may have on views to the Split Point Lighthouse, the landscape ridge lines, the general store and the valley.
- How the proposal improves the street environment for pedestrians.
- The extent to which buildings provide an active frontage to the Great Ocean Road and the Painkalac Creek frontage.
- The design of car park areas and their effect on adjoining neighbourhoods and the Painkalac Creek environs.
SCHEDULE 16 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO16.

TORQUAY MUNICIPAL PRECINCT

1.0

Design objectives
To encourage a scale of development that is complementary to and compatible with the low rise coastal character of Torquay and the amenity of surrounding development.

To promote excellence in the design and massing of buildings to ensure that development contributes to making an attractive entrance statement to Torquay.

2.0

Buildings and works
A permit is not required to construct a building or construct or carry out works where:

- The height of the building, excluding any television antenna, chimney or flue, is not more than 9 metres above natural ground level.

3.0

Subdivision
A permit is not required to subdivide land.

4.0

Signs
None specified.

5.0

Application requirements
None specified.

6.0

Decision guidelines
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:

- Whether a building height over 9 metres is required to create architectural interest, without causing detriment to surrounding development or creating a sense of visual bulk.

- Whether a building over 9 metres in height contributes to the creation of a gateway statement and is needed to give identity to the precinct.

- Whether a building height exceeding 9 metres facilitates a built form that reinforces the preferred character for the area.

- The extent to which the development is consistent with the Torquay Community and Civic Precinct Master Plan (2007).
SCHEDULE 17 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO17

WINCHELSEA COMMERCIAL 2 ZONE AREA

1.0

Design objectives
To achieve a design, built form and landscaping outcome that enhances the visual quality and amenity of this gateway location.

2.0

Buildings and works
The following buildings and works requirements apply to an application to construct a building or construct or carry out works:
A permit is required to construct a fence.

Landscape and setback
Buildings must have a minimum front setback of 3 metres, which is to be set aside for landscaping. This requirement cannot be varied.

Landscaping within the front setback of lots should utilise a mix of trees, shrubs and grasses from the list in the Surf Coast Shire Rural Indigenous Planting Guide, Landscape Zone 2, Soil 7 Middle Barwon River.

Landscaping in front setback areas should ‘frame’ rather than screen buildings, reducing the apparent bulk and mass of the building.

Landscaping areas must not be used for car parking, loading and/or storage.

Vehicle crossovers should be minimised to reduce the loss of landscape area.

Site Layout
Safe, segregated pedestrian routes should be provided around and between sites.

Car parking should be provided to the side or rear of sites.

Car parks should be softened through the use of island planting beds:

- Provided every 10 parking spaces minimum;
- Having a minimum of 1800 mm back of kerb to back of kerb;
- Each bed should contain a minimum of one tree suitable for providing shade.

Buildings
Building design should:

- Identify and emphasise the main entry.
- Utilise glass and other feature materials to provide articulation of walls which are visible from the Princes Highway or Anderson Street.
- Allow for signage to be integrated with the building.

Buildings with side walls facing streets should be articulated and not blank, bland walls.

The height of buildings should not exceed 9 metres above natural ground level (except for mechanical plant and architectural features where it can be demonstrated that these do not conflict with the design objectives).

Storage, refuse storage and utility areas should be integrated into the overall design and should not be visible from the Princes Highway.
**Fencing**

Fencing visible from the street should:

- Blend with the building design detail.
- Not be overbearing in scale.
- Complement the landscape.

Boundary fencing should be unobtrusive and visually recessive.

Security fencing should be:

- Unobtrusive, such as black or green PVC coated wire;
- Integrated with landscaping to reduce its visibility.

**Lighting**

Lighting should be designed to prevent spillover into adjacent properties where this may cause annoyance or detrimental impact.

**3.0**

27/05/2019

**C131surf**

**Subdivision**

None specified.

**4.0**

27/05/2019

**C131surf**

**Signs**

Sign requirements are at Clause 52.05. All land located within this Schedule is in Category 2.

The following signs are strongly discouraged:

- Above-verandah sign
- Panel sign
- Promotion sign
- Reflective sign
- Sky sign.

Signs should be of a size that is proportional to the scale of the building.

**5.0**

27/05/2019

**C131surf**

**Application requirements**

None specified.

**6.0**

27/05/2019

**C131surf**

**Decision guidelines**

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:

- Whether the appearance of the building and its surrounds will make a positive contribution to the streetscape.
- The effect on amenity that the building may have on nearby land uses and the residential area to the south.
- The need to ensure the safety and efficiency of the surrounding road network.
- Whether the appearance of a sign will have a detrimental impact on the visual amenity of the streetscape or the Princes Highway.
SCHEDULE 18 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO18**.

DEANS MARSH TOWNSHIP CHARACTER

1.0

**Design objectives**

To build on the historic rural character of the town, through the appropriate design and style of buildings, fences and advertising signs. The important elements comprise:

- 1-2 storey building height
- Pitched roof
- Lightweight, weatherboard cladding
- Lightweight, open front fencing

To preserve the low scale built character of the town.

To encourage an active streetscape frontage for commercial development.

To provide for a minimum lot size that allows for the effective disposal of wastewater on-site.

2.0

**Buildings and works**

**Permit requirements**

Permit requirements shall only apply to the precinct identified in Map 1 to schedule 18 to the Design and Development Overlay.

A permit is required to construct a fence that is more than 1 metre in height.

A permit is not required to construct a building or construct or carry out works associated with a dwelling provided:

- The main roof of the building or dwelling has a pitch greater than 20 degrees;
- The dominant cladding of the building or dwelling (ie. more than 70%) is weatherboard or weatherboard in appearance (horizontal or vertical overlapping slats used as cladding);
- The building or dwelling is not more than two storeys in height; and
- Any outbuilding associated with a dwelling is set back behind the dwelling.

**Requirements**

Buildings should not exceed two storeys.

Buildings should enhance the historic character of the township as generally illustrated in Diagram 1 to this schedule.

A garage associated with a dwelling should be setback at least 1 metre behind the front building line and be built in a similar style to the dwelling.

New commercial development should provide for integrated on and off street parking.

Off-street commercial car parking should be sited to the rear of commercial development so that it does not dominate the streetscape (Refer to Diagram 2 & 3 to this schedule).

Commercial development should be built to the street boundary and should have verandas over the footpath. (Refer to Diagram 2 & 3 to this schedule).
3.0 Subdivision

Requirement

Each lot created in a subdivision should be at least 0.4 ha. Applications for smaller lots should be supported by a comprehensive Land Capability Assessment.

Lots created by subdivision that include a battle-axe driveway must not include the area of the driveway in the lot area calculation.

4.0 Advertising signs

Advertisements as at Clause 52.05-9 – Category 3 - High Amenity areas.

5.0 Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- Whether a fence greater than 1 metre in height respects the visual character of the streetscape through lightweight construction and permeability.
- Whether an outbuilding associated with a dwelling is setback behind the predominant building line within the street to reduce its visual impact.
- Whether a garage does not dominate the building frontage and is set behind the house.
- Whether an advertising sign would be overly dominant in the streetscape, having regard to its size, location, colour or illumination.
- Whether the size, shape and soil characteristics of a lot provides for the effective and sustainable disposal of wastewater on-site.

Diagram 1 to Schedule 18 to the Design and Development Overlay
Diagram 2 to Schedule 18 to the Design and Development Overlay

Preferred Design Guidelines

- Verandahs extend over the path where possible
- Signage is located below the roofline and is not illuminated
- Carpark is to the rear
- Shopfronts have active frontages and are located on the front boundary
- Footpath extends along Birregurra Road
- Parking to the rear and on the street

Diagram 3 to Schedule 18 to the Design and Development Overlay

Preferred Site Analysis

- Access point at rear of block to access carparking area
- Footpath should continue along Birregurra Road frontage
- Potential development area for shops or other businesses. Buildings should be built to the front boundary and should contain windows to create an interactive frontage
- Buildings need to be sufficiently setback to avoid overshadowing of outdoor seating area of existing use
- Opportunity for on street carparking
- 12 Deans Marsh - Lorne Rd
- Carparking should be located to the rear of the site
Map 1 to Schedule 18 to the Design and Development Overlay
SCHEDULE 19 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO19.

ANGLESEA RESIDENTIAL AREAS

1.0 Design objectives

To preserve and enhance the low density non-suburban coastal character of Anglesea and retain the sense of houses in a bush setting.

To ensure lots are of a sufficient size and dimension to maintain adequate area around buildings to support the preservation and re-establishment of vegetation that enhances screening of development from adjoining properties and public areas, and to allow for the creation and management of defendable space for bushfire protection.

To encourage a diversity of dwelling types and sizes within walking distance of the commercial centres.

To retain a sense of openness between properties by encouraging the use of open style fencing and vegetation in preference to solid forms of fencing.

2.0 Buildings and works

Permit Requirement

A permit is not required to construct a building or construct or carry out works.

A permit is required to construct a fence. This does not apply to:

- A fence of post and wire construction not more than 1.5 metres in height; or
- A fence that meets all of the following:
  - Is located in Precinct B as shown on Map 1 to this schedule; and
  - Is sited adjacent or to the rear of an existing dwelling (Section B as shown on Diagram 1); and
  - Does not exceed a height of 1.8 metres; and
  - Is at least 25% permeable.

Requirements

A fence forward of the front wall of a dwelling (Section A on Diagram 1) should not exceed 1.5 metres in height and should be at least 75% permeable.

In Precinct A as shown on Map 1 to this schedule, a fence adjacent or to the rear of a dwelling (Section B on Diagram 1) should not exceed 1.6 metres in height and should be at least 75% permeable.
Subdivision

Application Requirements

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

- A site plan that shows:
  - A minimum ‘site area’ for a dwelling as per the requirements below;
  - The location and extent of defendable space that is required to manage bushfire risk;
  - The location of any works or site disturbance associated with provision of infrastructure to the subdivision; and
  - The location of existing vegetation that is to be retained and/or removed.

- Where the land has a slope exceeding 25%, a geotechnical report that addresses where relevant:
  - Potential for erosion, susceptibility to landslip or other land degradation;
  - The need to stabilise disturbed areas by engineering works or revegetation.

- A vegetation management plan that details the extent of works proposed, and ways in which retained vegetation will be suitably protected from damage during the works.

Requirements

Subdivision must meet the following requirements:

- A lot must have a ‘site area’ of at least:
  - 800m² in Precinct A as shown on Map 2 to this schedule;
  - 550m² in Precinct B as shown on Map 2 to this schedule, except for corner sites where the minimum area should be 600m²;
  - 400m² in Precinct C as shown on Map 2 to this schedule, except for corner sites where the minimum area should be 450m².

Where ‘site area’:
- excludes land common to more than one dwelling or land providing vehicular access to a rear dwelling such as in a battle-axe lot; and
- is not to be averaged across multiple dwellings.

- Each lot created must be capable of containing an existing dwelling, or supporting a new
dwelling, that will meet the relevant buildings and works requirements of Schedule 3 to the
Neighbourhood Character Overlay (Clause 43.05).

- For the creation of lots less than 550m2, or for sites that contain a medium to high cover of
mature native vegetation, be the subdivision of existing dwellings or be accompanied by an
application to develop more than one dwelling.

The minimum site area requirement can only be varied with a permit where:

- The subdivision is to create lots each containing an existing dwelling or accords with a permit
that has been granted for development of the land for more than one dwelling; or

- All of the following apply:
  - The land is within Precinct C as shown on Map 2 to this schedule; and
  - The creation of lots less than 400m² increases dwelling diversity by providing smaller
dwelling types (in floor area and number of bedrooms).

**Exemption from notice and review**

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.

**4.0**

**Advertising signs**

Advertising sign requirements are at Clause 52.05-8, Category 4.

**5.0**

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 43.02-5 the
responsible authority must consider:

**Fencing**

- Whether a fence less permeable than a post and wire fence located forward of the front building
line is appropriate having regard to the preferred streetscape character and prevailing front
fence style of the adjoining properties.

- Whether less permeable forms of fencing on side and rear boundaries have been used sparingly
and only for achieving privacy for habitable room windows and designated areas of private
open space.

- Whether vegetation can be used in preference to fencing to provide privacy between dwellings.

- Whether the fencing material contributes to an open non-suburban character and has a lightweight
appearance.

- Whether fencing abutting a public open space reserve or walkway needs to be permeable to
allow surveillance of the public realm.

- The need to avoid brush fences and other combustible fence materials to reduce bushfire risk.

**Subdivision**

- Whether a larger site area is required to provide sufficient area for a dwelling, associated
landscaping, the protection of native vegetation and any defendable space required to manage
bushfire risk.
• Whether the subdivision of land at higher densities will encourage a diversity of housing types, in particular smaller dwellings.

• Whether all new lots have been designed and sited such that any future dwelling will not be visually prominent when viewed from the Great Ocean Road or any other significant viewing point.

• Whether the subdivision has been designed to minimise any adverse impact on the vegetated appearance of the street or the site.

• Whether the subdivision will adversely affect the environmental values of adjoining or adjacent public land.

• Whether roads, accessways and footpaths within a subdivision have been designed and constructed to achieve an informal appearance, with an emphasis on retaining and planting vegetation within road verges and alternatives to concrete kerb and channel drainage.

• Whether reticulated services have been designed to be placed underground and in common trenches, using internal roads where possible, in order to maximise opportunities for future planting of vegetation within the subdivision.

• The need to restrict certification of the plan of subdivision under the Subdivision Act 1988 prior to the substantial completion of the development.
Map 1 to Schedule 19 to Clause 43.02 – Anglesea Fencing Precincts
SCHEDULE 20 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO20.

OLD TORQUAY SOUTH

1.0

Design objectives

To encourage high quality, contemporary medium density development that respects and contributes to Torquay’s coastal character and complements the streetscape with respect to building form, height, massing, setbacks, colours and materials.

To encourage building setbacks and private open space areas that are sufficient to retain a sense of space around buildings and that enable landscaping to be provided that softens the appearance of buildings.

To encourage a diversity of dwelling types and sizes, in particular smaller and/or adaptable dwellings, to cater for the emerging trend in smaller household size.

To encourage the retention and establishment of native and indigenous vegetation that serves to soften buildings from the street and from adjoining properties.

To ensure driveways and parking areas are designed to be visually recessive in the streetscape and complement the design of buildings.

2.0

Buildings and works

A permit is not required to construct a building or construct or carry out works associated with one dwelling on a lot where the following apply:

- The height of the new building is not more than 7.5 metres above ground level.
- A new garage or carport is set back from the street at least 1 metre further than the wall of the dwelling (excluding porches, porticos, verandahs, pergolas, blade walls, decks, balconies, columns, piers and the like) - refer Diagram 1.

Diagram 1 - Garage setback

Application requirements

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

- A detailed report that shows how the design objectives of this overlay are met.
- Details of the type and colour of all external building materials.
- A landscape plan that shows:
  - The location, species and height of existing vegetation that is to be retained and/or removed.
- A detailed planting schedule using species predominantly selected from the *Indigenous Planting Guide (2003)*, with emphasis on the use of Bellarine Yellow Gum, Messmate Stringybark, Ironbark, Manna Gum, Drooping Sheoak and Moonah Woodland community species, as appropriate to the locality.
- The removal of environmental weeds as listed in *Weeds of the Surf Coast Shire (2013)*.

Requirements
All new dwellings (including medium density housing), buildings and works that require a permit should meet the following requirements, as appropriate.

Building height
- Buildings should not exceed a height of 7.5 metres above natural ground level.

Private open space
- An area of at least 40 square metres of private open space should be provided for each dwelling, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 25 square metres, a minimum dimension of 5 metres and convenient access from a living room.
- Secluded private open space within front setback areas should be avoided.

Landscaping
- Sites, in particular the front and rear building setback areas, should be landscaped in a manner that softens the appearance of buildings in the streetscape and from adjoining properties and contributes to the landscape character of the town.
- On sites where a multi-storey development is proposed, at least two canopy trees should be planted within the front setback area.
- On sites where a single storey development is proposed at least one canopy tree should be planted within the front setback area.

Car parking and access
- Garages and carports should be set back from the street at least 1 metre further than the wall of the dwelling and should be visually compatible with the development.
- Garages and carports should not exceed one half of the total building width as seen from the street.
- Only one single width vehicle crossover should be provided to each dwelling fronting the street.
- A landscape strip should be provided on either side of a driveway capable of supporting a variety of shrubs and small trees, with a minimum width of 0.5 metres adjacent to the side boundary and a 1 metre width adjacent to the dwelling. Where retention of an existing dwelling is considered to be consistent with neighbourhood character, the above minimum width can be reduced.
- Driveways on battle-axe lots or common property should be curvilinear to create visual interest and avoid a gun barrel effect.

Subdivision
A permit is not required to subdivide land.

Advertising signs
Advertising sign requirements are at Clause 52.05-8, Category 4.
Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 43.02-5, the responsible authority must consider, as appropriate:

**Building height**
- Where a new building exceeds a height of 7.5 metres above natural ground level:
  - The extent of the part of the building that exceeds a height of 7.5 metres.
  - Whether the height would cause the building to be visually prominent within the streetscape.
  - Whether the building height is reasonable due to the location of the site and will not result in reduced residential amenity by way of visual bulk.
  - Whether canopy trees have been retained or will be planted to soften the appearance of the building.

**Building design**
- Whether the design of buildings adopts architectural forms and rooflines which convey a lightweight, contemporary coastal image and avoids a suburban appearance or historic replication.
- Whether buildings provide visual interest through articulation, glazing, verandahs, balconies, eaves and variation in materials and textures, and avoid design repetition.
- Whether buildings incorporate the use of external colours and finishes that are subtle, neutral, non-reflective and unobtrusive and reflect the preferred coastal character.
- Whether a diversity of dwelling types and sizes, in particular dwellings with no more than two bedrooms, and a diversity of built form, materials and colours is proposed.
- Whether dwellings, in particular side-by-side developments, have been designed to have a visual interconnection with the street rather than presenting merely as garages and front doors only.
- Whether dwellings have been designed and sited to avoid the excessive application of screen devices required to minimise overlooking.
- Whether the placement of roof top structures such as solar panels, hot water systems, air conditioning units and the like avoids detrimental impact on the streetscape or adjoining properties.

**Building siting**
- Whether the building setbacks from front, side and rear boundaries are sufficient to:
  - maintain a vegetated front garden setting consistent with the streetscape
  - allow for the retention or planting of vegetation, including canopy trees, that softens buildings within the streetscape and from neighbouring properties.
- Whether the length of walls on boundaries has been limited to that generally required for the provision of a garage.

**Private open space**
- Whether the provision of private open space is sufficient to create a sense of space around buildings and to allow for the retention or planting of vegetation, including canopy trees.
- Whether the provision of secluded private open space has been located to the rear or side of dwellings to avoid the requirement of high fencing within the building’s front setback.
- Whether a larger area of secluded private open space should be provided for large dwellings with three or more bedrooms (including studies).
The appropriateness of reducing the area of secluded private open space in order to facilitate increased dwelling diversity, in particular smaller dwellings with one or two bedrooms, whilst still providing a high quality landscape outcome.

Where a reduced area of secluded private open space is proposed, whether an increased level of landscaping has been provided within front setback areas and along driveways, to offset the loss of planting opportunities in private gardens.

**Car parking and access**

- The extent to which driveways and parking areas have been designed, sited and dimensioned to be visually recessive in the streetscape by:
  - avoiding undercover or enclosed car parking forward of the dwelling façade
  - sharing driveways where appropriate
  - softening driveways and parking areas with vegetation
  - limiting the number and width of vehicle crossovers.

- The extent to which driveways on battle-axe lots or common property have been designed to create visual interest and avoid a gun barrel effect.

- Whether the width of garages and carports is proportional to the total building width as seen from the street.

- Whether provision has been made for accommodating future demand for undercover parking (if necessary) in a manner consistent with the objectives of this schedule.

**Landscaping**

- The extent to which the landscaping of the site will achieve the effect of:
  - softening the appearance of buildings in the streetscape and from adjoining properties
  - complementing the landscape character of Old Torquay.

- The extent to which excavation, retaining walls, paths and other ancillary works reduce the ability to appropriately vegetate the site.
SCHEDULE 21 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO21.

OLD TORQUAY NORTH, WOMBAH PARK AND CHURCH ESTATE, TORQUAY

1.0 Design objectives

To encourage building design that respects and contributes to Torquay’s coastal character and complements the streetscape with respect to building form, height, massing, setbacks, colours and materials.

To encourage building setbacks and areas of private open space that are sufficient to retain a sense of space around buildings and to provide sufficient room for landscaping.

To encourage a diversity of dwelling types and sizes, in particular smaller and/or adaptable dwellings, to cater for the emerging trend in smaller household size.

To encourage the retention and establishment of native and indigenous vegetation that serves to soften buildings from the street and from adjoining properties.

To ensure driveways and parking areas are designed to be visually recessive in the streetscape and complement the design of buildings.

2.0 Buildings and works

A permit is not required to construct a building or construct or carry out works associated with one dwelling on a lot where the following apply:

- The height of the new building is not more than 7.5 metres above ground level.
- A new garage or carport is set back from the street at least 1 metre further than the wall of the dwelling (excluding porches, porticos, verandahs, pergolas, blade walls, decks, balconies, columns, piers and the like) - refer Diagram 1.

Diagram 1 - Garage setback

Application requirements

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

- A detailed report that shows how the design objectives of this overlay are met.
- Details of the type and colour of all external building materials.
- A landscape plan that shows:
  - The location, species and height of existing vegetation that is to be retained and/or removed.
- A detailed planting schedule using species predominantly selected from the *Indigenous Planting Guide (2003)*, with emphasis on the use of Bellarine Yellow Gum, Messmate Stringybark, Ironbark, Manna Gum, Drooping Sheoak and Moonah Woodland community species, as appropriate to the locality.
- The removal of environmental weeds as listed in *Weeds of the Surf Coast Shire (2013)*.

**Requirements**

All new dwellings (including medium density housing), buildings and works that require a permit should meet the following requirements, as appropriate.

**Building height**

- Buildings should not exceed a height of 7.5 metres above natural ground level.

**Private open space**

- An area of at least 60 square metres of private open space should be provided for each dwelling, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room.
- Secluded private open space within front setback areas should be avoided.

**Landscaping**

- Sites, in particular the front and rear building setback areas, should be landscaped in a manner that softens the appearance of buildings in the streetscape and from adjoining properties and compliments the character of the town.
- On sites where a multi-storey development is proposed, at least two canopy trees should be planted within the front setback area.
- On sites where a single storey development is proposed at least one canopy tree should be planted within the front setback area.

**Car parking and access**

- Garages and carports should be set back from the street at least 1 metre further than the wall of the dwelling and should be visually compatible with the development.
- Garages and carports should not exceed 50 per cent of the total building width as seen from the street.
- Only one single width vehicle crossover should be provided to each dwelling fronting the street.
- A landscape strip should be provided on either side of a driveway capable of supporting a variety of shrubs and small trees, with a minimum width of 0.5 metres adjacent to the side boundary and a 1 metre width adjacent to the dwelling. Where retention of an existing dwelling is considered to be consistent with neighbourhood character, the above minimum width can be reduced.
- Driveways on battle-axe lots or common property should be curvilinear to create visual interest and avoid a gun barrel effect.

**Subdivision**

A permit is not required to subdivide land.

**Advertising signs**

Advertising sign requirements are at Clause 52.05-8, Category 4.
Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 43.02-5, the responsible authority must consider, as appropriate:

Building height

- Where a new building exceeds a height of 7.5 metres above natural ground level:

- Whether a building height over 7.5 metres is reasonable due to the physical constraints of the site and would not cause the building to be visually prominent within the streetscape or when viewed from adjoining properties.

- The extent of building that exceeds a height of 7.5 metres above natural ground level.

- Whether canopy trees have been retained or will be planted to soften the appearance of the building.

Building design and siting

- Whether the design of buildings adopts architectural forms and rooflines which convey a lightweight, contemporary coastal image and avoids a suburban appearance or historic replication.

- Whether the setback of buildings from front, side and rear boundaries is sufficient to:
  - maintain a vegetated front garden setting consistent with the streetscape
  - enable the retention and establishment of mature vegetation that softens the visual appearance of buildings within the streetscape and from adjoining properties.

- Whether any upper storey element of a dwelling has been designed and scaled to minimise visual bulk through articulation, disaggregation, materials, roof forms and reduced floor area.

- Whether the development provides for a diversity of dwelling types and sizes, in particular dwellings with no more than two bedrooms, and a diversity of built form, materials and colours.

- Whether dwellings, in particular side-by-side developments, have been designed to have a visual interconnection with the street rather than presenting merely as garages and front doors only.

- Whether dwellings have been designed and sited to avoid the excessive application of screen devices required to minimise overlooking.

- Whether the placement of roof top structures such as solar panels, hot water systems, air conditioning units and the like avoids detrimental impact on the streetscape or adjoining properties.

- Whether the retention of an existing building is considered consistent with neighbourhood character.

Car parking and access

- The extent to which driveways and parking areas have been designed to be visually recessive in the streetscape by:
  - avoiding, as appropriate, undercover or enclosed car parking forward of the dwelling façade
  - sharing driveways where appropriate
  - softening driveways and parking areas with vegetation
  - limiting the number and width of vehicle crossovers.

- The extent to which driveways on battle-axe lots or common property have been designed to create visual interest and avoid a gun barrel effect.
• Whether the width of garages and carports is proportional to the total building width as seen from the street.

• Whether provision has been made for accommodating future demand for undercover parking (if necessary) in a manner consistent with the objectives of this schedule.

**Private open space**

• Whether the provision of private open space is sufficient to create a sense of space around buildings and to allow for the retention or planting of vegetation, including canopy trees.

• Whether the provision of secluded private open space has been located to the rear or side of dwellings to avoid the requirement of high fencing within the building’s front setback.

• Whether a larger area of secluded private open space should be provided for large dwellings with three or more bedrooms (including studies).

• The appropriateness of reducing the area of secluded open space for one and two bedroom dwellings which are within 400 metres of a Neighbourhood Activity centre, to an amount commensurate with Standard B28 of ResCode.

• Where a reduced area of secluded private open space is proposed, whether an increased level of landscaping has been provided within front setback areas and along driveways, to offset the loss of planting opportunities in private gardens.

**Landscaping**

• The extent to which the landscaping of the site will achieve the effect of:
  - softening the appearance of buildings in the streetscape and from adjoining properties
  - complementing the landscape character of the town.

• The extent to which excavation, retaining walls, paths and other ancillary works reduce the ability to appropriately vegetate the site.
SCHEDULE 22 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO22.

JAN JUC

1.0

Design objectives

To encourage building design that respects and contributes to Jan Juc’s low rise coastal character and complements the streetscape with respect to building form, height, massing, setbacks, colours and materials.

To encourage building setbacks and areas of private open space that are sufficient to retain a sense of space around buildings and to provide sufficient room for landscaping.

To encourage a diversity of dwelling types and sizes, in particular smaller and/or adaptable dwellings within 400 metres of the Jan Juc activity centre, to cater for the emerging trend in smaller household size.

To encourage the retention and establishment of native and indigenous vegetation that serves to soften buildings within the streetscape and when viewed from adjoining properties.

To ensure driveways and parking areas are designed to be visually recessive in the streetscape and complement the design of buildings.

To ensure that front fences reflect the preferred character of a sense of openness between properties and the street.

2.0

Buildings and works

A permit is not required to construct a building or construct or carry out works associated with one dwelling on a lot where the following apply:

- The height of the new building is not more than 7.5 metres above ground level.
- A new garage or carport is set back from the street at least 1 metre further than the wall of the dwelling (excluding porches, porticos, verandahs, pergolas, blade walls, decks, balconies, columns, piers and the like) - refer Diagram 1.
- An area of at least 80 square metres of private open space is provided, with one area of private open space to have a minimum dimension of 8 metres.

Diagram 1 - Garage setback

A permit is required to construct a fence, other than post and wire, that is more than 1.2 metres in height and located on a street boundary or within a street boundary setback.

Application requirements

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

- A detailed report that shows how the design objectives of this overlay are met.
Details of the type and colour of all external building materials.

- A landscape plan that shows:
  - The location, species and height of existing vegetation that is to be retained and/or removed.
  - A detailed planting schedule using species predominantly selected from the *Indigenous Planting Guide* (2003) and planted generally in accordance with the principles of *Landscaping Your Surf Coast Garden For Bushfire* (2012) to reduce bushfire risk.

**Requirements**

All new dwellings (including medium density housing), buildings and works that require a permit should meet the following requirements, as appropriate.

**Building height**

- Buildings should not exceed a height of 7.5 metres above natural ground level.

**Private open space**

- An area of at least 80 square metres of private open space should be provided for each dwelling, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 50 square metres, a minimum dimension of 5 metres and convenient access from a living room.

- Secluded private open space within front setback areas should be avoided.

**Landscaping**

- Sites, in particular the front and rear building setback areas, should be landscaped in a manner that softens the appearance of buildings in the streetscape and from adjoining properties and complements the character of the town.

- On sites where a multi-storey development is proposed, at least two canopy trees should be planted within the front setback area.

- On sites where a single storey development is proposed at least one canopy tree should be planted within the front setback area.

**Car parking and access**

- Garages and carports should be set back from the street at least 1 metre further than the wall of the dwelling and should be visually compatible with the development.

- Garages and carports should not exceed 50 per cent of the total building width as seen from the street.

- Only one single width vehicle crossover should be provided to each dwelling fronting the street.

- A landscape strip should be provided on either side of a driveway capable of supporting a variety of shrubs and small trees, with a minimum width of 0.5 metres adjacent to the side boundary and a 1 metre width adjacent to the dwelling. Where retention of an existing dwelling is considered to be consistent with neighbourhood character, the above minimum width can be reduced.

- Driveways on battle-axe lots or common property should be curvilinear to create visual interest and avoid a gun barrel effect.

**Fencing**

A fence should not exceed a height of 1.5 metres and should be at least 50 per cent permeable.
Subdivision

A permit is not required to subdivide land.

Advertising signs

Advertising sign requirements are at Clause 52.05-8, Category 4.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 43.02-5, the responsible authority must consider, as appropriate:

Building height

Where a new building exceeds a height of 7.5 metres above natural ground level:

- Whether a building height over 7.5 metres is reasonable due to the physical constraints of the site and would not cause the building to be visually prominent within the streetscape or when viewed from adjoining properties.
- The extent of building that exceeds a height of 7.5 metres above natural ground level.
- Whether canopy trees have been retained or will be planted to soften the appearance of the building.

Building design and siting

- Whether the building design adopts architectural forms and rooflines which convey a lightweight, contemporary coastal image and avoids a suburban appearance or historic replication.
- Whether buildings incorporate the use of external colours and finishes that are subtle, neutral, non-reflective and unobtrusive and reflect the preferred coastal character.
- Whether the setback of buildings from front, side and rear boundaries is sufficient to:
  - maintain a vegetated front garden setting consistent with the streetscape
  - enable the retention and establishment of mature vegetation that softens the visual appearance of buildings.
- Whether any upper storey element of a dwelling has been designed and scaled to minimise visual bulk through articulation, disaggregation, materials, roof forms and reduced floor area.
- In multi-dwelling developments, whether the development provides for a diversity of dwelling types and sizes, in particular dwellings with no more than two bedrooms, and a diversity of built form, materials and colours.
- Whether dwellings, in particular side-by-side developments, have been designed to have a visual interconnection with the street rather than presenting merely as garages and front doors only.
- Whether dwellings have been designed and sited to avoid the excessive application of screen devices required to minimise overlooking.
- Whether the placement of roof top structures such as solar panels, hot water systems, air conditioning units and the like avoids detrimental impact on the streetscape or adjoining properties.
- Whether the retention of an existing building is considered consistent with neighbourhood character.
Car parking and access

- The extent to which driveways and parking areas have been designed to be visually recessive in the streetscape by:
  - avoiding, as appropriate, undercover or enclosed car parking forward of the dwelling façade
  - sharing driveways where appropriate
  - softening driveways and parking areas with vegetation
  - limiting the number and width of vehicle crossovers.

- The extent to which driveways on battle-axe lots or common property have been designed to create visual interest and avoid a gun barrel effect.

- Whether the width of garages and carports is proportional to the total building width as seen from the street.

- Whether provision has been made for accommodating future demand for undercover parking (if necessary) in a manner consistent with the objectives of this schedule.

Private open space

- Whether the provision of private open space is sufficient to create a sense of space around buildings and to allow for the retention or planting of vegetation, including canopy trees.

- Whether the provision of secluded private open space has been located to the rear or side of dwellings to avoid the requirement of high fencing within the building’s front setback.

- Whether a larger area of secluded private open space should be provided for large dwellings with three or more bedrooms (including studies).

- The appropriateness of reducing the area of secluded open space for one and two bedroom dwellings which are within 400 metres of a Local Activity centre, to an amount commensurate with Standard B28 of ResCode.

- Where a reduced area of secluded private open space is proposed, whether an increased level of landscaping has been provided within front setback areas and along driveways, to offset the loss of planting opportunities in private gardens.

Landscaping

- The extent to which the landscaping of the site will achieve the effect of:
  - softening the appearance of buildings in the streetscape and from adjoining properties
  - complementing the landscape character of the town.

- The extent to which excavation, retaining walls, paths and other ancillary works reduce the ability to appropriately vegetate the site.

Fencing

- Whether a front fence more than 1.2 metres in height is appropriate having regard to the streetscape character and the level of compatibility of the fence with the prevailing style, scale and materials of existing fencing within the streetscape.

- The need to discourage the use of brick, stone, masonry or sheet metal as fencing material.
SCHEDULE 23 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO23

TORQUAY NORTH NEIGHBOURHOOD ACTIVITY CENTRE

1.0 Design objectives

To facilitate the development of a ‘main street’ type activity centre with shops fronting directly onto Merrijig Drive and Fischer Street to provide an active and pedestrian focused interface.

To encourage a design and built form that reflects Torquay’s coastal atmosphere, emphasising strong associations with the beach and surfing culture of the township.

To ensure shops and cafes activate the street, with large car parking areas and larger format retail premises (e.g. supermarket) that have large areas of blank walls being ‘sleeved’ by small retail or commercial premises.

To promote development that is designed to cater for retail at ground level and office space or other professional type uses and dwellings on upper levels.

To create an environment conducive to walking, cycling and public transport use.

To ensure the landscaping of streets, public open spaces and private land contributes to a high quality environment.

To ensure the design and location of car parking and vehicular access does not detract from the amenity of the area.

To encourage interesting and innovative advertising signage that contributes to a vibrant centre and does not detract from the amenity of the area.

2.0 Buildings and works

A permit is not required for alteration to an existing building facade provided:

- The alteration does not include the installation of an external roller shutter; and
- At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.

Application Requirements

An application to construct a building or to construct or carry out works must be accompanied by the following information, as appropriate:

- A site description and design response that explains how the proposed development responds to the objectives and requirements of this schedule.

- Details of the type and colour of all external building materials.

- Details of the type, location, size, colours, materials and content of any advertising signs.

- A landscape plan that shows the location, species and height of proposed vegetation.

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 Business 5 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.
Requirements

Building height

- Buildings should have a height of 2 storeys, with the exception of larger format retail premises (e.g. supermarket), but not higher than 8 metres above natural ground level.

- A feature ‘gateway’ building is to be located at the north-east intersection of Fischer Street and Merrijig Drive that incorporates a 3 storey element with a maximum height of 10.5 metres above natural ground level.

- A minimum ground level floor to ceiling height of 3.5 metres is required for all buildings within the neighbourhood activity centre, to allow for immediate or future commercial / retail ground floor use. The minimum upper level floor to ceiling height is 2.7 metres.

Building setbacks

- Buildings should be set back from the Fischer Street and Merrijig Drive frontages to achieve a minimum 4 metre wide footpath between the back of kerb and front wall, with some provision to be made for outdoor dining where appropriate, in accord with Diagram 1.

- Zero side boundary setbacks are encouraged to create a continuous building edge to the street.

Building design

- Building facades should provide for individuality in shop front presentation and promote activity and interaction with the street.

- Buildings should be designed to differentiate horizontal and vertical tenancies and provide a variety in roof forms.

- Larger format retail premises (e.g. supermarket) should engage with the main streets and be sleeved by active frontages to the street as shown in Diagram 2 ‘Sleeving the Box’.

- Buildings on corner sites should be designed to emphasise the corner location and address both street frontages.

- Provision is to be made for an awning over the footpath along Fischer Street and Merrijig Drive that extends the length of the shopping strip and has a consistent height.

- Buildings should be scaled and orientated to maximise sunlight penetration to footpaths and alfresco areas during winter, where possible.

- Any upper level balconies should not extend beyond the front wall of the ground floor and balustrades should be transparent to facilitate sunlight penetration and maintain openness of design.

Landscaping

- Planting visible from the public domain is to use species selected from the Torquay North street tree planting list (Table 1 to this schedule).
Diagram 1 – Neighbourhood Activity Centre (main street and car park) indicative
Diagram 2 – Slewing the Box

The large footprint building is wrapped by liner buildings which ensures public streets are fronted by shopfronts and windows rather than blank walls and parking lots.

Subdivision

Subdivision of land within the neighbourhood activity centre must provide a layout that supports the urban design structure of small retail premises fronting the main streets, with large car parking areas (at-grade or multi-deck) and larger format retail premises sited to the rear.

Advertising signs

Advertising sign controls are at Clause 52.05, Category 3.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 43.02-5, the responsible authority must consider:

- Whether minor projections may be permitted to exceed the preferred maximum building height to create architectural interest, provided the added height does not result in unreasonable overshadowing or a sense of visual bulk.

- Whether the preferred maximum building height should be varied to accommodate rooftop services that are hidden from view from any public space, or designed as architectural rooftop features.

- Whether the building architecture expresses the coastal culture of Torquay.

- The extent to which buildings provide an active frontage to Fischer Street and Merrijig Drive, including the provision for outdoor seating where appropriate.

- The degree to which a flexible built form is provided that is able to evolve over time to meet current and future requirements.

- Whether an acceptable level of shade trees has been planted in the public domain, including streets and car parking areas, to provide shade and shelter, reduce the heat island effect of hard surfaces and enhance the scenic amenity of the centre.

- Whether advertising signs are designed as part of the building architecture, are proportionate to the scale of buildings on which they are displayed and are respectful of human scale and streetscape amenity.
- The need to discourage above verandah, pole, high wall, major promotion, panel, sky, bunting and streamer signs.
- Whether the illumination level of floodlit or internally illuminated signs would cause detriment to the amenity of nearby dwellings.

### Table 1 to Schedule 23 to Clause 43.02 – Street trees for the Torquay North Neighbourhood Activity Centre and adjoining streets

<table>
<thead>
<tr>
<th>Merrijig Drive</th>
<th>Verge</th>
<th>Tree pits / outstands within the parking lane</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Connector 1)</td>
<td>Angophora costata Smooth-barked Apple 3m</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Corymbia citriodora Lemon scented gum 3m</td>
<td></td>
</tr>
<tr>
<td>Fischer Street</td>
<td>Verge</td>
<td></td>
</tr>
<tr>
<td>(Connector 1)</td>
<td>Angophora costata Smooth-barked Apple 3m</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Angophora floribunda Rough-barked Apple 3m</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Corymbia citriodora Lemon scented gum 3m</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Acacia implexa Lightwood 2m</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Eucalyptus sideroxylon Mugga Ironbark 3m</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Acacia melanoxylon Blackwood 2m</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Corymbia maculata Spotted gum 3m</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lophostemon confertus Brushbox 3m</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Eucalyptus willisii Shining peppermint 3m</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Eucalyptus tricarpa Red Ironbark 3m</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Eucalyptus ficifolia Red flowering gum 3m</td>
<td></td>
</tr>
<tr>
<td>Neighbourhood</td>
<td>Tree pits / outstands within the parking lane</td>
<td></td>
</tr>
<tr>
<td>Activity Centre</td>
<td>As above or</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Eucalyptus melliodora Yellow box 3m</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Waterhousea floribunda Weeping lilly pilly 3m</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Tristaniopsis laurina Water gum 3m</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Angophora floribunda Rough-barked Apple 3m</td>
<td></td>
</tr>
<tr>
<td>Dominant trees</td>
<td>Neighbourhood Activity Centre</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Angophora costata Smooth-barked Apple 3m</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Corymbia ficifolia Red-flowering gum 3m</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Eucalyptus willisii Shining peppermint 3m</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Eucalyptus tricarpa Ironbark 3m</td>
<td></td>
</tr>
<tr>
<td>Tree Name</td>
<td>Common Name</td>
<td>Size</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>------------------------------</td>
<td>------</td>
</tr>
<tr>
<td><em>Corymbia citriodora</em></td>
<td>Lemon-scented gum</td>
<td>3m</td>
</tr>
<tr>
<td><em>Acacia melanoxylon</em></td>
<td>Blackwood</td>
<td>3m</td>
</tr>
<tr>
<td><em>Acacia implexa</em></td>
<td>Lightwood</td>
<td>2m</td>
</tr>
<tr>
<td><em>Waterhousea floribunda</em></td>
<td>Weeping lilly pilly</td>
<td>3m</td>
</tr>
<tr>
<td><em>Lophostemon confertus</em></td>
<td>Brushbox</td>
<td>2m</td>
</tr>
<tr>
<td><em>Tristaniopsis laurina</em></td>
<td>Water gum</td>
<td>2m</td>
</tr>
</tbody>
</table>

**Feature trees**

Feature trees are only to be used as ‘specimen’ trees at key locations or at focal points within the activity centre to provide colour, shade, interest, seasonal variation and vitality to the centre. The following species are suggestions only:

<table>
<thead>
<tr>
<th>Tree Name</th>
<th>Common Name</th>
<th>Size</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Quercus palustris</em></td>
<td>Pin oak</td>
<td>3m</td>
</tr>
<tr>
<td><em>Ulmus glabra ‘Lutescens’</em></td>
<td>Golden elm</td>
<td>2m</td>
</tr>
<tr>
<td><em>Quercus rubra</em></td>
<td>Red oak</td>
<td>3m</td>
</tr>
<tr>
<td><em>Gleditsia triacanthus var. inermis</em></td>
<td>Honey Locust</td>
<td>3m</td>
</tr>
</tbody>
</table>
SCHEDULE 24 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO24.

BELLBRAE TOWNSHIP

1.0 Design objectives

To protect and enhance the historic, village character of Bellbrae.

Infill development

To create a permeable street network that incorporates the village characteristics of the town.

To provide pedestrian access into the rear of the school and through the site from Cunningham Drive to School Road.

To provide a soft edge to the township when viewed from the Anglesea Road and to reduce the impact of noise from passing traffic.

To manage stormwater from infill development and to promote best practice stormwater management.

School Road ‘active frontage’

To consolidate the community facilities and reinforce School Road as a village ‘main street’.

To promote activity and an active edge along the main street.

To increase the on street car parking on School Road, particularly in the vicinity of the primary school.

To encourage design that will enhance the ‘village’ character of the town.

2.0 Buildings and works

A permit is not required to construct a building or carry out works:

- where the land is outside the ‘active frontage area’ shown on Map 1 to this schedule.
- for a dwelling on land within the active frontage area as shown on Map 1 to this schedule where:
  - any garage within the front dwelling façade is less than 50% of the total width of the dwelling façade, and
  - the dwelling is less than two storeys and 7.5 metres in height above ground level.

Requirements

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

Building setback

Development along School Road’s active frontage (excluding a dwelling) should be located on or within 4 metres of the front boundary with clear and direct pedestrian access from the entrance of the building to the street.

Building height

Development along School Road’s active frontage, should not exceed 7.5 metres in height above ground level except where the part of the building that exceeds this height is the pitch of a gable roof.
Built form

The provision of car parking within School Road’s ‘active frontage’, other than in association with a dwelling, should include the following elements:

- On street car parking should:
  - extend along the width of the property.
  - incorporate a shade tree every three or four spaces located within a purpose designed outstand within the parking lane.

- On site car parking should:
  - predominantly be located behind a building
  - only be located to the side of a building where landscaping makes provision for numerous shade trees to soften the dominance of the car parking area.

Subdivision

Requirements

A permit to subdivide land must meet the following requirements:

Lot layout should allow for infrastructure in accordance with the Infill Infrastructure Requirements shown on Map 3 to this schedule.

A lot should have an area of at least:

- 4000 square metres in Precinct A, defined on Map 2 to this schedule where:
  - The stormwater wetland and retardation area may be calculated as part of the lot area.
  - The 15 metre vegetated buffer abutting Anglesea Road may be calculated as part of the lot area.
  - The drainage buffer located at 55 School Road is not calculated as part of the lot area.

- 2500 square metres in Precinct B, defined on Map 2 to this schedule where:
  - The drainage buffer located at 55 School Road may be calculated as part of the lot area.

Stormwater retardation and treatment for the infill area on the western side of School Road should be designed and located in accordance with the Bellbrae Stormwater Master plan (2013).

Stormwater easements are to be provided in accordance with the Bellbrae Stormwater Master plan (2013) to the satisfaction of the Responsible Authority.

Subdivision of land at 55 School Road should not prevent the treatment of School Road to provide footpaths and shade trees.

A new street within the infill area should be designed as a ‘shared zone’ incorporating traffic calming devises (such as chicanes or narrow points) to ensure low vehicle speeds and pedestrian priority. Adequate land is to be set aside within the road reservation for:

- A sealed travel lane of a similar width to the adjoining local street network (approximately 4 metres and no greater than 5.5 metres with passing bays for emergency vehicles as required).
- Shade trees.
- Power supply via underground conduit (and additional services as required).
- Grassed swales where the design and location of the swales are to be informed by the stormwater management plan submitted with the application.
Pedestrian access is to be provided for within the infill area, as shown on Map 3 to this schedule, providing access from either the Angelsea Road or Cunningham Drive to the rear of the Bellbrae Primary School. The footpath is to be constructed following the construction of the stormwater wetland and prior to Council’s acquisition of the land.

A linear reserve of approximately 15 metres is to be set aside between Anglesea Road and the infill area, defined on Map 3 to this schedule, to provide a vegetated buffer between the future residential land and the arterial road. The reserve is to be planted with native species. Stormwater wetlands/retardation can be located within the reserve.

Street and lot location should be designed to minimise removal of existing vegetation including exotic shade trees that add to the historic character of the town.

**Signs**

Signs should be simple in design and reflective of the historic/village character.

Signs should not dominate the streetscape or built form.

**Application requirements**

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:

**Subdivision**

A stormwater management plan, generally in accordance with the Bellbrae Stormwater Master plan (2013) should be submitted with an application to create a new lot(s) within the infill area located on the western side of School Road, defined on Map 3 to this schedule.

A stormwater management plan demonstrating how stormwater is to be treated and retarded must be submitted with an application to create a new lot(s) at 55 School Road, defined on Map 3 to this schedule.

**Decision guidelines**

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:

- Whether sufficient land has been provided along the western frontage of 55 School Road for a footpath and shade/street trees to be provided.

- Whether a commercial activity located on School Road will facilitate an active street edge, enhance the village character and general amenity of School Road by:
  - Formalising the on street car parking abutting the lot including making provision for adequate shade trees.
  - Minimising blank walls along the street frontage.
  - Providing an engaging and attractive entry to the site.
  - Siting surface car parking to the rear of the building.
  - Providing shade trees within the frontage of the lot (where appropriate) and within surface car parking areas.

- Whether a minor reduction to the specified subdivision lot size is warranted due to:
  - A demonstrated need to retain existing site features (including dwellings and vegetation) and the average density still meets the specified lot areas; and,
- The proposed lot sizes and configuration still meet the objectives of this schedule.

- Whether the stormwater management plans submitted for either an individual site or a collective subdivision area meets the requirements of the Bellbrae Stormwater Master Plan (2013).

- Whether an integrated subdivision layout for the infill site has been achieved with due consideration given to the following elements:
  - Provision of a street network that reflects the rural character which by design will encourage low vehicle speeds and pedestrian priority.
  - Lot orientation for solar efficiency.
  - Adequate land within the road reservation for:
    - a carriageway and,
    - verges containing shade trees, services and water sensitive urban design infrastructure

- Stormwater management and treatment.

- Provision of a vegetation reserve adjacent to the Anglesea Road.

**Map 1 to the Schedule to Clause 43.02 – School Roads ‘active frontage’**
Map 2 to the Schedule to Clause 43.02 – Subdivision lot sizes
Map 3 to the Schedule to Clause 43.02 – Infill infrastructure requirements
SCHEDULE 25 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO25.

ANGLESEA TOURISM DEVELOPMENT PRECINCTS

1.0 Design objectives

- To encourage development that respects the existing low scale coastal ‘village’ character of Anglesea.
- To ensure that the form, scale and architectural features of new development is sensitive to the character and amenity of adjoining residential properties.
- To facilitate the use of materials, colours and finishes that reflects the surrounding natural environment and complements the coastal character of Anglesea.
- To ensure new development demonstrates a high standard of contemporary design and responds to the principles of environmental sustainability.
- To ensure that buildings are designed to provide visual interest along the street frontage.
- To provide well-located, accessible and safe car parking areas which do not visually dominate the streetscape.
- To ensure service areas and facilities do not adversely impact on the visual amenity of the streetscape.
- To integrate planting and landscaping with the design of new development to complement the surrounding coastal bushland character of the area.
- To support the ongoing retention of native vegetation, with emphasis on indigenous species and the Coastal Moonah Woodland vegetation community.
- To ensure signage and advertising does not dominate the streetscape environment.

2.0 Buildings and works

A permit is required to construct a fence which abuts a road or public area, including a public car park.

All planning applications (except for minor buildings and works) must be accompanied by a site description and a design response that explains how the proposed development responds to the objectives and the relevant requirements of this schedule.

Requirements

- Buildings should not exceed a preferred maximum building height of 9.5 metres above natural ground level.
- Buildings along the Great Ocean Road should be setback a minimum of 2.5 metres from the front property boundary to accommodate space for landscaping.
- Buildings along Diggers Parade should be sited as close as possible to the front boundary, maintaining a minimal front setback at ground level. Where a site directly adjoins a lot used for residential purposes, ResCode standards A10, A13, B17 and B20 should be applied.
- Buildings should be designed to front onto and provide an active frontage along all streets and public spaces.
- Buildings should be designed to utilise natural colours, muted tones, matte finishes and non-reflective materials.
- Buildings should be designed to differentiate horizontal and vertical tenancies particularly on larger sites greater than 1,000 sq. m.
The design of carparks should not generate adverse impacts on the pedestrian environment/streetscape and the amenity of nearby residential properties.

Service areas (waste and recycling) should not adversely impact on the amenity of the area.

Landscaping should be provided to enhance the coastal bush setting of the area.

### Advertising signs

Advertisement sign requirements are at Clause 52.05-9, Category 3.

**Performance criteria**

In addition to the decision guidelines at Clause 52.05-2:

- Locate signage on building (rather than on poles or free standing on the street), so that it does not dominate the streetscape.

- Consolidate areas of signage and advertising into the one location, as far as reasonably possible.

- Ensure signage complements the design of the building and does not obscure more than 25% of the window area along a street frontage.

- Signage and advertising elements such as A-frames, pole signs, internally illuminated signs and inflatables should be avoided.

### Decision guidelines

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

- Whether higher elements that exceed the recommended height to create architectural interest cause detrimental overshadowing impacts on adjoining premises and public areas, and advances coastal design and environmentally sustainable design principles.

- Whether a desired third storey is recessed to reduce visual bulk and minimise adverse impacts on privacy and amenity. How the design, height and visual bulk of buildings addresses potential amenity impacts on surrounding development.

- The extent to which buildings provide an active frontage along all streets and public spaces.

- Whether buildings demonstrate a high standard of contemporary design and use robust high quality materials and detailing to ensure buildings remain attractive over time.

- Whether the design of new development utilises natural colours, muted tones, matte finishes and non-reflective materials.

- The extent to which building facades articulate balconies, eaves, variations in surface texture, colours and materials to emulate a fine grain (narrow frontage) subdivision pattern, particularly on larger sites.

- Whether car parking areas are visually concealed when viewed from the street and other public areas, as far as reasonably possible.

- Whether car parking is located to the rear of buildings and behind the front building line where possible.

- The extent to which the opportunity for shared car parking areas are provided within the Diggers Parade and Four Kings precincts.

- Whether the design of service areas and facilities are screened from view and concealed within secure dedicated enclosures that form an integral part of the building fabric.

- Whether landscaping is provided to screen large amounts of hard surfaces and service areas from public view, without compromising functionality, visual amenity or user safety.
- Whether the existing indigenous coastal vegetation, including the Coastal Moonah Woodland vegetation community is retained.

- Whether proposed vegetation is provided to screen and act as a buffer to adjoining residential areas.

- Whether proposed vegetation does not excessively block existing views of the Anglesea River, or sight lines into existing businesses.

- Whether landscaping is provided to enhance the coastal bush setting of the area while adhering to the principles contained in ‘Landscaping your Surf Coast Garden for Bushfire 2012’ booklet.

**Reference documents**

*Anglesea Great Ocean Road Study 2016*

*Landscaping your Surf Coast Garden for Bushfire 2012*
SCHEDULE 26 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO26.

FORMER WATER BASIN SITE - GROSSMANS ROAD, TORQUAY

1.0

Design objectives

To encourage building design that respects and contributes to Torquay’s coastal character and complements the streetscape.

To provide for the development of the site in a manner which is compatible with the surrounding residential development.

To minimise the visual prominence of development when viewed from the streetscape and adjoining properties, having regard to building height and siting.

To ensure the height of buildings is compatible with the existing scale and character of dwellings within the streetscape and neighbourhood.

2.0

Buildings and works

A permit is not required to construct a building or construct or carry out works other than to construct a building which:

- Is located within 9 metres of the estate’s southern boundary and exceeds a height of 4 metres above the finished site level.
- Exceeds a height of 6.5 metres above the finished site level on lots at the estate’s southern boundary.
- Exceeds a height of 7.5 metres on the balance of the estate.

(excluding any television antenna, chimney, flue or solar panels)

Requirements

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

Building height

- Buildings should not exceed a height of 4 metres above finished site levels within 9 metres of the southern lot boundary (Lots 314 to 325 of the Spiire Concept Plan of Subdivision Drawing No 1014/110).
- Buildings should not exceed a height of 6.5 metres above finished site levels on lots at the estate’s southern boundary (Lots 314 to 325 of the Spiire Concept Plan of Subdivision Drawing No 1014/110).

Buildings should not exceed a maximum height of 7.5 metres above finished site levels on the balance of the estates.

3.0

Subdivision

A permit is not required to subdivide land.

4.0

Signs

None specified.

5.0

Application requirements

None specified.
Decision guidelines

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 objectives of this schedule.
- The impact of the proposed buildings and works on existing dwellings as a result of the design, siting, height, size and bulk.
- 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 finished site levels of the land and reduce the need for site excavation or filling.
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 3 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO3.

40 COOMBES ROAD, TORQUAY

1.0

Objectives

None specified.

2.0

Requirement before a permit is granted

None specified.

3.0

Conditions and requirements for permits

None specified.

4.0

Requirements for development plan

The Development Plan must include the following:

Concept Plan

The Concept Plan should be designed following the preparation of the Environmental Management Plan and the Environmentally Sustainable Design Report. It must show:

- An indicative lot layout and road network for the whole of the land. It may need to include cluster court access as a means of reducing the disruption to biolinks or buffers.
- Details of the staging of the subdivision of the land.
- Access to the Industrial Estate from the Surf Coast Highway, at or in the vicinity of the current median opening.
- One large allotment in the south west corner of the land, which contains a building envelope to accommodate a dwelling, access ways, car parking and associated outbuildings in a cleared area of this allotment. The boundaries of the allotment should include as a minimum all land in this corner to which the Vegetation Protection Overlay, Schedule 1 applies.
- An Environmental Buffer immediately adjacent to Grass Tree Park with a minimum width of 30 metres. This land is to be shown as vested in Council on any plan of subdivision.
- A Visual Protection Buffer immediately adjacent to Surf Coast Highway with a minimum width of 30 metres.
- An Amenity Buffer located on land zoned Industrial 3 adjacent to the Low Density Residential Zone with a minimum width of 50 metres.
- Proposed biolinks, pedestrian access ways or cycle paths.
- An indication of the long term future land use of the remaining rural area of 40 Coombes Road.

Environmental Management Plan (“The EMP”)

The EMP should inform preparation of the Concept Plan and must be prepared by a suitably qualified consultant. It must include:

- A Flora and Fauna Study that comprises:
  - A description and map of the vegetation types present on and adjacent to the land.
  - A list of fauna present and a description of the various habitat opportunities (or limitations) including vegetation type, structure or other habitat niches.
- A description of the direct and indirect impacts of the proposed use and development on local flora and fauna.

- Measures (including works) required for the protection and on-going management of significant vegetation and fauna habitat, weed and vermin control, revegetation, and fencing. In particular, it should specify measures to ensure that any Bellarine Yellow Gums (*Eucalyptus leucoxylon* ssp. *Bellarensis*) are retained and that opportunities are provided for regeneration and additional planting.

- Measures for the protection and future management of remnant vegetation affected by the Vegetation Protection Overlay Schedule 1 in the south west corner of the land.

- The provision of one or more biolinks through the land, to provide for native flora and fauna links.

- Details of who will be responsible for biolink management from establishment through to maturity.

- Incorporates urban design techniques with regard to stormwater management and discharge rates and consideration of appropriate water supply and wastewater disposal services.

- A plan for the landscaping, rehabilitation and on-going management of the:
  - Environment Buffer (30 metres). The landowner will be responsible for establishment of the Environment Buffer and for maintenance of the area for a minimum period of 12 months.
  - Visual Protection Buffer (30 metres)
  - Amenity Buffer (50 metres)
  - Biolinks

The plan may need to include works for weed treatment, revegetation and fencing. Planting schedules should primarily include indigenous species of local provenance.

- A street tree planting program, including a list of the species, number of plants and locations of any proposed planting primarily utilising indigenous species (preferably sourced from plant material of local provenance).

- An investigation of the possibility of reusing surplus soil resulting from subdivision construction works for landscaping within the Industrial Estate, particularly for buffer and biolink areas.

- A description of fire hazard management options for the site particularly in association with fire management regimes recommended for Grass Tree Park.

- A description of how the Strategy will meet the objectives of Victoria’s *Native Vegetation: A Framework for Action*.

- A prohibition on the planting of environmental weeds on any part of the land.
SCHEDULE 4 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO4

BRIODY DRIVE ESTATE DEVELOPMENT PLAN

1.0 Conditions and requirements for permits

The following information must be submitted with a planning application to subdivide land within the ‘sensitive interface to creek environment’ area as shown on the Briody Drive Development Concept Plan:

- A landscape plan detailing an indigenous planting scheme to complement the indigenous environs of Deep Creek.

2.0 Requirements for development plan

Objectives:

- To co-ordinate the actions of land owners to ensure a comprehensively planned residential subdivision.
- To provide an attractive and high amenity residential area that integrates well with the existing character of Torquay and responds in a sensitive way to the abutting Deep Creek environs.

The Development Plan must generally accord with the Briody Drive Development Concept Plan and be based on and/or provide for:

Flora and Fauna Assessment

A flora and fauna assessment carried out by suitably qualified and experienced person/s that:

- Identifies the vegetation communities, the quality of habitat, the actual indigenous flora and fauna species that inhabit the site, threats to the indigenous flora and fauna species including pest plant and animal species and for any threatened flora and fauna species and communities their conservation status under local, regional, state and national legislation policies;
- Recommends potential indigenous flora and fauna for the Future Deep Creek Reserve;

Archaeological field survey

An archaeological field survey to be carried out on all land to which Schedule 4 to the Development Plan Overlay applies.

Lot size and layout

- Provide a variety of residential lot sizes that are well oriented to maximise solar orientation.
- Provide a well-connected and proportioned environmental corridor of at least a 30 metre width along each side of Deep Creek (measured from the centre of creek line). This corridor must be protected with an appropriate road setback and landscape treatment that maintains significant native vegetation, provides for drainage and fire management within the creek corridor, controls erosion, protects indigenous habitat and provides a transition between the residential land shown in the Briody Drive Development Concept Plan, the Deep Creek corridor and the low density residential environment to the north of the creek.
- Provide that all allotments, including corner allotments, along the Deep Creek environs interface, shown as areas of “sensitive interface to creek environment” in the Briody Drive Development Concept Plan, have a building envelope for dwellings and garages that is setback at least 5 metres from the allotment boundary facing Deep Creek, with dwelling frontage to facilitate passive surveillance of the creek reserve.
Flora, fauna and open space

- Provide for the protection of vegetation in the creek corridor and improve the habitat by revegetating degraded sections of the creek environs along the south bank.

- Minimise the extent of native vegetation removal in association with the subdivision.

- Provide a sustainable at-grade pedestrian crossing across Deep Creek in an area that was previously used as a cattle crossing (and therefore limits the removal of native vegetation). The degraded area should be appropriately revegetated using indigenous plant species.

- Provide an appropriate wildfire management regime to manage the risk from fire and protect the natural values within the western part of the creek corridor including the area covered by the Wildfire Management Overlay.

Road and Pedestrian Network

- Provide a road network that is permeable to pedestrians, cyclists and vehicles, providing direct and safe access from and through the subdivision to public transport connections, the Deep Creek environs, community facilities and local schools.

- Provide a continuous pedestrian and cycle access along the Deep Creek corridor.

- Provide a street network that is integrated and focuses traffic onto Briody and Illawong Drives in preference of proposed local streets.

- Provide for the upgrading of Briody and Illawong Drives to urban standards with a 7.5 metre back to back distance, kerb and channel, and footpaths along both sides.

- Provide footpaths along one side of all courts that are over 100 metres in length and on two sides of all through roads.

- Provide for the intersection to be upgraded at the corner of Briody Drive and Grossmans Road.

- Provide for the planting of internal roads with suitable native tree species to complement existing indigenous species.

Servicing

- Identify mechanisms for the treatment of storm water to current best practice prior to the appropriate release into Deep Creek.

- Identify mechanisms for disposing of sewage from the site via an appropriate reticulated sewerage system to the satisfaction of Barwon Water.

- Ensure requirements for water supply and access for subdivision comply with policy requirements of the Country Fire Authority.
Figure 1 – Briody Drive Development Concept Plan

(note Plan not to scale and indicative only)
SCHEDULE 5 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO5.

DUFFIELDS ROAD EAST RESIDENTIAL PRECINCT

1.0 Objectives

None specified.

2.0 Requirement before a permit is granted

A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority, to use land or to construct or carry out works for the following:

- One dwelling on an existing lot, including outbuildings, provided it is the only dwelling on the lot.
- Agriculture and any buildings or works in association with the use of the land for agricultural purposes.
- Extension, alteration or modification to an existing use or development.

3.0 Conditions and requirements for permits

All proposals to use land or to construct a building or construct or carry out works before the development plan has been prepared must be accompanied by a report demonstrating that they will not prejudice the long term future of the land for residential development.

All permits to subdivide land must include conditions with the following requirements:

- Prior to the commencement of any works, a construction management plan shall be prepared to the satisfaction of the responsible authority. The plan shall, among other things, and as appropriate, detail measures to:
  - protect the vegetation and water quality of Spring Creek,
  - protect the vegetation within and adjacent to Duffields Road,
  - minimise the impact of construction on neighbouring properties and uses, including schools, and
  - protect council assets, including access roads.
- Preparation of a landscape plan for open space areas and street planting. The plan shall include locally indigenous species for planting along Spring Creek and indigenous or complementary native species in other areas and include the provision of canopy trees. Preference shall be given to the use of drought tolerant species.

4.0 Requirements for development plan

The Duffields Road East Residential Precinct Development Plan must be generally in accordance with the Torquay/Jan Juc Structure Plan 2007, and should be based on and provide for:

- a comprehensively planned residential subdivision; and
- an attractive and high amenity residential area that integrates with adjoining services, residential areas and the Spring Creek environs.

Land use

- Specified areas or “nodes” of medium density housing that will achieve a density in the order of 15 dwellings per hectare. Medium density nodes should be located adjacent to the open space areas, and/or within close proximity to community facilities and potential future bus routes.
Unencumbered public open space areas that are conveniently accessible to and meet the recreational needs of the local. The public open space areas may include a wetland feature provided for stormwater runoff and shall include as a minimum requirement:
- a local park totalling at least 1.0ha with an acceptable grade;
- path and cycle linkages between local roads and public open space; and
- designation of an active recreation area on the southern boundary of the existing primary school.

Options for the siting of a convenience shop.

Lot size and layout
- A range of lot sizes that achieve good solar orientation and recognise site specific constraints and opportunities, including vegetation and other site specific features.
- A diversity of dwelling types and sizes in medium density areas, with a substantial proportion of one and two bedroom dwellings to the satisfaction of the responsible authority.
- Subdivision layouts that enable housing to front open space areas for surveillance and amenity purposes.
- Open space areas fronting streets or building facades except in limited circumstances where it can be demonstrated that this is not practicable.
- Provision for low fencing where lots are abutting open space or pedestrian walkways.
- No direct access to lots abutting Duffields Road and treatments to avoid solid fencing on lots adjacent the required plantation reserve along Duffields Road.

Flora and fauna
- A flora and fauna assessment carried out by a suitably qualified and experienced person/s. The assessment must have regard to the Torquay Jan Juc Structure Plan 2007 and must:
  - Identify the vegetation communities, the quality of habitat, the actual indigenous flora and fauna species that inhabit the site, threats to the indigenous flora and fauna species including pest plant and animal species; and the conservation status of any threatened flora and fauna species and communities under local, regional, state and national legislation or policies;
  - Recommend enhancement and protection of remnant vegetation located on and adjacent the site including treatment of pest plant and animal issues and inclusion of these areas, as appropriate, as biolinks traversing through and connecting outside of the development area including:
    . along Spring Creek and key drainage lines;
    . identifying a minimum 30 metre wide environmental corridor along each side of Spring Creek; and
    . the provision of a vegetation/plantation reserve along the length of Duffields Road.

- A planting theme using indigenous or complimentary native species for all proposed open space and pathway areas, to provide a framework for the landscaping plan. The planting theme should provide for drought tolerant species and for canopy trees to provide shade in these areas.

Archaeological field survey
An archaeological field survey to be carried out on all land.

Road and pathway network
- An outline of the alignment of the collector road network and the general pattern of local roads and footpaths/cycle paths.
A road and pedestrian/cycle network that provides efficient access to adjoining residential areas, local schools, community services, business areas, open space and public transport. The pathway network shall provide connections between open space reserves (existing and future), and shall include:

- shared pathways along Spring Creek and key drainage lines facilitating connections to adjoining existing and future reserves;
- a shared pathway along the water pipe easement connecting Spring Creek to the school in Grossmans Road.
- pathway widths that are sufficiently wide to minimise conflict between pedestrians and cyclists.
- pathway surfaces that reflect the ‘preferred character’ of neighbourhoods in the Torquay Jan Juc Neighbourhood Character Study 2006.

- Principal road access from Grossmans Road, Duffields Road and Beach Road.
- Extension of Beach Road to Duffields Road as a collector road with suitable width and landscaping.
- A road network in each stage, which provides efficient linkages with other stages of the development.
- A road network which provides efficient transport routes through the subdivision for bus services to connect with other parts of the town and Region.
- A local road network which promotes pedestrian and cyclist connectivity by using a predominantly grid based layout modified for topographical and other conditions. Court bowls shall not be provided except where they create a pedestrian linkage to adjoining streets.
- A local road network designed to reduce traffic speeds and promote community interaction and use of the road reserve. A road along the southern boundary of the Torquay Primary School and any adjacent recreational open space area to allow access and connection to the School’s southern boundary.
- A planting theme using indigenous or complimentary native species for all proposed internal roads, to provide a framework for the landscaping plan. The planting theme should provide for drought tolerant species and for canopy trees to provide shade cover over the road reserves.

**Servicing**

- An integrated system for the treatment of stormwater prior to discharge using current best practice standards. Any such system should provide opportunities for re-use of stormwater for immediate or future implementation.
- Compliance with Country Fire Authority policy requirements for water supply and access.
SCHEDULE 6 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO6**.

STRATHMORE DRIVE WEST

1.0

Objectives

None specified.

2.0

Requirement before a permit is granted

A permit may be granted before a Development Plan has been prepared to the satisfaction of the responsible authority, for the following:

- One dwelling on an existing lot, including outbuildings, provided it is the only dwelling on the lot.
- Agriculture and any buildings or works in association with the use of the land for agricultural purposes.
- An open post and wire fence.
- Minor extensions, alterations or modifications to an existing use or development.

3.0

Conditions and requirements for permits

An application made before the Development Plan has been prepared must be accompanied by a report demonstrating that the proposal will not prejudice the future use of the land for low density residential development or give rise to significant residential amenity concerns.

All permits to subdivide land must include conditions with the following requirements:

- Prior to the commencement of any works, a construction management plan shall be prepared to the satisfaction of the responsible authority. The plan shall, among other things, and as appropriate, detail measures to:
  - protect the vegetation and water quality of the upper tributary of Jan Juc Creek;
  - protect the vegetation within and adjacent to the site;
  - minimise the impact of construction on neighbouring properties and uses;
  - protect council assets, including access roads;
  - manage the removal, stockpiling, respraying and/or disposal of soil.
- Prior to the commencement of any works a detailed landscape plan for open space areas and street planting shall be prepared in accordance with the requirements of the approved Development Plan to the satisfaction of the responsible authority.

4.0

Requirements for development plan

The development plan must be prepared for the whole of the site but may be implemented in stages. The Development Plan must have regard to any recommendations of a preliminary archaeological field survey to be undertaken prior to commencement of the preparation of the Development Plan to the satisfaction of the Responsible Authority.

The development plan should provide for the following:

- An indicative lot layout and road network for the whole of the land based on a detailed assessment of the physical conditions of the site and surrounding land. The road network and lot design must avoid creating a new access road directly off the Great Ocean Road.
- A mix of lot sizes.
A vegetation assessment carried out by a suitably qualified and experienced person that describes the location, type and significance of vegetation present on and adjacent to the land.

- Measures, including subdivision design, to protect any significant vegetation on the land.
- Measures to protect the vegetated drainage line forming an upper tributary of the Jan Juc Creek, including the establishment and maintenance of a minimum 30 metre vegetated buffer to the creek.
- Design implications from a preliminary archaeological field survey and provision, if recommended, for further more detailed surveys.
- Provision of reticulated water and sewerage infrastructure in accordance with Barwon Water’s requirements. If sewerage cannot be provided, minimum requirements as to how each lot shall treat and retain wastewater in accordance with EPA requirements are to be documented.
- An integrated system for the treatment of stormwater prior to discharge using current best practice standards. Any such system should provide opportunities for re-use of stormwater for immediate or future implementation.
- A landscaping framework plan for open space areas and streets, including a preferred list of species, typical planting densities, planting location themes and other landscaping treatments. The plan should predominantly recommend the use of locally indigenous species, and species that are drought tolerant and low maintenance.
- A Great Ocean Road interface treatment plan designed to achieve a visually pleasant and connected frontage to the Great Ocean Road reflective of the existing character and outlook across Jan Juc to the ocean.
- A Bells Boulevard interface treatment plan designed to retain the visually pleasant and vegetated appearance of Bells Boulevard and which recognises the importance of the Boulevard as a gateway to the Bells Beach Surfing Recreation Reserve.
SCHEDULE 7 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO7.

TORQUAY TOWN CENTRE INTEGRATION

1.0

Objectives

To provide for the integrated development of the subject land for retail, commercial, office and residential uses.

To facilitate the integration of Torquay Central with the balance of the town centre by appropriate urban design principles that guide development in the area between Payne Street and Pearl Street.

To encourage vibrant street life and active retail frontages to provide a positive experience and high amenity for pedestrians and shoppers.

To ensure that the combination of uses, their scale and design are compatible with:

- The amenity of the surrounding land uses.
- The capacity of the existing street system, and any proposed modification, to accommodate an increase in vehicle traffic.
- To ensure that the land is developed generally in accordance with the ‘Torquay Town Centre Integration Concept Plan’ forming part of this schedule.
- To manage the interface between various land uses to ensure adequate amenity and function for both residential and commercial land uses.

2.0

Requirement before a permit is granted

A permit may be granted before a Development Plan has been prepared to the satisfaction of the responsible authority, for the following:

- A fence.
- Minor extensions, alterations or modifications to an existing development.

3.0

Conditions and requirements for permits

None specified.

4.0

Requirements for development plan

The development plan must be prepared for the whole of the site but may be implemented in stages. The development plan must be generally in accordance with the ‘Torquay Town Centre Integration Concept Plan’ and should provide for the following:

- The use and development of the subject land for the purpose of shops, offices, shop-top dwellings and other complementary uses.
- The location of all vehicle accessways, car parking, and pedestrian and cycle paths within the precinct and connections to other areas of the town centre. Preference will be given to rear laneways to provide access for loading and staff and resident car parking.
- Integrated design treatment of the subject land, addressing in particular the layout and design of Bristol Road and its interface with the adjoining land to serve as a ‘strip shopping centre’. This should consider vehicle and pedestrian access, parking and the integration of the area with both ends of the town centre and the longer term expansion of the centre.
- The provision of active street frontages along Bristol Road with widened footpaths, landscaping and innovative street furniture that encourages pedestrian strolling and activity.
- Treatment of the interface between the subject land and surrounding areas to minimise the amenity impact of use and development on residential land.

- The location of all public areas including proposed landscaping, in particular the treatment along road frontages, and an outline management plan for controlling and maintaining open space and common property areas.

- A street tree planting program, including a list of species, number of plants and location of proposed planting using predominantly locally indigenous species.
Map 1 to the Schedule to Clause 43.04: Torquay Town Centre Integration Concept Plan, 2007

- main vehicle and pedestrian movement
- encourage pedestrian movement through design of public space (plazas)
- interface with residential areas
- existing retail/commercial development
- active street frontages with footpaths and landscaping to encourage pedestrian movement
- future possible expansion of town centre
- rear lane access
- retail/commercial development with shop-top dwellings
SCHEDULE 8 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO8.

TORQUAY NORTH RESIDENTIAL PRECINCT

1.0

Objectives

None specified.

2.0

Requirement before a permit is granted

A permit may be granted for the following before a Development Plan has been prepared to the satisfaction of the responsible authority:

- One dwelling on an existing lot, including outbuildings, provided it is the only dwelling on the lot.
- Agriculture and any buildings or works in association with the use of the land for agricultural purposes.
- Extension, alteration or modification to an existing use or development.

3.0

Conditions and requirements for permits

An application made before the Development Plan has been prepared must be accompanied by a report demonstrating that the proposal will not give rise to significant amenity concerns or prejudice the future use of the land for residential development.

4.0

Requirements for development plan

The Development Plan must provide for and describe:

Liveable and Sustainable Communities

- A comprehensively planned residential subdivision generally in accordance with the Torquay-Jan Juc Structure Plan 2007, but modified to incorporate the Torquay Community and Civic Master Plan and consequential design impacts.
- Housing that will achieve a density in the order of 15 dwellings per hectare (exclusive of open space, schools, community facilities, roads, public utilities, drainage reserves and the like) to the satisfaction of the responsible authority. Medium density nodes should be located adjacent to community activity areas, open space areas, and/or within close proximity to community facilities and potential future bus routes.
- The location for a neighbourhood shopping centre to accommodate up to 5,000 square metres of retail floor area.
- The location for a primary school and a secondary school.

Lot Design

- A lot design that ensures no direct access to lots fronting the Surf Coast Highway.

Urban Landscape

- An archaeological field survey and report and how it informs the layout and land use recommended in the Development Plan.
- A flora and fauna assessment carried out by a suitably qualified and experienced person/s. The assessment must have regard to the Torquay Jan Juc Structure Plan (2007) and must:
- Identify the vegetation communities, the quality of habitat, the actual indigenous flora and fauna species that inhabit the site, threats to the indigenous flora and fauna species including pest plant and animal species; and the conservation status of any threatened flora and fauna species and communities under local, regional, state and national legislation or policies;

- Recommend enhancement and protection of remnant vegetation located on the site and takes account of vegetation adjacent the site; and inclusion of these areas, as appropriate, as biolinks traversing through and connecting outside of the development area including
  - along the Deep Creek tributary drainage line, and
  - the provision of a minimum 15m wide vegetation/plantation reserve along the length of the Surf Coast Highway, incorporating a pathway linkage.

- Public open space areas that include opportunities for the provision of community gardens which include edible landscaping.

Access and Mobility Management

- A road network that is designed to reduce traffic speeds and promote community interaction and use of the road reserve. In particular it shall comprise a predominantly grid based layout modified for topographical and other conditions. (Court bowls should not be provided except where they create a pedestrian linkage to adjoining streets.)

- Any provision to be made for a public transit route from Geelong on or adjacent to the site following consultation with the Department of Transport.

Utilities

- Stormwater systems that provide opportunities for re-use for immediate or future implementation.

- Use of sustainable lighting technologies as appropriate.

Site Management

- A construction management plan which includes among other things:
  - an implementation strategy for removing and disposing of soil, including measures to ensure the retention and management of topsoil.
  - measures to minimise the impact of construction on neighbouring properties and uses including schools.
  - measures to protect council assets, including access roads.
SCHEDULE 9 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO9.

WINCHELSEA COMMERCIAL 2 ZONE AREA

1.0

Objectives

None specified.

2.0

Requirement before a permit is granted

A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority for the following:

- Agriculture and any buildings or works in association with the use of the land for agricultural purposes.
- A fence.
- Minor extensions, additions or modifications to any existing use or development.

3.0

Conditions and requirements for permits

All permits to subdivide land must include the following conditions:

Prior to the certification of each stage of the plan of subdivision under the Subdivision Act 1988, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must be generally in accordance with the landscape concept plan dated (insert date) prepared by (specify consultant).

Before a statement of compliance for each stage is issued under the Subdivision Act 1988, the applicant must provide landscaping in accordance with the endorsed plans and to the satisfaction of the Responsible Authority.

The landscaping for the entire subdivision must be maintained for a period of two years after the issue of the Statement of Compliance for the final stage of the subdivision to the satisfaction of the Responsible Authority.

4.0

Requirements for development plan

The development plan must:

- Be based upon a detailed site analysis that has regard to:
  - The existing and strategic land use and planning context.
  - Relevant flora and fauna and archaeological constraints.
  - The provision of urban services.
  - Site topography.
  - Views and vista to and from the site, particularly from the Princes Highway.

- Show an indicative lot layout and road network for the whole of the land.

- Include a landscape concept plan that incorporates the following features:
  - A description and map of all environmental assets located on and adjacent to the subject land.
  - Landscaping which reinforces site components such as entry points and circulation routes.
- A street tree planting program for any internal road reserves, including a list of species, number of plants and locations of proposed planting.
- A 10 metre buffer area adjacent to the residential land to the south.
- A planting plan for the 10 metre buffer area adjacent to the residential land to the south. Species should be selected from the list in the Surf Coast Shire Rural Indigenous Planting Guide, Landscape Zone 2, Soil 7 Middle Barwon River. Planting should concentrate on small trees and large shrubs between two and three metres in height and planted at a density of one tree every two to three metres to achieve privacy screening and some noise attenuation. Some larger trees are required at various intervals to provide visual interest.
- A prohibition on the planting of environmental weeds on any part of the land.
- Reuse of surplus soil resulting from the subdivision of the land for landscaping works.

  - Include a traffic engineering analysis that:
    - Identifies access points onto the Princes Highway and the surrounding road network, including provision of a service road adjacent to the Princes Highway.
    - Ensures access point locations are compatible with proposed access points to the industrial estate on the north side of the Princes Highway.
    - Provides right and left turning lanes on the Princes Highway at the new access point intersections.
    - Details requirements for all requisite traffic management measures (internal and external).
    - Details the internal street hierarchy to ensure that all streets are designed to allow for delivery and service vehicles to appropriately manoeuvre.
    - Identifies the strategy for loading arrangements and the minimisation of internal and external conflicts.
    - Shows an internal bicycle and pedestrian path network, including the location of a possible pedestrian access through to a future stage of rural residential development to the south west.

  - Include an urban services analysis that:
    - Details how drainage, sewerage and water supply infrastructure will be provided in accordance with relevant authority requirements.

  - Include an analysis of the need to provide a range of larger lot sizes capable of accommodating commercial uses requiring a greater land area such as a service station, bulky goods retailing, caravan or motor vehicle sales.
SCHEDULE 10 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO10.

BRIODY ESTATE WEST DEVELOPMENT PLAN

1.0

Objectives

- To co-ordinate the actions of land owners to ensure a comprehensively planned residential subdivision generally in accordance with the Briody Estate West Concept Plan 2012 contained in this schedule.

- To facilitate an attractive and high amenity residential area that:
  - integrates well with existing and future adjoining residential development and the existing character of Torquay;
  - responds in a sensitive way to the protection of remnant vegetation and the abutting Deep Creek environs; and
  - provides a variety of lot sizes.

2.0

Requirement before a permit is granted

A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority for the following:

- One dwelling on an existing lot, including outbuildings, extensions, additions or modifications, provided it is the only dwelling on the lot and the responsible authority is satisfied that it will not unreasonably prejudice the future subdivision of the land;

- A use permitted under the zone, provided the responsible authority is satisfied that it will not unreasonably prejudice the future subdivision of the land.

- A subdivision that facilitates land aggregation to create a larger developable parcel of land where the subdivision occurs in conjunction with a Plan of Consolidation to create the aggregated lot/s.

3.0

Conditions and requirements for permits

A permit for subdivision of the land may require a Section 173 Agreement under the Planning and Environment Act 1987 to:

- provide for the development of an integrated stormwater management system and the equalisation of costs associated with the provision of land for and the construction of the system, or

- provide for any other approach to the management of stormwater to the satisfaction the responsible authority.

4.0

Requirements for development plan

The Development Plan must include:

- The location of all proposed land uses including, but not restricted to, roads, public open space (including a local park that is approximately 1 hectare in area), drainage reserves, and other known authority reserves (including sewerage and gas).

- An internal road network that:
  - Provides a high level of permeability through and within the site for pedestrians, cyclists and vehicles, providing direct and safe access to public transport connections, the Deep Creek environs, community facilities and local schools. The network must have regard to future development of 70–140 Briody Drive.
- Considers the need for up to two new vehicle accesses to Grossmans Road between Illawong Drive and Messmate Road to assist in distributing traffic more evenly through the precinct and reducing reliance on Briody Drive as a sole access provided any new intersection can be accommodated by minimising impacts on significant roadside vegetation.

- Provides for the upgrading of Briody Drive as an Access Street Level 2.

- The general subdivision layout, including location and distribution of lots showing a variety of lot sizes and densities to encourage a range of housing types. The layout should maximise solar efficiency to as many lots as possible. Higher residential densities should be focussed around public open space areas.

- Identification of the Deep Creek waterway as a linear open space between Messmate Road and the existing open space reserve generally in accordance with the Concept Plan.

- Provision of a shared sealed pathway (walking/cycling track) along the waterway and linking to the pathway in the Frog Hollow Estate, to be sited above the 1 in 100 year flood level.

- Maximising surveillance of public areas through provision of street frontages to areas of public open space.

- At the interface of Messmate Road and Grossmans Road and the remnant native vegetation the following must be provided:
  - Retention of the remnant vegetation in a linear reserve to a width to the satisfaction of the responsible authority.
  - An access street immediately adjacent to the vegetation reserve that will separate private land from the remnant vegetation. The access street road reserve width should be 11.5 metres.
  - A rural post and rail fence (or similar) between the remnant vegetation and the Grossmans and Messmate Road reserves designed to inhibit uncontrolled pedestrian access to the external road network.

- Pedestrian and/or bicycle links, including a link from the corner of Grossmans and Messmate Roads to the nearby schools.

- Designation of areas to be subject to building restrictions and fencing provisions.

- Identification of land aggregation opportunities over the land that will facilitate integrated development and recommended staging of development that provides for the sequential delivery of infrastructure. These opportunities must have regard to ownership pattern, servicing and accessibility and the orderly release of land for residential development.

The Development Plan must be supported by the following:

A Town Planning Report that includes:


- An assessment of the capacity of existing water, sewer and gas infrastructure. Opportunity for connection to a third pipe scheme is also to be explored with Barwon Water.

- The logical sequencing of development given the need to provide full reticulation of services. Consideration should be given to ‘out of sequence’ development and what interim infrastructure, particularly stormwater, is required.

A Flora and Fauna Management Plan that includes:
A flora and fauna assessment carried out by suitably qualified and experienced person/s that identifies the vegetation communities, the quality of habitat, the actual indigenous flora and fauna species that inhabit the site, threats to the indigenous flora and fauna species including pest plant and animal species and for any threatened flora and fauna species and communities their conservation status under local, regional, state and national legislation policies.

Recommendations where vegetation should be retained and by what mechanism (ie reserves).

A net gain assessment that addresses the removal of any native vegetation to allow for the residential development of the land. This assessment will implement, as appropriate, the recommendations of the Open Space and Landscape Masterplan.

A Road Network and Traffic Management Plan that includes:

- An assessment of the traffic generated by the residential development of the land.
- Classification of streets according to standards contained in Clause 56 of the Surf Coast Planning Scheme.
- Pedestrian links from Messmate Road and Grossmans Road to the nearby areas and facilities.
- Identification of all off-site traffic infrastructure requirements associated with the site, including at the intersections of Grossmans Road and Messmate Road, and Messmate Road and Briody Drive and Grossmans Road and Duffields Road, including and land required in order to accommodate a roundabout at the intersection of Grossmans Road and Duffields Road.
- Definition of the cross-sections, including where relevant, verge widths, naturestrips, kerb and channel, drainage, pavement widths and pathways for all identified roads within and abutting the development.

A Flooding, Stormwater and Drainage Management Plan that takes an integrated approach to stormwater system management, designed with reference to the two catchments that affect the land and includes:

- An integrated stormwater management system for the properties discharging directly to Deep Creek (170 Grossmans Road and 150 and 170 Briody Drive) that ensures the peak discharge rate and pollutant load of stormwater leaving the subject land within the area affected by this schedule is no greater than pre-development levels, meets current best practice and is discharged to the existing drainage system.
- An integrated stormwater management system for the remainder of the land that ensures the pollutant load of stormwater leaving the land is no greater than pre-development levels, meets current best practice and the stormwater is discharged to Deep Creek via the Council walkway and designed to cater for the 1 in 100 year (1% AEP) storm to the existing drainage system.
- Any interim stormwater management arrangements that could provide for out of sequence residential development.
- Input from the Corangamite Catchment Management Authority for works in, on or over Deep Creek, which is a designated waterway.
- Where required, a description of the methodology and apportionment of costs for the provision of the integrated stormwater management system including how its costs will be equalised across all landowners. This may be implemented via a condition on a planning permit that approves a residential subdivision, for a Section 173 Agreement that requires a cash contribution to equalise the costs associated with providing land for and the construction of the system or any other mechanism to the satisfaction of the responsible authority.

An Open Space and Landscape Masterplan that includes:

- A local park of approximately 1 hectare in area located to best service the area and respond to local features. The playground design shall comply with Council’s Playground Strategy.
A linear open space reserve along the Deep Creek waterway. The linear reserve is to be a width not less than 25 metres each side of the centre line of the waterway / drainage line (as applicable to the subject land) and should include all significant vegetation adjacent to the creek.

Proposed revegetation of the Deep Creek linear reserve and showing the location of the shared trail, seating and signage.

Considers the opportunity to retain some of the established non indigenous planted windbreaks as an urban landscape form.

The extensive use, where appropriate, of local indigenous plant species throughout the development site, particularly along Deep Creek and adjacent areas of significant remnant vegetation.

Proposed street planting in accordance with Council’s street planting guide.

Considers the appropriate location of open space having regard to existing and proposed open space in the surrounding area.

The Open Space and Landscape Masterplan is to ensure that areas set aside for useable public open space are clearly visible and accessible, providing safe and convenient land to serve the recreational needs of current and future residents in the locality. Passive surveillance to such areas must accord with Crime Prevention Through Environmental Design (CPTED) principles.

Encumbered land shall not be credited as Public Open Space. Encumbered land includes:

- Land set aside to protect significant vegetation, save that up to 5 metres linear width of the proposed vegetation reserve along the Grossmans and Messmate Roads frontages will be credited as public open space as a linear pedestrian accessway.

- Drainage basins and associated stormwater treatment sites; and

- Land within 15 metres either side of the centre line of the Deep Creek drainage line.
Map 1 to the Schedule to Clause 43.04 - BRIODY ESTATE WEST CONCEPT PLAN 2012
Show on the planning scheme map as DPO11.

PART 460 GROSSMANS ROAD, BELLBRAE

1.0

Objectives

None specified.

2.0

Requirement before a permit is granted

A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority, for the following:

- One dwelling on an existing lot, including outbuildings, extensions, additions or modifications, provided it is the only dwelling on the lot;
- Agriculture and any buildings or works in association with the use of the land for agricultural purposes; and
- A fence.

The responsible authority must be satisfied the use and development will not unreasonably prejudice the future subdivision of the land.

3.0

Conditions and requirements for permits

None specified.

4.0

Requirements for development plan

The development plan must be prepared for the whole of the site but may be implemented in stages. The development plan should be generally in accordance with Map 1 to the Schedule to Clause 43.04: Grossmans Road West Concept Plan and contain or make provision for:

- Any proposed staging of development;
- Full reticulation of services;
- Road access to be from Grossmans Road;
- Intersections with Grossmans Road to be sensitively located in terms of safe view lines and retention of native roadside vegetation;
- Lots sufficiently large to enable building envelopes which protect areas of native vegetation in private ownership;
- An increasing graduation of lot sizes to the periphery of the land generally from east to west;
- Internal roads to be constructed with a rural seal with grassed verges and swale drains to retard runoff and reinforce a semi-rural landscape character;
- Footpath provision should be in accordance with the requirements of Clause 56; and
- Planting of all proposed internal roads with native trees complementary to the existing indigenous species present upon the site.

The development plan must be supported by the following:

A Town Planning Report that includes:

- An assessment of the capacity of existing water, sewer and gas infrastructure. Opportunity for connection to a third pipe scheme is also to be explored with Barwon Water.

A Flora and Fauna Management Plan that includes:

- A flora and fauna assessment carried out by suitably qualified and experienced person/s that identifies the vegetation communities, the quality of habitat, the actual indigenous flora and fauna species that inhabit the site, threats to the indigenous flora and fauna species including pest plant and animal species and for any threatened flora and fauna species and communities their conservation status under local, regional, state and national legislation policies.

- Recommendations where vegetation should be retained and by what mechanism.

- A net gain assessment including an Offset Management Plan that addresses the removal of any native vegetation to allow for the residential development of the land.

A Landscape Concept and Management Plan that includes:

- An 8 metre wide landscaping strip along the northern boundary of the land that is fenced at the northern boundary and forms part of the private land title. It must be accompanied by a planting schedule that details the type and density of plants to provide a landscape screen to the development when viewed from the north. As such it will need to include a mixture of trees and shrubs, ensuring that any planting constitutes Low Threat Vegetation in accordance with Clause 2.2.3.2 of Australian Standard 3959-2009 Construction of buildings in bushfire prone areas.

- A 5 metre wide landscaping strip along the southern boundary adjacent to the Grossmans Road reserve that forms part of the private land title. It must be accompanied by a planting schedule that details the type and density of plants that will assist in enhancing and protecting significant roadside vegetation along Grossmans Road, ensuring that any planting constitutes Low Threat Vegetation in accordance with Clause 2.2.3.2 of Australian Standard 3959-2009 Construction of buildings in bushfire prone areas.

- The mechanism for the initial planting and ongoing management and maintenance of the above landscaping.

- Proposed street planting in accordance with Council’s selection criteria for street tree planting.

- The extensive use, where appropriate, of local indigenous plant species throughout the development site.

A Road Network and Traffic Management Plan that includes:

- An assessment of the traffic generated by the residential development of the land.

- Classification of streets according to standards contained in Clause 56 of the Surf Coast Planning Scheme.

- Confirmation of the most appropriate location for new intersections with Grossmans Road that meet sight distance requirements and minimises the removal of native vegetation.

A Stormwater and Drainage Management Plan that takes an integrated approach to stormwater system management, designed with reference to the whole of the catchment and includes:

- A retardation basin at an appropriate location to retard and treat stormwater prior to discharge.

- An integrated stormwater management system for the properties discharging directly to the Kithbrooke Park drainage system that ensures the peak discharge rate, and pollutant load of stormwater leaving the subject land within this DPO is no greater than pre-development levels, meets current best practice and is discharged to the existing drainage system.

- A design based upon the principles of Water Sensitive Urban Design (WSUD).
A Cultural Heritage Management Plan (CHMP) prepared by a suitably qualified and experienced person, detailing the results of an assessment of the potential impact of the proposed activity on Aboriginal cultural heritage, and outlining the measures to be taken before, during and after an activity in order to manage and protect Aboriginal cultural heritage in the activity area.

Map 1 to the Schedule to Clause 43.04: Grossmans Road West Concept Plan
SCHEDULE 12 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO12.

FORMER ANGLESEA PRIMARY SCHOOL SITE

1.0 Requirement before a permit is granted

A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority for the following:

- A post and wire fence.
- Minor extensions, additions or modifications to an existing use or development.
- The temporary use of an existing building for a permit required use.

2.0 Conditions and requirements for permits

A permit granted must contain conditions requiring the following documents to be submitted prior to commencement of any development to the satisfaction of the responsible authority:

- A construction management plan that details measures to:
  - protect any significant vegetation on and adjacent to the site;
  - minimise the impact of construction on neighbouring properties and uses; and
  - protect council assets, including access roads.
- A landscape plan for the planting of private land, public open space areas and street reserves. The plan shall include locally indigenous species and include the provision of canopy trees.

3.0 Requirements for development plan

The development plan must:

Be designed to achieve the following objectives:

- To facilitate the integrated development of the land for a range of community and residential uses, treating the former School site as one consolidated parcel.
- To develop an attractive and high amenity residential and community precinct that integrates with adjoining residential areas.
- To ensure that the combination of uses, their scale and design are compatible with:
  - The low scale vegetated non-suburban coastal character of Anglesea;
  - The amenity of the surrounding residential land uses; and
  - The capacity of the existing street system, and any proposed modification, to accommodate an increase in vehicle traffic.
- To ensure that development of the land is undertaken in a coordinated manner in accordance with an appropriate staging plan and does not prejudice the amenity of the surrounding area.

Be based upon a detailed site analysis that has regard to:

- The existing and strategic land use and planning context;
- Surrounding land uses;
- Site specific constraints and opportunities, including significant vegetation, site topography and any other site specific features;
- The provision of urban services.
Include a concept plan for the development of the site that shows:

- An indicative land use and lot layout that provides for:
  - a diversity of housing types, sizes, tenures and densities, with a substantial proportion of one and two bedroom dwellings;
  - other forms of residential accommodation as appropriate, e.g. residential aged care, nursing home, retirement homes, affordable housing;
  - a range of interrelated community facilities;

- An indicative road network for the whole of the land and access points onto the surrounding road network;

- An internal bicycle and pedestrian path network that links with surrounding areas;

- The provision of car parking and bicycle storage facilities;

- Areas of public open space.

Include a landscape concept plan that incorporates the following features:

- A planting theme using indigenous species for any internal road reserves and areas of public open space;

- Landscaping which reinforces site components such as entry points and circulation routes;

- A prohibition on the planting of environmental weeds on any part of the land;

- Reuse of surplus soil resulting from the development of the land for landscaping works.

Include a traffic engineering analysis that:

- Outlines likely vehicle numbers and car parking requirements generated by the proposed development and mix of uses;

- Details requirements for all requisite traffic management measures (internal and external) to improve traffic flows and road safety.

Include an urban services analysis that:

- Details how drainage, sewerage, water supply and telecommunications infrastructure will be provided in accordance with relevant authority requirements.
SCHEDULE 13 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO13.

WINCHELSEA SOUTH EAST RESIDENTIAL PRECINCT

1.0

Objectives

None specified.

2.0

Requirement before a permit is granted

A permit may be granted for the following before a development plan has been prepared to the satisfaction of the responsible authority:

- One dwelling on an existing lot, including outbuildings, provided it is the only dwelling on the lot.
- Agriculture and any buildings or works in association with the use of the land for agricultural purposes.
- A fence.

3.0

Conditions and requirements for permits

An application made before the development plan has been prepared must be accompanied by a report demonstrating that the proposal will not prejudice the future subdivision or use of the land for residential development.

4.0

Requirements for development plan

The development plan must be prepared for the whole of the site to the satisfaction of the responsible authority, but may be implemented in stages. The development plan must provide for and describe:

Liveable and Sustainable Communities

- A comprehensively planned residential subdivision, incorporating a range of densities, outlining any proposed staging of development.
- Allocation of land, approximately 3.49 hectares in area, located on the corner of Stephenson and Witcombe Streets to accommodate the extension of Eastern Reserve.
- Provision of 10% public open space contribution, which must not comprise encumbered land (such as retarding basins that form part of drainage infrastructure), that will form part of the extension of Eastern Reserve.
- The location for a possible convenience store to service the local neighbourhood.
- An area of medium density housing that will achieve a density in the order of 15 dwellings per hectare (exclusive of open space, roads, public utilities, drainage reserves and the like) located adjacent to the extension of Eastern Reserve.

Urban Landscape

- Landscaping which reinforces site components such as entry points and circulation routes.
- A lot design response which incorporates the protection of the remnant large trees identified as significant in the Mark Trengove 2010 Vegetation Net Gain Assessment report.
- Any works required for the remediation of 235 Austin Street must include measures to protect and retain the remnant large trees identified in the Mark Trengove 2010 Vegetation Net Gain Assessment, and avoid compaction of root zones.
• A street tree planting program, including a list of indigenous species, number of plants and locations of proposed planting.

• A prohibition of planting of environmental weeds on any part of the land.

**Access and Mobility Management**

• A Road Network and Traffic Management Plan, based on an assessment of the traffic generated by the proposed use of the land, which includes:
  - A network designed to reduce traffic speeds and promote community interaction and use of the road reserve. It should comprise a predominantly grid based layout modified for topographical conditions (court bowls should not be provided except where they create a pedestrian linkage to adjoining streets). The network design is to cater for vehicles, pedestrians and cyclists.
  - A connector street to link with Gladman Street, which will become the connector route to the Princes Highway for this residential growth area.
  - Street frontages to areas of public open space to maximise surveillance of public areas.
  - Pedestrian and cycle routes to link with the extension of Eastern Reserve, and the Princes Highway for the length of the Austin Street property frontage.

**Utilities**

• An integrated Stormwater Management Plan, designed with reference to the wider catchment, that incorporates:
  - on site detention,
  - water sensitive urban design features,
  - best practice stormwater management initiatives,
  - opportunities for re-use for immediate or future implementation.

• An urban services report that details how physical infrastructure will be provided in accordance with relevant authority requirements.

• Use of sustainable lighting technologies as appropriate.

**Extension of Eastern Reserve**

• A Preliminary Environmental Site Assessment to determine the extent of lead shot on the land from former Winchelsea Gun Club activities at the Winchelsea Common. The Assessment should include as appropriate:
  - The nature of the previous activities of the Winchelsea Gun Club that may have affected the subject site.
  - How long the land use or activity took place and where the site is contaminated.
  - A description of the contamination on and/or under the subject site and its extent.
  - Recommendations as to whether, subject to appropriate remediation, the land would be suitable for the proposed use or development.

• The Preliminary Environmental Site Assessment should be conducted by a suitably qualified professional, to the satisfaction of the responsible authority, in accordance with the National Environmental Protection Measure (assessment of site contamination) 1999, as amended.
A Site Remediation Strategy Plan which:

1. Describes the:
   (a) Location of possible land and/or groundwater contamination on the subject site.
   (b) Potential impacts of any land and/or groundwater contamination (including the potential for vapour intrusion or gas migration) on the proposed land use, the arrangement of land use across the land, and any particular design requirements for the development.

2. Provides an assessment of the:
   (a) Broad options available for the remediation of soil and/or groundwater including remediation options taking into account logistics, technology availability, estimated cost, and likely effectiveness.
   (b) Points at which construction would need to stop to ensure appropriate clean-up has taken place.

3. Makes recommendations about the:
   (a) Preferred approach to the remediation of soil and/or groundwater.
   (b) Proposed condition after clean-up of the site to suit the proposed uses.
   (c) Locations across the site of proposed clean-up work.
   (d) Schedule of activities including any staging of the work.
   (e) Expected pattern/staging and indicative timeframes for the clean-up of the site (or parts of the site).
   (f) Indicative site management and monitoring controls needed after each clean-up activity.

4. Identifies the parties responsible for key activities and for subsequent site management and monitoring.

5. Except for ongoing site management and monitoring, the remediation works recommended by the Site Remediation Strategy Plan must be completed prior to the use of the site for public open space purposes.

Note: A Site Remediation Strategy Plan does not need to include:

- a ‘Clean Up Plan’ or ‘Remediation Action Plan’,
- engineering design of remediation work,
- specific contaminant treatment procedures,
- quantities of work, or validation procedures.
1.0

Objectives

None specified.

2.0

Requirement before a permit is granted

Before granting a permit the Responsible Authority must be satisfied that the permit will not prejudice the future use and development of the land in an integrated and orderly manner.

A permit may be granted before a development plan has been prepared for the following:

- Agriculture, and any building or works in association with the use of the land for agricultural purposes.
- Two dwellings on an existing lot, including outbuildings.
- Minor extensions, alterations or modification to an existing use or development.

3.0

Conditions and requirements for permits

An application made before the development plan has been prepared must be accompanied by a report demonstrating that the proposal will not prejudice the future use and development of the land for low density residential purposes.

4.0

Requirements for development plan

A development plan must be prepared for the whole site but may be implemented in stages to the satisfaction of the Responsible Authority.

The development plan may consist of a plan and associated planning and technical reports and other documents. The development plan must include:

An Urban Design Masterplan that includes:

- A Road Network and Traffic Management Plan that includes:
  - an internal road network that provides a high level of access within the development for all vehicular and non-vehicular traffic and which responds to the topography of the site;
  - the identification of upgrades to the external road network to the satisfaction of the responsible authority;
  - a Road Safety Audit prepared by an appropriately qualified person and must address any safety issues raised by the Audit;
  - a functional layout of road network that integrates with the rest of the township and provides access to each lot. This includes typical cross-sections of roads and road reserves and a footpath along one side of the road reserve with connections along Hendy Main Road to the existing pathway along the frontage of the Primary School;
  - a network designed to reduce traffic speeds and promote community interaction.

- The location of all proposed uses.

- A general subdivision pattern that:
  - includes the location and general distribution of lots showing a variety of lot sizes (minimum 0.4 hectares) and densities to encourage a diversity of housing lots.
  - optimises solar access to as many lots as possible.
- includes a staging plan.

- The resolution of the use of the 20 metres Barwon Water reserve/easement that traverses the subject land as a potential pedestrian link. Should the Barwon Water reserve/easement not be utilised as a pedestrian link, a shared path should be provided (minimum 2.5 wide for bike/pedestrian use) on the northern most access road for the full length (east west) and along the Hendy Main Road frontage north to the school and south to connect with the existing open space parcel to the west.

An Integrated Stormwater Management Plan that includes basic MUSIC modelling for evaluation of the required areas for stormwater management facilities in accordance with Clause 56 should be designed with reference to the wider catchment, and incorporates:

- Areas for treatment and retardation.
- A point of storm water discharge from each lot to the provision of underground drainage.
- Water sensitive urban design features.
- Best practice stormwater management initiatives.
- Opportunities for re-use for immediate or future implementation.

An Urban Services Report that details how physical infrastructure will be provided. As reticulated sewerage is not provided in Moriac, minimum requirements as to how each lot shall treat and retain wastewater on site in accordance with existing regulatory requirements should be documented.

A Landscape Masterplan that includes:

- A landscape street tree treatment to provide an attractive subdivision using local indigenous species.
- An illustration of pedestrian connectivity and integration within and external to the proposed subdivision.
- The potential retention of the existing trees on the subject land wherever possible.
- A plant species list and proposed location of each species.

A Construction Management Plan that includes measures to:

- Protect any significant vegetation on the site.
- Minimise the impact of construction on neighbouring properties and uses.
- Protect council assets, including access roads
- Manage the removal, stockpiling, resprreading and/or disposal of soil.
NEIGHBOURHOOD CHARACTER OVERLAY

Shown on the planning scheme map as NCO with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To identify areas of existing or preferred neighbourhood character.
To ensure that development respects the neighbourhood character.
To prevent, where necessary, the removal of buildings and vegetation before the neighbourhood character features of the site and the new development have been evaluated.

Neighbourhood character statement and objectives

A schedule to this overlay must contain:

- A statement of the key features of the neighbourhood character.
- The neighbourhood character objectives to be achieved for the area affected by the schedule.

Permit requirement

A permit is required to:

- Construct a building or construct or carry out works. This does not apply 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.
  - The construction or extension of an outbuilding normal to a dwelling unless a specific requirement for this matter is specified in a schedule to this overlay.
- Demolish or remove a building if specified in a schedule to this overlay.
- Remove, destroy or lop trees if specified in a schedule to this overlay. This does not apply:
  - To a tree that is less than 5 metres in height or has a trunk circumference of less than 0.5 metre measured 1 metre above ground level.
  - 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.
  - If the removal, destruction or lopping of the tree is necessary for emergency access and emergency works by a public authority or municipal council.

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>Remove, destroy or lop one tree.</td>
<td>Clause 59.06</td>
</tr>
<tr>
<td>Construct, demolish or remove 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>
</tbody>
</table>
Class of application

- A carport, garage, pergola, verandah, deck, shed or similar structure.
- A domestic swimming pool or spa and associated mechanical equipment and safety fencing.
- A rainwater tank.

The buildings and works must be associated with a dwelling.

| Clause 59.05 Demolish or remove an outbuilding (including a carport, garage, pergola, verandah, deck, shed or similar structure). |

---

**Modification to Clause 54 and Clause 55 standards**

A schedule to this overlay may modify:

- The requirements of any standard of Clause 54, including any requirements specified in the schedule to the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone. This does not apply to Standards A1, A12, A13, A14 and A16 of Clause 54.
- The requirements of any standard of Clause 55, including any requirements specified in the schedule to the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone. This does not apply to Standards B1, B2, B3, B4, B19, B20, B21, B27 and B35 to B49 of Clause 55.

**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 normal to a dwelling.
- Construction of a swimming pool.

**Decision guidelines**

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

- The statement of the key features of the neighbourhood character and the neighbourhood character objectives contained in a schedule to this overlay.
- Whether the location, layout and form of the proposed development respects the neighbourhood character.
- The contribution that the existing building makes to the neighbourhood character.
- Whether the site is to remain vacant or is to be developed for another purpose.
- The contribution that the tree makes to the neighbourhood character.
- The health of the tree.
- Any proposed landscape improvements.
- Any matter specified in a schedule to this overlay.
SCHEDULE 1 TO CLAUSE 43.05 NEIGHBOURHOOD CHARACTER OVERLAY

Shown on the planning scheme map as NCO1.

THE SETTLEMENTS OF AIREYS INLET, FAIRHAVEN AND MOGGS CREEK

1.0 Statement of neighbourhood character

The settlements of Aireys Inlet, Fairhaven and Moggs Creek are characterised by low building densities and large blocks, having a distinctive non-suburban coastal character with much of the public and private realm enjoying views of the surrounding natural features. The built form is nestled within a cover of native vegetation which varies between Eucalyptus woodland, heathland and coastal scrub. Buildings, whether of one or two storeys, are generally low in profile, screened by vegetation and contained below the tree canopy, and sit within the landscape (e.g. are stepped down the slope); have warm, earthy, muted and subdued colour schemes that blend with the natural surroundings; have a lightweight, airy appearance with use of natural materials (e.g. timber), open glazing and simple architectural design; have small footprints, minimal hard surface areas and are set back generous distances from boundaries. Many properties have no boundary fences and where fencing does exist it is generally limited to post and wire. Most driveways and roads are gravel and have an informal appearance which is complemented by vegetation within the road reserve and on private and public land. Streets have minimal street lights and minimal kerb and channelling.

The preferred neighbourhood character for these settlements is based on these existing characteristics.

2.0 Neighbourhood character objective

To preserve and enhance the low scale, low density, vegetated character of the settlements of Aireys Inlet, Fairhaven and Moggs Creek.

To ensure that applications for more than one dwelling can be subdivided in accordance with the subdivision requirements of Schedule 10 to the Design and Development Overlay (Clause 43.02).

To ensure that development presents an inconspicuous profile against the landscape setting, allowing the landscape to remain the key feature of the settlements, particularly where the vegetation canopy height is low and/or a site is prominetly located.

To ensure that buildings are sited and designed to avoid protruding over or above ridgelines or form a silhouette against the sky when viewed from the Great Ocean Road or any other significant viewing point, including the lighthouse, Eagle Rock Bluff and Painkalac estuary and valley.

To encourage building design that respects and contributes to the low scale coastal character and environmental and landscape values of the settlements, with an emphasis on small footprints, large setbacks, a coastal design and avoidance of visual bulk.

To retain adequate space around buildings to provide sufficient room for the retention and/or re-establishment of native vegetation to assist in integrating built form with the landscape.

To achieve a reasonable sharing of views of significant landscape features, including views of the ocean and coastal shoreline, the Split Point Lighthouse, the Painkalac valley and natural bushland in the hinterland.

To safeguard the landscape values of the lighthouse when viewed from beyond the site and ensure that development does not dominate or compete with the prominence of the lighthouse within the immediate landscape.

To protect the visual amenity of the mouth of the Painkalac Creek and retain the established single storey character.

To encourage buildings that relate to, and blend with, the natural surroundings through the use of natural, lightweight materials, with colour schemes that are warm, natural and earthy and roofs that are clad in a non-reflective material and colour.
To discourage the establishment of recreational structures such as tennis courts and swimming pools that prevent long term enhancement of the vegetation cover and the illumination of existing structures.

To encourage accessways and other infrastructure that have an informal, non-suburban, vegetated appearance, with minimal artificial lighting.

**Permit requirement**

A permit is required to:

- Construct an outdoor swimming pool associated with a dwelling.
- Construct or extend an outbuilding normal to a dwelling.

**Modification to Clause 54 and Clause 55 standards**

<table>
<thead>
<tr>
<th>Standard</th>
<th>Modified Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>A3/B6</td>
<td><strong>STREET SETBACK</strong></td>
</tr>
<tr>
<td></td>
<td>Walls of buildings should be set back from streets the distance specified in the Street Setback Table below.</td>
</tr>
<tr>
<td></td>
<td><strong>Development context</strong></td>
</tr>
<tr>
<td></td>
<td>There is an existing building on both the abutting lots facing the same street, and the site is not on a corner.</td>
</tr>
<tr>
<td></td>
<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>
</tr>
<tr>
<td></td>
<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>
</tr>
<tr>
<td></td>
<td>The site is on a corner.</td>
</tr>
</tbody>
</table>

| A4/B7    | **BUILDING HEIGHT** |
|          | The maximum building height should not exceed 7.5 metres. Buildings should be stepped down the slope on steep sites. |

_The following requirements apply to land within the precincts shown on Map 1 of this Schedule._
**Standard** | **Modified Requirement**
---|---
**Precinct 1** | The second storey should be set back a minimum of 3 metres behind the lower storey on lots located within Precinct 1.

**Precinct 2** | Buildings should be stepped down the site following the contour, on lots located within Precinct 2.

**Precinct 3** | Buildings should be recessive adjacent to the lighthouse, on lots located within Precinct 3.

**Precincts 2 and 3** | New development located in **Precincts 2 and 3** is not to dominate or compete with views of the lighthouse.

**A5/B8 SITE COVERAGE**

The site area covered by buildings should not exceed 30%, or 35% where the percentage of building exceeding 30% is unroofed deck only.
The gross floor area of all buildings should not exceed a plot ratio of 0.4 of the site area.
The calculation for site area should not include:
<table>
<thead>
<tr>
<th>Standard</th>
<th>Modified Requirement</th>
</tr>
</thead>
</table>
| | - land common to, or in shared use between, two or more dwellings.  
| | - land providing vehicular access to a rear dwelling, such as in a battle-axe lot. |

**A8/B13 SIGNIFICANT TREES/LANDSCAPING**
The siting of new buildings should provide for the retention of existing vegetation and provide adequate space on site for the planting of new indigenous shrubs and trees.  
At least 60% of the site area (excluding the area of driveways, gravel, paving, decks, swimming pools and tennis courts) should be available for the planting of vegetation.

**A10/B17 SIDE AND REAR SETBACKS**
A new building should be setback at least 3 metres from side and rear boundaries.

**A11/B18 WALLS ON BOUNDARIES**
A new wall should not be located on side and rear boundaries.  
Where a lot has a boundary width of 14 metres or less or where it can be demonstrated that walls on boundaries cannot be avoided due to site constraints, the following standards apply:

**Length of walls on boundaries**
A new wall constructed on or within 150mm 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 of more than:

- 25 per cent of one side boundary, and  
- 50 per cent of the rear boundary  

as shown in Diagram 1.

**Location of walls on boundaries**
A new wall constructed on or within 150mm 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 more than:

- one side boundary, and  
- one rear boundary.

Where there is a wall constructed on the boundary of an abutting lot a new building should be setback at least 3m from that boundary as shown in Diagram 2.
### Standard Design Detail

In addition to the attributes in clause 54.06 and 55.06:

The design of buildings should reflect the preferred neighbourhood character attributes, including:

- Landscape setting
- Building massing
- Height
- Colours, materials and finishes
- Space around buildings and setbacks

#### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.05 in addition to those specified in Clause 43.05 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

**Building setbacks**

- Whether the building setbacks are adequate to achieve a sense of space around buildings and to retain native vegetation where this does not increase bushfire risk.

- Whether it is reasonable to vary a building setback to avoid or minimise the removal of native vegetation, address topographical or physical site constraints (e.g. slope, site dimensions) or retain views of significant landscape features from surrounding properties.

- Whether it is reasonable to allow minor encroachments of building elements such as sunblinds, shade sails, verandahs, pergolas, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, heating and cooling equipment and small garden sheds into the required minimum side and rear setbacks.

- The visual impact of the building when viewed from the street or adjoining properties.

- The setbacks of any existing buildings on the site.

- Whether an approved building or habitation envelope provides for a reduced setback from any boundary.

**Building height**

- Whether a lower building height is required so that the building does not protrude above the tree canopy or protrude above ridgelines to form a silhouette against the sky when viewed from the Great Ocean Road or other significant viewing point.
Whether a greater building height is reasonable due to the physical constraints of the site while ensuring that the greater height will not result in reduced residential amenity by loss of views, overlooking, overshadowing or visual bulk.

Whether buildings have been designed to step down the slope on steep sites to reduce overall building height and bulk.

**Site coverage**

- Whether a lesser site coverage is required to avoid and/or minimise the removal of native vegetation.
- Whether the maximum site coverage and plot ratio for an existing lot with an area less than 550sqm should be varied where the objectives of this schedule can still be met.

**Design detail**

- Whether the building evokes a design that is reflective of and sympathetic to the local character.
- Whether buildings have a lightweight appearance and provide visual interest through articulation, glazing, verandahs, balconies, eaves and variation in materials and textures.
- The need to strongly discourage suburban looking buildings and historic replicas.
- The need to encourage the use of building colours that are subtle, neutral, muted and unobtrusive to assist in visually blending the building with the surrounding natural landscape.
- Whether areas for car parking and vehicle access are visually recessive and minimise the loss of space for the retention and/or planting of vegetation by:
  - recessing carports or garages behind the front facade of the dwelling;
  - ensuring crossovers are located to retain established street trees and other significant roadside vegetation;
  - requiring the use of informal, permeable surfaces for driveways and parking areas rather than hard, impervious surfaces such as concrete, where practical;
  - encouraging the use of shared driveways in multi-dwelling developments.

**Recreational structures**

- Whether swimming pools are integrated with the design of the dwelling and meet the objectives of this schedule.
- Whether private recreational structures such as tennis courts and swimming pools would compromise long term enhancement of the vegetation cover.
SCHEDULE 2 TO CLAUSE 43.05 NEIGHBOURHOOD CHARACTER OVERLAY

Shown on the planning scheme map as NCO2.

LORNE RESIDENTIAL AREAS

1.0

Statement of neighbourhood character

The township of Lorne lies on the internationally recognised Great Ocean Road. The setting of the Otway Ranges rising from the coastline, and the nestling of Lorne within this landscape is highly valued by residents and visitors alike.

The preferred neighbourhood character for Lorne is derived from the positive elements of the existing character and is consistent across the township. It comprises a hillside amphitheatre with a strong native landscape setting and continuous tree canopy. Within this setting sit discrete, low scale buildings that are reflective of the town’s origins as a popular seaside destination. Building forms range from classic older beach houses through to modern coastal designs utilising simple built forms, a diverse range of natural, visually lightweight materials, extensive use of glass and building colours that are subtle, neutral and unobtrusive. Driveways and car parking is recessive in the streetscape. While buildings are largely screened and blend with the vegetation, filtered views of the ocean, coast and hinterland are a special feature of this town. Heritage places and their landscape setting also contribute to the character.

2.0

Neighbourhood character objective

- To conserve, enhance and reinstate the preferred character of a tall canopy treed setting with recessive buildings throughout Lorne, including areas that are substantially cleared of vegetation.
- To protect the quality of the vegetated amphitheatre vista of the Lorne township as viewed from the public realm.
- To encourage building design that complements the cultural, environmental and landscape values of Lorne, with emphasis on small footprints, large setbacks and avoidance of visual bulk or prominence.
- To respect the neighbourhood character value of heritage places and their landscape setting.
- To encourage development that reflects a lightweight coastal image, avoids design repetition and blends with the vegetation using subtle, neutral and unobtrusive colours.
- To ensure that buildings sit below ridgelines and the tree canopy when viewed from the Great Ocean Road or any other significant viewing points.
- To ensure that buildings are sited and designed to avoid and/or minimise removal of native vegetation.
- To retain space around buildings to provide sufficient room for the retention of vegetation and landscaping, particularly to the front and rear of a development.
- To maintain, to a reasonable level, the residential amenity derived from the availability of views of landscape features, privacy and access to sunlight.
- To achieve a reasonable sharing of views of significant landscape features, including views of the ocean and coastal shoreline, the Erskine River and natural bushland in the hinterland.
- To encourage access ways and other infrastructure that has an informal, vegetated appearance that sits naturally in the landscape.
- To ensure dwelling densities are consistent with the subdivision requirements of Schedule 12 to the Design and Development Overlay.
Permit requirement

A permit is required to:

- Construct an outdoor swimming pool associated with a dwelling.
- Construct or extend an outbuilding normal to a dwelling.

Application requirement

An application for buildings and works, other than minor alterations to existing buildings, must include the following information, as appropriate:

- Details of the type and colour of all external building materials.
- A landscape plan that shows:
  - The location of existing vegetation that is to be retained and removed.
  - Planting in accordance with the requirements of this schedule, using species predominantly selected from the ‘Indigenous Planting Guide (2003)’, with emphasis on canopy vegetation.
  - A detailed planting schedule, which includes the botanical and common name, height and spread at maturity, quantity and size at planting.
- A report that details:
  - The structure, health and species of native vegetation on site
  - The expected impact of proposed works on native vegetation that is proposed to be retained in a development, and recommended measures to suitably protect retained trees from damage during the proposed works.
  - Recommended means of retaining mature trees as a preference to removal.
- Where a site has a slope exceeding 25%, a geo-technical report that addresses where relevant:
  - Potential for erosion, susceptibility to landslip or other land degradation.
  - The need to stabilise disturbed areas by engineering works or re-vegetation.

Modification to Clause 54 and Clause 55 standards

<table>
<thead>
<tr>
<th>Standard</th>
<th>Modified requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>A3/B6</td>
<td><strong>Street setback</strong></td>
</tr>
<tr>
<td></td>
<td>Walls of buildings should be set back from streets the distance specified in the Street Setback Table below.</td>
</tr>
<tr>
<td>Development context</td>
<td>Minimum setback from front street (metres)</td>
</tr>
<tr>
<td>If the street is Great Ocean Road, Ocean Road, Ocean Road South or Mountjoy Parade.</td>
<td>9 metres</td>
</tr>
<tr>
<td>For other streets.</td>
<td>The street boundary setbacks of Standard A3 and B6 apply.</td>
</tr>
<tr>
<td>A4/B7</td>
<td><strong>Building height</strong></td>
</tr>
<tr>
<td></td>
<td>The maximum building height should not exceed 7.5m.</td>
</tr>
<tr>
<td>A5/B8</td>
<td><strong>Site coverage</strong></td>
</tr>
</tbody>
</table>
## Standard vs Modified requirement

<table>
<thead>
<tr>
<th>Standard</th>
<th>Modified requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The area of a lot covered by buildings should not exceed 35 per cent.</td>
</tr>
<tr>
<td></td>
<td>The plot ratio of a building should not exceed 0.5.</td>
</tr>
</tbody>
</table>

### A8 Significant trees

- At least 50 per cent of a lot should be available for the planting of vegetation (excludes driveways and tennis courts of all surface types).
- An area of 100m², with a minimum dimension of 8 metres, should be provided for vegetative landscaping that includes canopy trees.
- Sites, in particular the front and rear building setback areas, should be landscaped in a manner that places buildings in a bushland setting, softens the appearance of buildings in the streetscape and from adjoining properties and compliments the character of the town.

A group of canopy trees should be planted on each lot with at least two in the front building setback area.

### B13 Landscaping

In addition to the requirements of clause 55.03-8:

- At least 50 per cent of a lot should be available for the planting of vegetation (excludes driveways and tennis courts of all surface types).
- An area of 100m² per dwelling with a minimum dimension of 8 metres, must be provided for vegetative landscaping that includes canopy trees.
- Sites, in particular the front and rear building setback areas, should be landscaped in a manner that places buildings in a bushland setting, softens the appearance of buildings in the streetscape and from adjoining properties and compliments the character of the town.
- A group of canopy trees should be planted on each lot with at least two in the front building setback area.

### B15 Parking

In addition to the requirements of clause 55.03-10:

- Any new undercover or enclosed car parking space should be sited behind the main building façade.
- Only one single-width vehicle crossover providing access to parking for a dwelling should be provided to each lot.

### A11/B18 Walls on boundaries

In addition to the requirements of clauses 54.04-2 and 55.04-2:

- A new wall should not be located on a side or rear boundary.

### A19 and B31 Design detail

In addition to the attributes in clauses 54.06 and 55.06:

- The design of buildings should reflect the preferred neighbourhood character attributes, including:
  - Landscape setting
  - Building massing
  - Height
  - Colours, materials and finishes
  - Space around buildings and setbacks.
- Buildings should reference the attributes of classic beach houses and display a coastal design style of architecture.
- Any new undercover or enclosed car parking space should be sited behind the main building façade.
Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.05 in addition to those specified in Clause 43.05 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Development will not be supported unless it is demonstrated that a treed setting character is reinforced or re-established.
- Applications for more than one dwelling will not be supported unless it can be shown that the development can be subdivided in accordance with the subdivision requirements of Schedule 12 to the Design and Development Overlay (clause 43.02).

Building setbacks

- Whether the setback of a building from a boundary should be varied to avoid and minimise the removal of native vegetation.
- Whether the setback of a building from a boundary should be varied because of topographical or other physical constraints of the land.
- The need to maintain a sense of space and separation between buildings, including within multi-dwelling developments.

Building height

- Whether buildings should be designed to step down the slope on steep sites to reduce overall building height and bulk.
- Whether a lesser building height is required so that the building does not:
  - Protrude above ridgelines to form a silhouette against the sky when viewed from the Great Ocean Road or any significant public viewing point.
  - Project above the existing or reinstated tree canopy so as to be prominent in the landscape.
- Whether a greater building height is reasonable due to the physical constraints of the site while ensuring that the greater height will not result in reduced residential amenity by loss of views, overlooking or overshadowing.

Site coverage

- Whether a lesser site coverage is required to avoid and minimise the removal of native vegetation.
- Whether a greater site coverage is reasonable so as to reduce the overall visual bulk, height or prominence of buildings.

Landscaping

- The extent to which the landscaping of the site will achieve the effect of:
  - Placing buildings in a bushland setting.
  - Softening the appearance of buildings in the streetscape and from adjoining properties
  - Complimenting the character of the town.
- The appropriateness of reducing the landscape area requirement in order to facilitate increased dwelling diversity in areas within close walking distance of the commercial centre, whilst still providing a high quality landscape outcome.
- The need to ensure that excavation, retaining walls, paths and other ancillary works do not reduce the ability to appropriately vegetate the site.

Parking and access

- The need to ensure that driveways and parking is visually recessive in the streetscape by:
- Discouraging undercover or enclosed car parking forward of the main building façade, with a preference, if required, for open carport structures.
- In multi-dwelling developments and battle-axe subdivisions, encouraging shared driveways.
- Siting driveways and parking so that it can be screened from the street by vegetation.

- Where undercover parking is not proposed, the need to accommodate future demand for undercover parking in a manner that is consistent with the objectives and requirements of this schedule.

**Overlooking**

- The appropriateness of allowing a greater degree of overlooking in order to maintain the open bushland character of the town.

**Design Detail**

- The need to avoid boxy building forms, by encouraging buildings with projecting eaves and discouraging parapet walls unless the building form is highly articulated.
- The need to encourage a diversity of built form, particularly in multi-dwelling developments.
- The need to encourage the use of building materials and finishes that result in a lightweight appearance.
- The need to strongly discourage suburban looking buildings and historic replicas.
- The need to encourage the use of building colours that are subtle, neutral, muted, receding and unobtrusive and assist in visually blending the building with the surrounding natural landscape, especially the tree canopy.

**View sharing**

- Whether the development will achieve a reasonable sharing of views from private land, with particular emphasis on significant landscape features, including views of the ocean and coastal shoreline, the Erskine River and natural bushland in the hinterland.
- The appropriate balance between affording views from individual properties with the protection of the landscape character of the town and the visual appearance of the town from public viewing points.
SCHEDULE 3 TO CLAUSE 43.05 NEIGHBOURHOOD CHARACTER OVERLAY

Shown on the planning scheme map as NCO3.

ANGLESEA RESIDENTIAL AREAS

1.0 Statement of neighbourhood character

Anglesea is typified by a low density vegetated character, reflective of its history as a small coastal settlement in an environmentally sensitive setting. The dominance of vegetation over the built environment and the informal relationship between private and public realms contribute highly to this character, but the vegetation also creates a high fire risk if not well managed.

The preferred character for Anglesea is derived from the positive elements of the existing character. It comprises a strong native bush landscape setting dominated by an indigenous tree canopy within which sit visually recessive, unobtrusive buildings that are screened by vegetation. Buildings have a low profile building height, small footprints and large setbacks, which affords a sense of space between buildings. Buildings adopt a contemporary coastal style of architecture, with reference to classic older style beach houses, utilising simple built forms and roof styles; a diverse range of natural, visually lightweight materials (e.g. timber), glazing and decks; and subdued colour schemes that blend with the vegetation. Driveways and car parking areas are recessive in the streetscape and have an informal appearance. Many properties have no boundary fences and where fencing does exist it is generally limited to post and wire. The residential amenity is enhanced by views of natural features such as the ocean, coastline, river and hinterland from public and private spaces.

2.0 Neighbourhood character objective

- To preserve and enhance the low density non-suburban coastal village character of Anglesea and retain the sense of houses in a bush setting.
- To retain and enhance the existing cover of indigenous vegetation with particular emphasis on Messmate Stringybark and Coastal Moonah Woodland species, where this does not increase bushfire risk.
- To encourage development and infrastructure that retains a non-suburban and informal appearance, reflective of the coastal character of the town and its bushland / heathland environment.
- To maintain a sense of space around buildings to support the preservation and re-establishment of vegetation that enhances screening of the development from adjoining properties and public areas, and to enable the creation and management of defendable space for bushfire protection.
- To maintain a low profile building height that minimises the visibility of buildings in the broader landscape, particularly where the vegetation canopy height is low or a site is prominently located.
- To ensure that buildings are sited and designed to avoid protruding over or above ridgelines or form a silhouette against the sky when viewed from the Great Ocean Road or any other significant viewing point.
- To protect residential amenity by achieving a reasonable sharing of views of significant landscape features, including views of the ocean and coastal shoreline, the Anglesea River and surrounds and natural bushland in the hinterland.
- To encourage development that is well designed with a lightweight coastal image and avoids a typical suburban or historic replica appearance.
- To encourage the use of natural colours as opposed to strong, bold or dark colour schemes to allow buildings to blend with the natural surroundings.
- To discourage the establishment of recreational structures such as tennis courts and swimming pools that prevent long term enhancement of the vegetation cover.
To ensure that applications for more than one dwelling can be subdivided in accordance with the subdivision requirements of Schedule 19 to the Design and Development Overlay (Clause 43.02).

3.0 Permit requirement

A permit is required to:

- Construct an outdoor swimming pool associated with a dwelling.
- Construct or extend an outbuilding normal to a dwelling.

Application Requirements

An application for buildings and works, other than minor alterations to existing buildings, must include the following information, as appropriate:

- Details of the type and colour of all external building materials.
- A landscape plan that shows:
  - The location of existing vegetation that is to be retained and removed;
  - The location of defendable space that is required for bushfire protection;
  - A detailed planting schedule, which includes the botanical and common name, height and spread at maturity, quantity and size at planting, using species predominantly selected from the *Indigenous Planting Guide* (2003), with emphasis on the use of canopy trees and planted in accordance with the design guidelines of *Landscaping Your Surf Coast Garden for Bushfire* (2012); and
- A report that details:
  - The structure, health and species of native vegetation on the site;
  - The expected impact of proposed works on native vegetation that is proposed to be retained in a development, and recommended measures to suitably protect retained trees from damage during the proposed works; and
  - Recommended means of retaining mature trees as a preference to removal.
- Where a site has a slope exceeding 25%, a geo-technical report that addresses where relevant:
  - Potential for erosion, susceptibility to landslip or other land degradation; and
  - The need to stabilise disturbed areas by engineering works or re-vegetation.

4.0 Modification to Clause 54 and Clause 55 standards

<table>
<thead>
<tr>
<th>Standard</th>
<th>Modified Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>A3/B6</td>
<td><strong>STREET SETBACK</strong></td>
</tr>
<tr>
<td></td>
<td>Walls of buildings should be set back from streets the distance specified in the Street Setback Table below.</td>
</tr>
<tr>
<td>Development context</td>
<td>Minimum setback from front street (metres)</td>
</tr>
<tr>
<td>The allotment fronts the Great Ocean Road.</td>
<td>9 metres</td>
</tr>
<tr>
<td>Standard</td>
<td>Modified Requirement</td>
</tr>
<tr>
<td>----------</td>
<td>----------------------</td>
</tr>
<tr>
<td></td>
<td>The allotment fronts a street other than the Great Ocean Road and there is an existing building on either of the abutting allotments facing the same street.</td>
</tr>
<tr>
<td></td>
<td>The allotment fronts a street other than the Great Ocean Road and there is no existing building on either of the abutting allotments facing the same street.</td>
</tr>
</tbody>
</table>

**A4/B7 BUILDING HEIGHT**

The maximum building height should not exceed 7.5 metres.

**A5/B8 SITE COVERAGE**

The site area covered by buildings should not exceed 30 per cent, or 35 per cent where the percentage of building exceeding 30 per cent is unroofed deck only.

The site area covered by any hard surfaces, including pervious surfaces such as gravel, paving, swimming pools and tennis courts, should not exceed 40 per cent.

The gross floor area of all buildings should not exceed a plot ratio of 0.4 of the site area.

‘Site area’ excludes land common to more than one dwelling or land providing vehicular access to a rear dwelling such as a battle-axe lot. Site area is calculated for an individual dwelling and is not an average across multiple dwellings.

**B15 PARKING**

In addition to the requirements of Clause 55.03-10:

Any new or undercover car parking space should be sited behind the front wall of the dwelling.

**A10/B17 SIDE AND REAR SETBACKS**

A new building should be set back at least 3 metres from side and rear boundaries.

Where a lot has a boundary width of 14 metres or less, or where it can be demonstrated that a 3 metre setback from side and rear boundaries cannot be achieved due to site constraints, the requirements of Standards A10 and B17 apply.

**A11/B18 WALLS ON BOUNDARIES**

A new wall should not be located on a side or rear boundary.

Where a lot has a boundary width of 14 metres or less, or where it can be demonstrated that walls on boundaries cannot be avoided due to site constraints, the requirements of Standards A11 and B18 apply.

**A19/B31 DESIGN DETAIL**

The design of buildings, including:

- Scale and form
- Roof form and pitch
- Height
- Materials, finishes and colours
- Façade articulation
- Building siting
- Setbacks and space around buildings, and
- Siting and design of driveways, garages or carports should respect the preferred neighbourhood character of the area.

Building colours should be natural, receding and unobtrusive and assist in visually blending the building with the surrounding natural landscape and vegetation. The use of uncoated Zincalume or galvanised iron as a roofing material is strongly discouraged.

Any new or undercover car parking space should be sited behind the front wall of the dwelling.
### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.05 in addition to those specified in Clause 43.05 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Applications for more than one dwelling will not be supported unless it can be shown that the development can be subdivided in accordance with the subdivision requirements of Schedule 19 to the Design and Development Overlay (Clause 43.02).

#### Building setbacks

- Whether the building setbacks are adequate to provide for the retention of vegetation and/or planting of new vegetation, whilst ensuring minimum standards for bushfire protection are met.
- Whether the front setback is consistent with the prevailing setback of other buildings in the street.
- Whether the setback from a side street is sufficient to avoid the building being visually prominent within the streetscape of the side street.
- Whether the setback of a building from a boundary should be varied to avoid and minimise the removal of native vegetation, or because of topographical or other physical constraints of the land.
- Whether the setback of a garage or carport from a front or side street is sufficient to accommodate a tandem car space within the allotment boundary.
- The need to maintain a sense of space and separation between buildings, including within multi-dwelling developments.

#### Building height

- Whether buildings should be designed to step down the slope on steep sites to reduce overall building height and bulk.
- Whether a lesser building height is required so that the building does not:
  - Protrude above ridgelines to form a silhouette against the sky when viewed from the Great Ocean Road or any significant public viewing point;
  - Project above the existing or reinstated tree canopy so as to be prominent in the landscape.
- Whether a greater building height is reasonable due to the physical constraints of the site while ensuring that the greater height will not result in reduced residential amenity by loss of views, overlooking, overshadowing or visual bulk.

#### Site coverage

- Whether a lesser site coverage is required to avoid and minimise the removal of native vegetation.

#### Landscaping

- The extent to which the landscaping of the site will achieve the effect of:
  - Placing buildings in a bushland setting;
  - Softening the appearance of buildings in the streetscape and from adjoining properties;
  - Complementing the vegetation character of the town;
- Reducing bushfire risk.

- The need to ensure that any requirement to create and/or manage defendable space and any excavation, retaining walls, paths and other ancillary works do not unreasonably reduce the ability to appropriately vegetate the site.

Parking and access

- The need to ensure that driveways and parking spaces are visually recessive in the streetscape by:
  - Discouraging undercover or enclosed car parking forward of the dwelling façade;
  - In multi-dwelling developments and battle-axe subdivisions, encouraging shared driveways;
  - Designing driveways and parking areas so that they can be softened from the street by vegetation.

- Where undercover parking is not proposed, the need to accommodate future demand for undercover parking in a manner that is consistent with the objectives and requirements of this schedule.

Design Detail

- The need to encourage a diversity of built form and architectural detailing, particularly in multi-dwelling developments.

- Whether new buildings have been designed to interpret the attributes of classic beach houses, display a coastal style of architecture and contribute to the preferred neighbourhood character of the area in an innovative and contemporary manner that complements, rather than replicates, existing building styles.

- The need to strongly discourage period dwelling styles and suburban looking buildings.

- Whether two-storey buildings have been designed to provide an articulated building form and reduce the overall visual bulk or prominence of buildings.

- Whether buildings have been designed and sited in accordance with environmentally sustainable design principles, including but not limited to passive solar design, energy efficiency, water efficiency and reuse, sustainable materials and finishes, and renewable energy.
LAND MANAGEMENT OVERLAYS
SALINITY MANAGEMENT OVERLAY

Shown on the planning scheme map as SMO with a number (if shown).

Purpose

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

To identify areas subject to saline ground water discharge or high ground water recharge.

To facilitate the stabilisation of areas affected by salinity.

To encourage revegetation of areas which contribute to salinity.

To encourage development to be undertaken in a manner which brings about a reduction in salinity recharge.

To ensure development is compatible with site capability and the retention of vegetation, and complies with the objectives of any salinity management plan for the area.

To prevent damage to buildings and infrastructure from saline discharge and high watertable.

Salinity management objectives and statement of risk

A schedule to this overlay may contain:

- Salinity 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. This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- To salinity management works carried out in accordance with any Regional Catchment Strategy and associated plan applying to the land.
- To an alteration to an existing building where there is no increase in floor area and no increase in waste water disposal. This exemption does not apply to alterations required as part of remedial works for salt or high water table damage.
- To a building used for agriculture with a floor area of less than 100 square metres where there is no increase in waste water disposal.

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 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></td>
</tr>
<tr>
<td>The buildings and works must be associated with a dwelling.</td>
<td></td>
</tr>
</tbody>
</table>

Subdivision

A permit is required to subdivide land.
Removal of vegetation

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 44.02-5 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>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency works</td>
</tr>
<tr>
<td>Vegetation that is to be removed, destroyed or lopped:</td>
</tr>
<tr>
<td>in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access or to enable emergency work; or</td>
</tr>
<tr>
<td>where it presents an immediate risk of personal injury or damage to property and only the part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.</td>
</tr>
<tr>
<td>Fire protection</td>
</tr>
<tr>
<td>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:</td>
</tr>
<tr>
<td>fire fighting;</td>
</tr>
<tr>
<td>planned burning;</td>
</tr>
<tr>
<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>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);</td>
</tr>
<tr>
<td>is ground fuel within 30 metres of a building and is vegetation other than native vegetation;</td>
</tr>
<tr>
<td>in accordance with a fire prevention notice issued under either:</td>
</tr>
<tr>
<td>– Section 65 of the Forests Act 1958; or</td>
</tr>
<tr>
<td>– Section 41 of the Country Fire Authority Act 1958.</td>
</tr>
<tr>
<td>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;</td>
</tr>
<tr>
<td>minimise 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.</td>
</tr>
</tbody>
</table>

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.
The requirement to obtain a permit does not apply to:

<table>
<thead>
<tr>
<th>Land use conditions</th>
<th>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.</th>
</tr>
</thead>
</table>
| 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.  
  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. |
| Noxious weeds | 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). |
| Pest animal burrows | 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. |
| Planted vegetation | 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. |
| Railways | 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 | 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 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 the 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 costeaining and bulk sampling activities. |
The requirement to obtain a permit does not apply to:

**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:
- 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 Owners 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 the following information, as appropriate:

- The source of water supply.
- Water use requirements and effluent or water disposal provision.
- Any existing vegetation proposed to be removed.
- Details of the species, location and density of any proposed landscaping.
- The water balance under the current land use and any proposed land use.
- Title and ownership details.
- Topographic information including natural contours of the land, highlighting significant ridges, hill tops and crests, slopes in excess of 25 percent (1:4), low lying areas, drainage lines, waterways, springs, dams, lakes, wetlands and other environmental features on or in close proximity to the subject area.
- Geology types.
- Location and area of outcropping bedrock.
- Soil types.
- Size and location of high recharge areas and discharge areas from the site inspection, soil types, soil depth, and soil percolation rates/infiltration.
- Size and location of discharge areas and areas of high salinity risk from the site inspection, including the identification of shallow watertable within 3 metres of the surface (depth to watertable), and soil salinity from soil tests or vegetative indicators.
- Area of land and the proportion of the development site identified as high recharge or discharge areas.
- Location, species and condition of existing vegetation (both native and exotic species).
- Existing degraded areas and recommendations for land management practices and remedial works required to overcome any existing or potential land degradation.
- 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 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 under this overlay and any site capability report must be referred to the specified referral authority in accordance with 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 referral authority.

Decision guidelines

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

- The State Environmental Protection Policy, (Waters of Victoria).
- The Regional Landcare Plan applicable to the catchment.
- The Catchment Salinity Management Plan to the particular catchment.
- The need to remove, destroy or lop vegetation to a create defensible space to reduce the risk of bushfire to life and property.
- The need to augment tree planting and the establishment of deep-rooted, high water-use pasture species to reduce rainfall accessions to the watertable in high recharge areas.
- The need for planting of salt-tolerant species to stabilise and lower ground water levels in discharge areas.
- The need for stock-proof fencing of discharge and high discharge areas to enable effective stock management for site stabilisation.
- Any proposed landscaping and the need to preserve existing vegetation, particularly in high recharge and high discharge areas.
- Any land management plan, works program, or farm plan applicable to the land.
- The design, siting and servicing of the development and the extent of earthworks.
- The appropriateness of the proposed use or development having regard to the sensitivity and constraints of the land and the capability of the land to accommodate the use or development.
- Any other matters specified in a schedule to this overlay.
SCHEDULE TO CLAUSE 44.02 SALINITY MANAGEMENT OVERLAY

Shown on the planning scheme map as SMO.

1.0

Salinity management objectives to be achieved

None specified.

2.0

Statement of risk

None specified.

3.0

Permit requirement

A permit is not required:

- For the construction or extension of a non-habitable outbuilding with a floor area no more than 100 square metres in a Rural Zone and where the buildings do not include the installation of a kitchen sink, a bath or shower, or a closet pan and wash basin.

- For the pruning or lopping of vegetation for maintenance only, provided no more than one third of the foliage is removed from any individual plant. This exemption does not apply to pruning or lopping of the trunk of a tree or shrub.

- For the mowing or slashing of grass for maintenance only. Under this exemption the grass must be:
  - Located within a lawn, garden or other planted area; or
  - Maintained at a height of at least 100 millimetres above ground level.

- For the removal, destruction or lopping of dead vegetation.

- For the removal, destruction or lopping of vegetation that has been planted or grown for aesthetic or amenity purposes, including street trees, gardens or the like.

- For the removal, destruction or lopping of vegetation that has been planted or grown as a result of direct seeding for agro-forestry (the simultaneous and substantial production of forest and other agricultural products from the same land unit), shelter belts and woodlots or the like. This exemption does not apply if the vegetation has been planted to manage salinity and/or if public funding was provided to assist in planting or managing the vegetation and the terms of the funding did not anticipate removal or harvesting of the vegetation.

- For the removal, destruction or lopping of grass or pasture in association with the use of land for agriculture. This exemption does not apply to vegetation within 30 metres from a waterway.

- For the removal, destruction or lopping of vegetation necessary for moving stock along a road. This exemption does not apply to the removal, destruction or lopping of vegetation as a result of holding stock in a temporary fence (including an electric fence) on a roadside for the purpose of feeding.

- For the removal, destruction or lopping of vegetation within two metres of the outer edge of the roof of a building on land within a settlement boundary shown on a structure plan included in this scheme.

- For the removal, destruction or lopping of vegetation within ten metres of the outer edge of the roof of a building on land outside of a settlement boundary shown on a structure plan included in this scheme.

4.0

Application requirements

None specified.
Decision guidelines

None specified.
FLOODWAY OVERLAY

Shown on the planning scheme map as FO or RFO with a number (if shown).

Purpose

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

To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.

To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.

To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.

To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and 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.

Floodway objectives and statement of risk

A schedule to this overlay may contain:

- Floodway 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. A permit may only be granted to subdivide land if the following apply:

- The subdivision does not create any new lots, which are entirely within this overlay. This does not apply if the subdivision creates a lot, which by agreement between the owner and the relevant floodplain management authority, is to be transferred to an authority for a public purpose.
- The subdivision is the resubdivision of existing lots and the number of lots is not increased, unless a local floodplain development plan incorporated into this scheme specifically provides otherwise.

**Application requirements**

**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.

**Flood risk report**

If a local floodplain development plan for the area has not been incorporated into this scheme, an application must be accompanied by a flood risk report to the satisfaction of the responsible authority, which must consider the following, where applicable:

- 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 effects of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.
An application must be accompanied by any information specified in a schedule to this overlay.

**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:

- The local floodplain development plan or flood risk report.
- Any comments of the relevant floodplain management authority.
- The Victorian River Health Strategy (2002) and any relevant regional river health strategy and associated wetland plan.
- Any other matters specified in a schedule to this overlay.
SCHEDULE TO CLAUSE 44.03 FLOODWAY OVERLAY

Shown on the planning scheme map as FO.

1.0
Floodway objectives to be achieved
None specified.

2.0
Statement of risk
None specified.

3.0
Permit requirement
A permit is not required to construct or carry out the following:

**Buildings**
- An upper storey extension to an existing building within the existing building footprint, provided that the total number of bedrooms is not increased.
- A non habitable building, including a rain water tank, with a gross floor area that does not exceed 20m².
- An in-ground swimming pool or spa where the perimeter edging of the pool or spa is constructed at natural ground levels and the excavated material is removed from the land within the Floodway Overlay.
- A building without any walls or enclosed foundations, including a pergola, a deck, and a verandah, with a gross floor area that does not exceed 20m².
- An agricultural shed with open sides that is designed to withstand flood flows.

**Fencing**
- Maintenance of an existing fence.
- A replacement fence in the same location and of the same style and material as the existing fence.

**Works**
- Earthworks that do not raise ground level topography by more than 150 millimetres and do not include the removal, destruction or lopping of trees and the removal of vegetation or topsoil.
- Works associated with a watering system.
- Repairs and routine maintenance that do not affect the height, length, width or location of a levee, embankment or road.

**Roadworks and access**
- Road works or works to any other accessway (public or private) that do not change the finished level of the road surface or are limited to resurfacing of an existing road or accessway.

4.0
Application requirements
None specified.

5.0
Decision guidelines
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 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 to construct or carry out the following:

Building

- A replacement dwelling, provided that the floor level is at least 300mm above the flood level and the footprint of the replacement dwelling is the same or less than the original building.
- An extension to an existing building where the ground floor level is the same or higher than the existing ground floor level and the gross floor area of the extension does not exceed 40m².
- An upper storey extension to an existing building within the existing building footprint;
- A building with a ground floor level at least 300mm above the flood level and the gross floor area does not exceed 40m².
- A non habitable building with a gross floor area that does not exceed 40m².
- A building without any walls or enclosed foundations, including a pergola, a deck and a verandah.
- An agricultural shed with open sides.
- An in-ground swimming pool or spa where the perimeter edging of the pool is constructed at natural ground levels and the excavated material is removed from the Land Subject to Inundation Overlay.

Fencing

- Maintenance of an existing fence.
- A replacement fence in the same location and of the same style and material as the existing fence.

Works

- Earthworks that do not raise ground level topography by more than 150 millimetres and does not include the removal, destruction or lopping of trees and the removal of vegetation or topsoil.
- Repairs and routine maintenance that do not affect the height, length or location of a levee, embankment or road.
- Works associated with a watering system.
- Open sports ground with no grandstands or raised viewing areas, golf courses, playgrounds, picnic shelters and barbecues.

Roadworks

- All roadworks for the purposes of the Princes Highway West duplication project and associated works.
- Road works or works to any other accessway (public or private) that do not change the finished level of the road surface or are limited to resurfacing of an existing road.

**Application requirements**

None specified.

**Decision guidelines**

None specified.
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.

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.

44.06-3

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.

44.06-4

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.

44.06-5

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 Class 10c 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.

AIREYS INLET, JAN JUC, LORNE, TORQUAY 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.

Application

The application to construct or extend one dwelling on a lot must include all the requirements set out in this schedule.
Clause 52.47 applies in all other circumstances.

2.0

Permit requirement

None specified.

3.0

Application requirements

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.

4.0

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 52.47 with the following variation:
  - The canopy of trees must be separated by at least 5 metres.
- A static water supply must be provided in accordance with Clause 52.47, and
- Vehicle access must be provided in accordance with Clause 52.47.

If these requirements are not met, the requirements of Clause 52.47 apply.

5.0

Substitute approved measures for Clause 52.47

None specified.

6.0

Additional alternative measures for Clause 52.47

None specified.

7.0

Mandatory Condition

An application must include the mandatory conditions as specified in Clause 44.06-4.
8.0  
03/10/2017  
GC13  

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.

9.0  
03/10/2017  
GC13  

Notice and review
None specified.

10.0  
03/10/2017  
GC13  

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.
SCHEDULE 2 TO CLAUSE 44.06 BUSHFIRE MANAGEMENT OVERLAY

Shown on the planning scheme map as BMO2.

AIREYS INLET, ANGELSEA, LORNE BAL-29 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.

Application

The application to construct or extend one dwelling on a lot must include all the requirements set out in this schedule.

Clause 52.47 applies in all other circumstances.

2.0

Permit requirement

None specified.

3.0

Application requirements

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.

4.0

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-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 52.47 with the following variation:
  - The canopy of trees must be separated by at least 5 metres.
- A static water supply must be provided in accordance with Clause 52.47, and
- Vehicle access must be provided in accordance with Clause 52.47.

If these requirements are not met, the requirements of Clause 52.47 apply.

5.0

Substitute approved measures for Clause 52.47

None specified.

6.0

Additional alternative measures for Clause 52.47

None specified.

7.0

Mandatory Condition

An application must include the mandatory conditions as specified in Clause 44.06-4.
8.0  
03/10/2017  
GC13  

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.

9.0  
03/10/2017  
GC13  

Notice and review

None specified.

10.0  
03/10/2017  
GC13  

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 verandahto 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>
<tbody>
<tr>
<td>PAO1</td>
<td>Barwon Water</td>
<td>Land required for groundwater bores for the Anglesea Borefield Project.</td>
</tr>
<tr>
<td>PAO3</td>
<td>VicRoads</td>
<td>Proposed Road – Category 1</td>
</tr>
<tr>
<td>PAO4</td>
<td>Surf Coast Shire Council</td>
<td>Extension of Eastern Reserve for additional public recreation activities</td>
</tr>
</tbody>
</table>
45.03
31/07/2018
VC148

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.

45.03-1
19/01/2006
VC37

**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.
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.

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.

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.

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.

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.
### SCHEDULE TO THE RESTRUCTURE OVERLAY

<table>
<thead>
<tr>
<th>PS Map reference</th>
<th>Land</th>
<th>Title of restructure plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>RO1</td>
<td>42-42A, 46-48, 50-52, 53, 55, 57 &amp; 61-63 Eighth Avenue, Anglesea. 32, 34, 36, 38, 40, 175, 177, 179 &amp; 187 Great Ocean Road, Anglesea. 4-6 and 8-10 Eleventh Avenue, Anglesea</td>
<td>Point Roadknight Restructure Plan 2004</td>
</tr>
<tr>
<td>RO2</td>
<td>23 Deans Marsh Road, Lorne 3, 9, 11, 13, 15, 25, 27-31, 33 &amp; 41 Howard Street, Lorne 3, 5, 7, 11, 26, 27 &amp; 28 Normanby Terrace, Lorne 1, 3, 4, 5, 6, 8, 15, 17, 19, 22, 25 &amp; 27 Belvedere Terrace, Lorne 2, 3, 4, 5-13, 8, 16, 18, 20, 23 &amp; 25 Fernleigh Terrace, Lorne 2, 6, 10 &amp; 14 Lorne Terrace, Lorne 1 Alpha Terrace, Lorne</td>
<td>Lorne Restructure Plan 2006 (revised July 2007)</td>
</tr>
<tr>
<td>RO3</td>
<td>5, 21, 29 &amp; 31-33 Railway Terrace, Deans Marsh 14, 17, 22, 28, 31 &amp; 34 Aurel Road, Deans Marsh 1380, 1406, 1408 &amp; 1413 Birregurra-Deans Marsh Road, Deans Marsh</td>
<td>Deans Marsh Township Restructure Plan December 2010</td>
</tr>
</tbody>
</table>
Development contributions plan

A permit must not be granted to subdivide land, construct a building or construct or carry out works until a development contributions plan has been incorporated into this scheme.

This does not apply to the construction of a building, the construction or carrying out of works or a subdivision specifically excluded by a schedule to this overlay.

A permit granted must:

- Be consistent with the provisions of the relevant development contributions plan.
- Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.

Preparation of a development contributions plan

The development contributions plan may consist of plans or other documents and may, with the agreement of the planning authority, be prepared and implemented in stages.

The development contributions plan must:

- Specify the area to which the plan applies.
- Set out the works, services and facilities to be funded through the plan, including the staging of the provision of those works, services and facilities.
- Relate the need for the works, services or facilities to the proposed development of land in the area.
- Specify the estimated costs of each of the works, services and facilities.
- Specify the proportion of the total estimated costs of the works, services and facilities which is to be funded by a development infrastructure levy or community infrastructure levy or both.
- Specify the land in the area and the types of development in respect of which a levy is payable and the method for determining the levy payable in respect of any development of land.
- Provide for the procedures for the collection of a development infrastructure levy in respect to any development for which a permit is not required.

The development contributions plan may:

- Exempt certain land or certain types of development from payment of a development infrastructure levy or community infrastructure levy or both.
- Provide for different rates or amounts of levy to be payable in respect of different types of development of land or different parts of the area.
SCHEDULE 1 TO THE DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as DCPO1.

BRIODY DRIVE WEST UPGRADE DEVELOPMENT CONTRIBUTIONS PLAN

1.0

Area covered by this development contributions plan

The land covered by this DCP is:

- 25 Illawong Drive, 170 Grossmans Road, 95-135 & 135A (odds) Briody Drive and 150-170 (evens) Briody Drive, Torquay; and
- 80-140 & 128A (evens) Briody Drive and 89 Coombes Road, Torquay.

2.0

Summary of costs

<table>
<thead>
<tr>
<th>Facility</th>
<th>Total cost $</th>
<th>Time of provision</th>
<th>Actual cost contribution attributable to development $</th>
<th>Proportion of cost attributable to development %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distributor roads</td>
<td>$544,600</td>
<td>Refer to DCP</td>
<td>$544,600</td>
<td>100%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$544,600</td>
<td></td>
<td>$544,600</td>
<td>100%</td>
</tr>
</tbody>
</table>

3.0

Summary of contributions

<table>
<thead>
<tr>
<th>Facility</th>
<th>Levies Payable by the Development</th>
<th>Development Infrastructure</th>
<th>Community infrastructure</th>
<th>All infrastructure</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>residential</td>
<td>non-residential</td>
<td>residential</td>
</tr>
<tr>
<td>Distributor roads</td>
<td>$15,090.05 per hectare</td>
<td>na</td>
<td>na</td>
<td>$15,090.05</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$15,090.05 per hectare</td>
<td></td>
<td></td>
<td>$15,090.05</td>
</tr>
</tbody>
</table>

These contribution amounts are current as at 30 June 2011. They will be adjusted at least annually to cover inflation, by applying: Building Price Index for Melbourne in Rawlinsons Australian Construction Handbook. A list showing the current contribution amounts will be held at Council’s Planning Department.

4.0

Land or development excluded from development contributions plan

No land or development is excluded.

Note: This schedule sets out a summary of the costs and contributions prescribed in the development contributions plan. Refer to the incorporated development contributions plan for full details.
SCHEDULE 2 TO CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as DCPO2

TORQUAY JAN JUC DEVELOPMENT CONTRIBUTIONS PLAN

1.0

Area covered by this development contributions plan

The Development Contributions Plan applies to all land within the boundaries of the 26 ‘charging areas’ designated in Map 1 of this schedule – Torquay-Jan Juc Development Contributions Plan Area.

2.0

Summary of costs

<table>
<thead>
<tr>
<th>Facility</th>
<th>Total cost $</th>
<th>Time of provision</th>
<th>Actual cost contribution attributable to development $</th>
<th>Proportion of cost attributable to development %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads and traffic management</td>
<td>$13,638,419</td>
<td>Refer to DCP</td>
<td>$3,818,769</td>
<td>28.0%</td>
</tr>
<tr>
<td>Community facilities</td>
<td>$26,260,104</td>
<td>Refer to DCP</td>
<td>$5,829,755</td>
<td>22.2%</td>
</tr>
<tr>
<td>Open space</td>
<td>$20,036,972</td>
<td>Refer to DCP</td>
<td>$5,223,833</td>
<td>26.1%</td>
</tr>
<tr>
<td>Pathways</td>
<td>$4,115,851</td>
<td>Refer to DCP</td>
<td>$1,582,624</td>
<td>38.5%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$64,051,346</td>
<td></td>
<td>$16,454,982</td>
<td>25.7%</td>
</tr>
</tbody>
</table>

3.0

Summary of contributions

<table>
<thead>
<tr>
<th>Charging area</th>
<th>Levies payable by the development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Infrastructure</td>
<td>Community Infrastructure</td>
</tr>
<tr>
<td>Residential Per additional lot</td>
<td>Industry Per 100 sqm leaseable floor area</td>
</tr>
<tr>
<td>Residential Per 100 sqm leaseable floor area</td>
<td></td>
</tr>
</tbody>
</table>

| 001 | $3,797.79 | $5,796.03 | $1,097.73 | $1,150.00 |
| 002 | $3,608.70 | $5,011.30 | $916.21 | $1,150.00 |
| 003 | $5,351.41 | $5,796.03 | $1,097.73 | $1,150.00 |
| 004 | $5,401.14 | $5,994.86 | $1,135.39 | $1,150.00 |
| 005 | $4,436.75 | $2,139.16 | $405.15 | $1,150.00 |
| 006 | $5,909.38 | $8,026.83 | $1,520.23 | $1,150.00 |
| 007 | $3,072.21 | $2,895.12 | $548.32 | $1,150.00 |
| 008 | $3,249.53 | $3,604.08 | $682.59 | $1,150.00 |
| 009 | $3,249.53 | $3,604.08 | $682.59 | $1,150.00 |
| 010 | $2,667.82 | $954.79 | $180.83 | $1,150.00 |
| 011 | $3,951.37 | $6,086.48 | $1,152.74 | $1,150.00 |
## Levies payable by the development area

<table>
<thead>
<tr>
<th>Development Infrastructure</th>
<th>Residential</th>
<th>Business</th>
<th>Community Infrastructure</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Per additional lot</td>
<td>Per 100 sqm leaseable floor area</td>
<td>Per 100 sqm leaseable floor area</td>
</tr>
<tr>
<td>012</td>
<td>$198.54</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>013</td>
<td>$4,211.99</td>
<td>$7,444.23</td>
<td>$1,409.90</td>
</tr>
<tr>
<td>014</td>
<td>$4,934.58</td>
<td>$2,987.23</td>
<td>$565.77</td>
</tr>
<tr>
<td>015</td>
<td>$1,539.47</td>
<td>$2,330.67</td>
<td>$441.42</td>
</tr>
<tr>
<td>016</td>
<td>$1,339.22</td>
<td>$1,530.06</td>
<td>$289.79</td>
</tr>
<tr>
<td>017</td>
<td>$1,199.87</td>
<td>$972.93</td>
<td>$184.26</td>
</tr>
<tr>
<td>018</td>
<td>$1,913.57</td>
<td>$3,017.03</td>
<td>$571.41</td>
</tr>
<tr>
<td>019</td>
<td>$1,566.65</td>
<td>$1,630.05</td>
<td>$308.72</td>
</tr>
<tr>
<td>020</td>
<td>$1,379.70</td>
<td>$882.61</td>
<td>$167.16</td>
</tr>
<tr>
<td>021</td>
<td>$2,028.20</td>
<td>$3,475.33</td>
<td>$658.21</td>
</tr>
<tr>
<td>022</td>
<td>$4,254.78</td>
<td>$5,031.35</td>
<td>$952.90</td>
</tr>
<tr>
<td>023</td>
<td>$1,544.06</td>
<td>$1,539.73</td>
<td>$291.61</td>
</tr>
<tr>
<td>024</td>
<td>$2,293.87</td>
<td>$1,539.17</td>
<td>$291.50</td>
</tr>
<tr>
<td>025</td>
<td>$1,247.04</td>
<td>$765.07</td>
<td>$144.89</td>
</tr>
<tr>
<td>026</td>
<td>$1,066.94</td>
<td>$765.07</td>
<td>$144.89</td>
</tr>
</tbody>
</table>

**Note:** Should a development proposal technically fall outside of the Residential, Business and Industrial classifications used in this DCP, Surf Coast Shire Council shall determine the most appropriate development charge to be used for the development. Such developments may require a case-by-case assessment of the number of demand units that they represent. This assessment may occur at the time a planning permit is applied for; or at the time a building permit is registered with the Council.

The development infrastructure contribution amounts are current as at 30 June 2012. They will be adjusted at least annually to cover inflation, by applying: Building Price Index for Melbourne in Rawlinsons Australian Construction Handbook. A list showing the current contribution amounts will be held at Council’s Planning Department.

### The Community Infrastructure Levy (CIL) payable under this Development Contributions Plan (DCP)

Section 46L of the Planning and Environment Act 1987 sets the maximum CIL amount that can be collected under an approved DCP.

If the maximum amount of the CIL which may be collected under an approved DCP is varied under section 46L of the Planning and Environment Act 1987, the collecting agency may adjust the amount of the CIL payable under this DCP in accordance with section 46L of the Planning and Environment Act 1987.

If the collecting agency adjusts the amount of the CIL payment under this DCP, the collecting agency will publish the adjusted amount of the CIL payable under this DCP on its website.
Map 1 of Schedule 2 to Clause 45.06 – Torquay-Jan Juc Development Contributions Plan Area

Note: This schedule sets out a summary of the costs and contributions prescribed in the development contributions plan. Refer to the incorporated development contributions plan for full details.
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.

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.

Parking objectives
A schedule to this overlay must specify the parking objectives to be achieved for the area affected by the schedule.

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.

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.

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.

SURF COAST HIGHWAY, TORQUAY

1.0

Parking objectives to be achieved

To ensure an adequate supply of accessible car parking spaces is provided in defined areas that adjoin the Surf Coast Highway, Torquay. To guide the provision of access to parking areas from the Surf Coast Highway and connecting streets.

2.0

Permit requirement

None specified.

3.0

Number of car parking spaces required

If a use is specified in the Table below, the number of car parking spaces required for the use is calculated by multiplying the Rate specified for the use by the accompanying Measure.

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate</th>
<th>Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office</td>
<td>3</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
</tbody>
</table>

For all other uses listed in Table 1 of Clause 52.06-5, the Rate in Column B of Table 1 in Clause 52.06-5 applies.

4.0

Application requirements and decision guidelines for permit applications

None specified.

5.0

Financial contribution requirement

None specified.

6.0

Requirements for a car parking plan

None specified.

7.0

Design standards for car parking

Pools of Public Car Parking Areas

New developments should provide a significant proportion of their total parking requirements in a location and configuration that allows for full public use, that is, in pooled locations, available for use by patrons from different establishments. These parking areas should be signed as public car parks.

In Precinct 1 (as defined in Map 1) the above outcome could be achieved through one of two options:

1. Construct a service road along the Surf Coast Highway to provide site access and public parking for Precinct 1. This would involve:
   - A widened one-way service road running parallel to the Highway, with appropriate access. The existing service road should be continued across the frontage between Grossmans Road and the existing McDonalds Restaurant on the Beach Road corner.
- 60° angle parking provided along both sides of the service road.
- Adequate landscaping provided to ensure that the front parking does not act detrimentally to the landscape and built qualities of the precinct.
- Provision of a reservation of around 24 metres to accommodate the service road (with 60 degree angle parking on both sides) and a footpath.
- Provision of a minimum 40 metres setback from the Grossmans Road corner of parking or access in order to provide for a landscaped buffer.
- Provision of up to two new service road entry points between the existing service road and Grossmans Road, subject to VicRoads approval.
- Incorporation of traffic calming measures to provide safe conditions on the road for pedestrians and cyclists in particular.
- Provision of additional parking, if required, located between and behind buildings on the Precinct 1 site.

Or

2. Provide public car parking underground and to the rear of buildings facing the Surf Coast Highway to allow space for a dominant landscaping theme within the front building setback. This would involve:

- Provision of car parking predominantly to the rear of buildings and underground. Landscaping should dominate the front setback along the Highway.
- Design and siting and of car parking, including underground car parking, to facilitate general public use and access, and for such parking to be adequately direction signed as such.
- Integration of the existing termination of the service road with the Highway, including provision of adequate landscaping.
- Providing access to Precinct 1 via an entrance off Grossmans Road, and a single access point off the Surf Coast Highway, subject to VicRoads approval.
Map 1 to the Schedule to Clause 45.09: The location of Precinct 1 and Precinct 3

In Precinct 3 (as defined in Map 1) the above outcome should be achieved as follows:

- Provide parking behind buildings to create an active building edge to the highway.
- Provide access to the car parking area from Beach Road, Puebla Street and Spring Street.
- Integrate the rear parking areas across property boundaries through interconnection and compatible design of levels and edge alignments, consistent with Map 2.
- For buildings located between Puebla and Spring Street, parking is to be located to the side and rear of buildings. Vehicular access may be obtained directly off the Surf Coast Highway subject to VicRoads approval.
**Map 2 to the Schedule to Clause 45.09: Rear Parking Layout**

(This diagram is indicative only of the building footprint)

**Water Sensitive Urban Design Measures and Landscaping**

Car parking design should incorporate water sensitive urban design features such as bioretention basins and swales, and sediment basins as documented in WSUD Engineering procedures: Stormwater (CSIRO, 2005).

Car parking areas should also be landscaped so that they contain trees that provide a canopy cover of these areas of at least 50% within 10 years of installation. This is to be complemented with understorey planting that maintains adequate pedestrian access and a visual opening between 1 and 3 metres in height.

**East/West Pedestrian and Bicycle Path**

A pedestrian and cycle path should be created in an east/west direction through the middle of the site to link Precinct 1 with 25 Grossmans Road (the Council site). An opportunity also exists to provide an 18m wide street reservation to create a pedestrian, bicycle and vehicular link between the properties. This could provide access to Precinct 1 and 25 Grossmans Road located to the rear of the site, thus increasing permeability through the site particularly for pedestrians and cyclists.
Map 3 to the Schedule to Clause 45.09: Indicative Diagram Showing East – West Link

**7.0**

27/05/2019

C131surf

Decision guidelines for car parking plans

None specified.

**8.0**

27/05/2019

C131surf

Background document

*Surf Coast Highway Precinct 1 and Precinct 3 Parking Precinct Plan (August 2006).*
SCHEDULE 2 TO CLAUSE 45.09 PARKING OVERLAY

Shown on the planning scheme map as PO2.

TORQUAY TOWN CENTRE

1.0 Parking objectives to be achieved

To ensure the future growth of the town centre is supported by an adequate supply of accessible car parking spaces.

To consider future parking needs based on a premise that applications for new development and/or change in use should provide parking spaces adequate to meet normal, rather than peak, demand periods.

To base demand and supply considerations on a whole of town centre based approach, and apply standard rates to the most common uses applicable to the centre.

To provide for the collection of financial contributions for the purchase and construction of shared parking facilities.

To maximise shared parking opportunities.

To encourage the co-ordinated provision of parking on both private and public land within the town centre.

2.0 Permit requirement

A permit may be granted to reduce the contribution for off-site parking required under Clause 5.0 of this schedule.

3.0 Number of car parking spaces required

If a use is specified in the Table below, the number of car parking spaces required for the use is calculated by multiplying the Rate specified for the use by the accompanying Measure.

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate</th>
<th>Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convenience restaurant</td>
<td>4</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Hotel (with a leasable floor area not exceeding 100 sq m)</td>
<td>4</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Restaurant</td>
<td>4</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Tavern (with a leasable floor area not exceeding 100 sq m)</td>
<td>4</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
</tbody>
</table>

For all other uses listed in Table 1 of Clause 52.06-5, the Rate in Column B of Table 1 in Clause 52.06-5 applies.

4.0 Application requirements and decision guidelines for permit applications

For applications to reduce the car parking requirement

Before a requirement for car spaces is reduced, the applicant must satisfy the responsible authority that the reduced provision is justified due to:

- Any car parking deficiency or surplus associated with the existing use of the land.
- Any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of the parking requirement.
- Local amenity including pedestrian amenity.
Financial contribution requirement

A cash contribution in the amount of $13,828 in respect of each car parking space which is required in this Scheme and which is not provided on the land must be paid to the responsible authority.

The amount of $13,828 is to be adjusted annually from 1 July 2015 in accordance with Section 3.3 of the Torquay Town Centre Parking Precinct Plan, December 2012.

A permit to reduce the requirement for car parking must include the following condition:

“Before the use and/or development commences, a payment of [INSERT $ AMOUNT] for [INSERT NUMBER] car parking spaces must be paid to the responsible authority.

This amount is to be indexed annually on 1st July in accordance with increases in construction costs as per the appropriate edition of Rawlinsons Australian Construction Handbook.

The contribution must be made before the use and/or development commences, unless a permit condition allows payment in instalments through an agreement under Section 173 of the Planning and Environment Act 1987.”

The responsible authority shall use the funds collected under this schedule for the purpose of acquiring land and constructing public parking in the town centre.

Requirements for a car parking plan

None specified.

Design standards for car parking

None specified.

Decision guidelines for car parking plans

None specified.

Background documents

Torquay Town Centre Parking Precinct Plan (December 2012)

Torquay Town Centre Parking and Access Strategy 2011-16 (November 2011)
SCHEDULE 3 TO CLAUSE 45.09 PARKING OVERLAY

Shown on the planning scheme map as PO3.

TORQUAY NORTH NEIGHBOURHOOD ACTIVITY CENTRE

1.0 Parking objectives to be achieved

To ensure the future development of the centre is supported by an adequate supply of appropriately located and accessible car parking spaces.

To consider future parking needs based on a premise that applications for new development and/or change in use should provide parking spaces adequate to meet normal, rather than peak season, demand periods.

To base demand and supply considerations on a whole of centre based approach in acknowledgement of the sharing benefits between uses and at various times of the day.

To ensure the design and location of car parking and vehicular access does not detract from the amenity of the area.

To ensure the landscaping of on-street parking and surface car parks contributes to a high quality environment.

2.0 Permit requirement

None specified

3.0 Number of car parking spaces to be provided

If a use is specified in the Table below, the number of car parking spaces required for the use is calculated by multiplying the Rate specified for the use by the accompanying Measure.

Table: Car parking spaces

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate</th>
<th>Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The requirements of Column B of Table 1 to Clause 52.06-5 apply to the number of car parking spaces to be provided.

4.0 Application requirements and decision guidelines for permit applications

The following decision guidelines 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 which must be considered, as appropriate, by the responsible authority:

- Whether on-street and large surface car parks have made sufficient provision for shade trees.

5.0 Financial contribution requirement

None specified.

6.0 Requirements for a car parking plan

None specified.
Design standards for car parking

On-street parking

- All streets adjoining the centre are to facilitate on-street parking.
- Parallel parking is to be 2.3 metres wide in Fischer Street but can be reduced to 2.1 metres wide in other streets.
- Angled car parking can be provided where appropriate.
- Shade trees are to be planted in all parking lanes at a rate of one tree every four spaces using species selected from the Torquay North street tree planting list (Table 1 to this schedule).

Surface car parking

- Where large at-grade car parking areas are provided, these should be:
  - shared between uses and be publicly accessible;
  - located to the rear of retail/commercial premises and be designed to integrate with adjacent sites;
  - be well lit, allow for passive surveillance and include footpaths.
- Shade trees are to be planted at regular intervals between bays, at a ratio of at least 1 tree every four spaces as shown in Diagram 1 using species selected from the Torquay North Street Tree Planting List (Table 1 to this schedule).

Diagram 1 – Shade tree planting

Other requirements

- Provision is to be made for a bus stop within 50 metres of the neighbourhood activity centre on both sides of Fischer Street.
- Fischer Street is to include on road painted cycle lanes and is to include a carriageway of 6.5 metres wide.
- Kerb lines should be of 6.0 metres radius for intersections between streets other than at the intersection of Merrijig Drive and Fischer Street which may have a kerb radius of 8.5 metres.
- Vehicle access directly off main streets to individual sites/premises is discouraged.
- Parking facilities should use minimal areas of impervious surfaces to reduce stormwater run-off.
- Loading, storage and waste areas and building services should not be visible from significant streets and public areas.
- Servicing for small shops should be from the street.
- Servicing for large format retail premises, such as a supermarket, should be via dedicated loading docks.
- Bicycle storage facilities are to be provided in easily identifiable locations along streets and the surface car park.
### Decision guidelines for car parking plans

None specified.

### Background documents

*Torquay North Street Tree Planting List (2012)*

Table 1 to Schedule 3 to Clause 45.09 – Street trees for the Torquay North Neighbourhood Activity Centre and adjoining streets

<table>
<thead>
<tr>
<th>Merrijig Drive (Connector 1)</th>
<th>Verge</th>
<th>Tree pits / outstands within the parking lane</th>
<th>Verge</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Smooth-barked Apple</td>
<td>Lemon scented gum</td>
<td>Smooth-barked Apple</td>
</tr>
<tr>
<td></td>
<td>Angophora costata</td>
<td></td>
<td>Angophora costata</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Angophora floribunda</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Corymbia citriodora</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fischer Street (Connector 1)</th>
<th>Verge</th>
<th>Tree pits / outstands within the parking lane</th>
<th>Verge</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Smooth-barked Apple</td>
<td>Lemon scented gum</td>
<td>Smooth-barked Apple</td>
</tr>
<tr>
<td></td>
<td>Angophora costata</td>
<td></td>
<td>Angophora costata</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Angophora floribunda</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Corymbia citriodora</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Acacia implexa</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Eucalyptus sideroxylon</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Acacia melanoxylon</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Corymbia maculata</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Lophostemon confertus</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Eucalyptus willisi</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Eucalyptus tricarpa</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Eucalyptus ficifolia</td>
</tr>
</tbody>
</table>

### Neighbourhood Activity Centre

#### Dominant trees

<table>
<thead>
<tr>
<th>Verge</th>
<th>Tree pits / outstands within the parking lane</th>
<th>Verge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Smooth-barked Apple</td>
<td></td>
<td>Smooth-barked Apple</td>
</tr>
<tr>
<td>Angophora costata</td>
<td></td>
<td>Angophora costata</td>
</tr>
<tr>
<td>Corymbia ficifolia</td>
<td></td>
<td>Red-flowering gum</td>
</tr>
<tr>
<td>Eucalyptus willisi</td>
<td></td>
<td>Shining peppermint</td>
</tr>
<tr>
<td>Scientific Name</td>
<td>Common Name</td>
<td>Height</td>
</tr>
<tr>
<td>-----------------</td>
<td>----------------------</td>
<td>--------</td>
</tr>
<tr>
<td><em>Eucalyptus tricarpa</em></td>
<td>Ironbark</td>
<td>3m</td>
</tr>
<tr>
<td><em>Corymbia citriodora</em></td>
<td>Lemon-scented gum</td>
<td>3m</td>
</tr>
<tr>
<td><em>Acacia melanoxylon</em></td>
<td>Blackwood</td>
<td>3m</td>
</tr>
<tr>
<td><em>Acacia implexa</em></td>
<td>Lightwood</td>
<td>2m</td>
</tr>
<tr>
<td><em>Waterhousea floribunda</em></td>
<td>Weeping lilly pilly</td>
<td>3m</td>
</tr>
<tr>
<td><em>Lophostemon confertus</em></td>
<td>Brushbox</td>
<td>2m</td>
</tr>
<tr>
<td><em>Tristaniopsis laurina</em></td>
<td>Water gum</td>
<td>2m</td>
</tr>
</tbody>
</table>

**Feature trees**

Feature trees are only to be used as ‘specimen’ trees at key locations or at focal points within the activity centre to provide colour, shade, interest, seasonal variation and vitality to the centre. The following species are suggestions only.

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
<th>Height</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Quercus palustris</em></td>
<td>Pin oak</td>
<td>3m</td>
</tr>
<tr>
<td><em>Ulmus glabra ‘Lutescens’</em></td>
<td>Golden elm</td>
<td>2m</td>
</tr>
<tr>
<td><em>Quercus rubra</em></td>
<td>Red oak</td>
<td>3m</td>
</tr>
<tr>
<td><em>Gletisia triacanthus var. inermis</em></td>
<td>Honey Locust</td>
<td>3m</td>
</tr>
</tbody>
</table>
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>Land within the alignment corridor and bore field investigation zones, between Anglesea and the Wurdee Boluc Reservoir, as shown on the project plans in the incorporated document.</td>
<td>Anglesea Borefield Project Incorporated Document, June 2009.</td>
</tr>
<tr>
<td>Land along the Princes Highway Duplication – Winchelsea to Colac as shown on Project Area Plans 1 and 2 in the incorporated document.</td>
<td>Princes Highway Duplication – Winchelsea to Colac, July 2014.</td>
</tr>
<tr>
<td>Land at Part A on PS720129F (proposed Lots 312-314 on PS711644P), Winkl Way, Torquay.</td>
<td>Part of Lot A on PS 720129F (proposed Lots 312-314 on PS711644P), Winkl Way, Torquay - West Coast Business Park, April 2016</td>
</tr>
<tr>
<td>Land at 180 Erskine Falls Road, Lorne</td>
<td>Livewire Park, Tree Top Adventure Facility, 180 Erskine Falls Raod, Lorne, April 2016</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.
## SCHEDULE TO CLAUSE 52.02 EASEMENTS, RESTRICTIONS AND RESERVES

### 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>None specified</td>
<td></td>
<td></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></td>
</tr>
<tr>
<td>The sign is not within 30 metres of land (not a road) which is in a residential zone.</td>
<td></td>
</tr>
</tbody>
</table>

Clause 59.09
Class of application

- The sign is not a pole sign, a sky sign, a reflective sign, internally illuminated sign, floodlit sign, electronic sign or animated sign.
- The display area of the sign does not exceed 10 square metres.

Information requirements and decision guidelines

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.

52.05-11
31/07/2018
VC148

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>Direction sign</td>
<td>None specified</td>
</tr>
<tr>
<td>Internally illuminated sign</td>
<td>The total display area to each premises must not exceed 1.5 sqm.</td>
</tr>
<tr>
<td></td>
<td>No part of the sign may be above a verandah or, if no verandah, more than 3.7 m above pavement level.</td>
</tr>
<tr>
<td></td>
<td>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></td>
<td>To each patron permitted</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.5</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></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></td>
<td>To each patron permitted</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</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></td>
<td>To each patron permitted</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</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></td>
<td>To the first person providing health services plus</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td></td>
<td>To every other person providing health services</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</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><strong>Motel</strong></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><strong>Motor repairs</strong></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><strong>Office other than listed in this table</strong></td>
<td>3.5</td>
<td>3</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td><strong>Place of assembly other than listed in this table</strong></td>
<td>0.3</td>
<td>0.3</td>
<td>To each patron permitted</td>
</tr>
<tr>
<td><strong>Postal agency</strong></td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td><strong>Primary produce sales</strong></td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td><strong>Primary school</strong></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><strong>Research and development centre</strong></td>
<td>3.5</td>
<td>3</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td><strong>Residential aged care facility</strong></td>
<td>0.3</td>
<td>0.3</td>
<td>To each lodging room</td>
</tr>
<tr>
<td><strong>Residential village</strong></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><strong>Retirement village</strong></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><strong>Restaurant</strong></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><strong>Restricted retail premises</strong></td>
<td>3</td>
<td>2.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td><strong>Rooming house</strong></td>
<td>1</td>
<td>1</td>
<td>To each four bedrooms</td>
</tr>
<tr>
<td><strong>Saleyard</strong></td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td><strong>Secondary school</strong></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><strong>Shop other than listed in this table</strong></td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td><strong>Squash court – other than in conjunction with a dwelling</strong></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>
</tbody>
</table>
### Car Parking Measure

<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>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.

52.06-8
25/05/2017
VC133

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>45°</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>
<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 500mm.
**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 that 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

Page 775 of 1162
- 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.
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.
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.
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.

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).

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.

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.
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.

**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.

**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.

**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, pre school centre or primary school).

**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>Emergency services</td>
</tr>
<tr>
<td>Agriculture</td>
</tr>
<tr>
<td>Public land management</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>General</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</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

The requirement to obtain a permit does not apply to:

<table>
<thead>
<tr>
<th>Conservation work</th>
<th>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of conservation work:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- which provides an overall improvement for biodiversity; and</td>
</tr>
<tr>
<td></td>
<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>Crown land</td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to manage Crown land:</td>
</tr>
<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>Emergency works</td>
<td>Native vegetation that is to be removed, destroyed or lopped:</td>
</tr>
<tr>
<td></td>
<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>
</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>
<tr>
<td>Fire protection</td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out any of the following fire protection activities:</td>
</tr>
<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>
</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>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Geothermal energy exploration and extraction</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 Geothermal Energy Resources Act 2005.</td>
</tr>
<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 Geological 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. |
<p>| 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). |</p>
<table>
<thead>
<tr>
<th><strong>The requirement to obtain a permit does not apply to:</strong></th>
<th></th>
</tr>
</thead>
</table>
| **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:  
  - 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 where native vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster. |
| **Road safety** | 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 *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 trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.  
  - 5 native trees with trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.  
This exemption does not apply to costeaining and bulk sampling activities. |
| **Stone extraction** | 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 *Surveying Act 2004*) using hand-held tools to establish a sightline for the measurement of land. |
| **Surveying** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary 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*). |
| **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). |
| **Utility installations** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary:  
  - to maintain the safe and efficient function of a Minor utility installation; or  
  - by or on behalf of a utility service provider to maintain or construct a utility installation in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*). |
## Native vegetation precinct plan

<table>
<thead>
<tr>
<th>Name of plan</th>
<th>None specified</th>
</tr>
</thead>
</table>

---

**SURF COAST PLANNING SCHEME**
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>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation work</td>
</tr>
<tr>
<td>Native vegetation that is to be removed, destroyed or</td>
</tr>
<tr>
<td>lopped to the minimum extent necessary to enable the</td>
</tr>
<tr>
<td>carrying out of conservation work:</td>
</tr>
<tr>
<td>- which provides an overall improvement for biodiversity; and</td>
</tr>
<tr>
<td>- with written agreement of the Secretary to the</td>
</tr>
<tr>
<td>Department of Environment, Land, Water and Planning</td>
</tr>
<tr>
<td>(as constituted under Part 2 of the Conservation,</td>
</tr>
<tr>
<td>Crown land</td>
</tr>
<tr>
<td>Native vegetation that is to be removed, destroyed or</td>
</tr>
<tr>
<td>lopped to the minimum extent necessary to manage Crown</td>
</tr>
<tr>
<td>land:</td>
</tr>
<tr>
<td>- by or on behalf of the Secretary to the Department</td>
</tr>
<tr>
<td>of Environment, Land, Water and Planning (as constituted</td>
</tr>
<tr>
<td>under Part 2 of the Conservation, Forests and Lands</td>
</tr>
<tr>
<td>Act 1987), or Parks Victoria, and in accordance with the</td>
</tr>
<tr>
<td>Procedure for the removal, destruction or lopping of</td>
</tr>
<tr>
<td>native vegetation on Crown land; or</td>
</tr>
<tr>
<td>- with written permission from the Secretary to the</td>
</tr>
<tr>
<td>Department of Environment, Land, Water and Planning</td>
</tr>
<tr>
<td>(as constituted under Part 2 of the Conservation,</td>
</tr>
<tr>
<td>Dead native vegetation</td>
</tr>
<tr>
<td>Native vegetation that is dead.</td>
</tr>
<tr>
<td>This exemption does not apply to a standing dead tree</td>
</tr>
<tr>
<td>with a trunk diameter of 40 centimetres or more at a</td>
</tr>
<tr>
<td>height of 1.3 metres above ground level.</td>
</tr>
<tr>
<td>Emergency works</td>
</tr>
<tr>
<td>Native vegetation that is to be removed, destroyed, or lopped:</td>
</tr>
<tr>
<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>
</tr>
<tr>
<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:

<table>
<thead>
<tr>
<th>Existing buildings</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This exemption does not apply to:</td>
</tr>
<tr>
<td></td>
<td>- the operation or maintenance of a fence; or</td>
</tr>
<tr>
<td></td>
<td>- native vegetation located more than 10 metres measured from the outermost point of the building.</td>
</tr>
<tr>
<td>Existing buildings and works in the Farming Zone and Rural Activity Zone</td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>This exemption does not apply to:</td>
</tr>
<tr>
<td></td>
<td>- the use or maintenance of a Dwelling; or</td>
</tr>
<tr>
<td></td>
<td>- the operation or maintenance of a fence; or</td>
</tr>
<tr>
<td></td>
<td>- native vegetation located more than 10 metres measured from the outermost point of the building.</td>
</tr>
<tr>
<td>Fences</td>
<td>Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable:</td>
</tr>
<tr>
<td></td>
<td>- the operation or maintenance of an existing fence; or</td>
</tr>
<tr>
<td></td>
<td>- the construction of a boundary fence between properties in different ownership.</td>
</tr>
<tr>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>Fire protection</td>
<td>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:</td>
</tr>
<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 firefighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;</td>
</tr>
<tr>
<td></td>
<td>- 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);</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 Forests Act 1958; or</td>
</tr>
<tr>
<td></td>
<td>- Section 41 of the Country Fire Authority Act 1958.</td>
</tr>
<tr>
<td></td>
<td>- 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;</td>
</tr>
</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Geothermal energy exploration and extraction</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 Geothermal Energy Resources Act 2005.</td>
</tr>
</tbody>
</table>
| 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
| 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 the construction or operation of a swimming pool, tennis court or horseménage.

### 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.

<table>
<thead>
<tr>
<th>Pest animal burrows</th>
<th>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:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>in accordance with written agreement of an officer of the department responsible for administering the <em>Flora and Fauna Guarantee Act 1988</em>; or</td>
</tr>
<tr>
<td></td>
<td>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:</td>
</tr>
<tr>
<td></td>
<td>- 1 hectare of native vegetation which does not include a tree; or</td>
</tr>
<tr>
<td></td>
<td>- 15 native trees with a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Planted vegetation</th>
<th>Native vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>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.</td>
</tr>
</tbody>
</table>

| 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*). |

<table>
<thead>
<tr>
<th>Regrowth</th>
<th>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:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- less than 10 years old; or</td>
</tr>
<tr>
<td></td>
<td>- bracken (<em>Pteridium esculentum</em>); or</td>
</tr>
<tr>
<td></td>
<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; or</td>
</tr>
<tr>
<td></td>
<td>- 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 <em>Conservation, Forests and Lands Act 1987</em>), and is:</td>
</tr>
<tr>
<td></td>
<td>- shown on that plan as being ‘certified regrowth’; and</td>
</tr>
<tr>
<td></td>
<td>- on land that is to be used or maintained for cultivation or pasture during the term of that plan.</td>
</tr>
</tbody>
</table>

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.
The requirement to obtain a permit does not apply to:

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Road safety</strong></td>
<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>
<tr>
<td><strong>Site area</strong></td>
<td>Native vegetation that is to be removed, destroyed or lopped on land, together with all contiguous land in one ownership, which has an area of less than 0.4 hectares. This exemption does not apply to native vegetation on a roadside or rail reservation.</td>
</tr>
<tr>
<td><strong>Stock movements on roads</strong></td>
<td>Native vegetation that is to be removed, or destroyed by stock being moved along a road. This exemption does not apply to grazing as a result of holding stock in a temporary fence (including an electric fence) on a roadside for the purpose of feeding.</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>
</tr>
<tr>
<td></td>
<td>- 1 hectare of native vegetation which does not include a tree.</td>
</tr>
<tr>
<td></td>
<td>- 15 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.</td>
</tr>
<tr>
<td></td>
<td>- 5 native trees with a 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 costeaming 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 Mineral Resources (Sustainable Development) Act 1990 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 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.</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>
</tr>
<tr>
<td></td>
<td>- a natural resource agreement under Part 6 of the Traditional Owner Settlement Act 2010; or</td>
</tr>
<tr>
<td></td>
<td>- 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).</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>
</tr>
<tr>
<td></td>
<td>- to maintain the safe and efficient function a Minor utility installation; or</td>
</tr>
</tbody>
</table>
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>All land zoned Road Zone, Category 1 (RDZ1) or covered by a Public Acquisition Overlay (PAO3) or within road reservations intersecting with the Princes Highway for the purposes of the Princes Highway West duplication project and associated works not including the area covered by the PAO3 for the construction of a grade separated interchange at the intersection of Princes Highway West with Cape Otway and Devon Roads.</td>
<td>All native vegetation including trees, shrubs, herbs and grasses to the minimum extent necessary for works undertaken by or on behalf of VicRoads in the construction of the Princes Highway West duplication project and associated works, provided any required offsets are initiated in accordance with the DSE-DOT Memorandum of Understanding for Native Vegetation Offsets, 2010 (and its successors).</td>
</tr>
</tbody>
</table>

### Scheduled weed

<table>
<thead>
<tr>
<th>Area</th>
<th>Description of weed</th>
</tr>
</thead>
<tbody>
<tr>
<td>All land in the Surf Coast Shire</td>
<td>All species listed in the incorporated document <em>Weeds of the Surf Coast Shire</em> (2013)</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.
- 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.
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.
**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.

**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.
52.23
26/10/2018
VC152

ROOMING HOUSE

Purpose
To facilitate the establishment of domestic-scale rooming houses.

52.23-1
26/10/2018
VC152

Application
This clause applies to use and development of land for a rooming house.

52.23-2
26/10/2018
VC152

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.

52.23-3
26/10/2018
VC152

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.
[NO CONTENT]
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

#### 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>

#### 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

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>Surf Coast Plaza, Torquay</td>
<td>59-61 (odd numbers) Geelong Rd, Torquay</td>
</tr>
<tr>
<td>Surf City Strip, Torquay</td>
<td>108-110 (even numbers) Geelong Rd, Torquay</td>
</tr>
<tr>
<td>Torquay Central, Torquay</td>
<td>41-57 (odd numbers) Bristol Road, Torquay</td>
</tr>
<tr>
<td>Park Lane, Torquay</td>
<td>7-15 (odd numbers) Bell Street, Torquay</td>
</tr>
<tr>
<td>Bottom Shops, Aireys Inlet</td>
<td>75 Great Ocean Rd, Aireys Inlet</td>
</tr>
<tr>
<td>Kiora Park Shops, Lorne</td>
<td>2-6 (even numbers) Mountjoy Pde, Lorne</td>
</tr>
<tr>
<td>Anchorage Plaza, Lorne</td>
<td>32-40 (even numbers) Mountjoy Pde, Lorne</td>
</tr>
<tr>
<td>Supermarket, Lorne</td>
<td>1-3 (odd numbers) Ocean Rd, Lorne</td>
</tr>
<tr>
<td>Cumberland, Lorne</td>
<td>148-174 (even numbers), Lorne</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

None specified.

7.0

Decision guidelines

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.
52.31

[NO CONTENT]
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
  - Species of flora and fauna listed under the *Flora and Fauna Guarantee Act 1988* and the
    *Environment Protection and Biodiversity Conservation Act 1999 (Cwlth)*
  - 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 (Cwlth)*, 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 (Cwlth)*
- 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

<table>
<thead>
<tr>
<th>Land where a Wind energy facility is prohibited</th>
</tr>
</thead>
<tbody>
<tr>
<td>All land within five kilometres of the high water mark of the coast.</td>
</tr>
</tbody>
</table>
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

31/07/2018
VC148

Permit requirement for dry stone walls

<table>
<thead>
<tr>
<th>Land</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>All land north west of the Barwon River</td>
<td></td>
</tr>
</tbody>
</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>
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.
### 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>The subdivision of land within the Torquay-Jan Juc urban settlement boundary and within the Winchelsea urban settlement boundary that creates:</td>
<td></td>
</tr>
<tr>
<td>1 additional lot</td>
<td>None</td>
</tr>
<tr>
<td>2 to 9 additional lots</td>
<td>1% per additional lot.</td>
</tr>
<tr>
<td>10 or more additional lots</td>
<td>10%</td>
</tr>
</tbody>
</table>

| The subdivision of land throughout the Shire, other than within the Torquay-Jan Juc urban settlement and the Winchelsea urban settlement, that creates: |
| 1 additional lot                 | None                                        |
| 2 to 4 additional lots          | 1% per additional lot.                     |
| 5 or more additional lots       | 5%                                          |
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>
</tbody>
</table>

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.

A building is constructed to the bushfire attack level:

- That corresponds to the defendable space provided in accordance with Table 1 to Clause 53.02-5, or
- 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:
  - 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.
  - A minimum bushfire attack level of BAL12.5 is provided in all circumstances.

A building is provided with:

- 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.
- Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.

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.</td>
</tr>
<tr>
<td></td>
<td>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

- A static water supply for fire fighting and property protection purposes of 10,000 litres per 1,500 square metres of floor space up to 40,000 litres.
- Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.
- An integrated approach to risk management that ensures the water supply and access arrangements will be effective based on the characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency.

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.

---

#### 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.

### 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.
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 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.
### Tables: Defendable space, construction, water supply, vehicle access, vegetation management and outbuilding construction requirements

#### Table 1 Defendable space and construction

<table>
<thead>
<tr>
<th>Slope</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>
<tr>
<td>Slope Type</td>
<td>Vegetation Type</td>
<td>Defendable space distance from building facade (metres)</td>
</tr>
<tr>
<td>----------------------------</td>
<td>-----------------</td>
<td>-------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>Column A</td>
<td>Column B</td>
</tr>
<tr>
<td>Mallee/Mulga</td>
<td>26</td>
<td>18</td>
</tr>
<tr>
<td>Rainforest</td>
<td>45</td>
<td>33</td>
</tr>
<tr>
<td>Grassland</td>
<td>28</td>
<td>20</td>
</tr>
<tr>
<td>Downslope &gt;15 to 20 degrees</td>
<td>Forest</td>
<td>98</td>
</tr>
<tr>
<td></td>
<td>Woodland</td>
<td>73</td>
</tr>
<tr>
<td></td>
<td>Scrub</td>
<td>43</td>
</tr>
<tr>
<td></td>
<td>Shrubland</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>Mallee/Mulga</td>
<td>29</td>
</tr>
<tr>
<td></td>
<td>Rainforest</td>
<td>56</td>
</tr>
<tr>
<td></td>
<td>Grassland</td>
<td>32</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Slope Type</th>
<th>Vegetation Type</th>
<th>Defendable space and construction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Downslope &gt;20 degrees</td>
<td>All vegetation</td>
<td>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 29.</td>
</tr>
<tr>
<td>All slopes</td>
<td>Low threat vegetation</td>
<td>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.</td>
</tr>
<tr>
<td>All slopes</td>
<td>Modified vegetation</td>
<td>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 29.</td>
</tr>
</tbody>
</table>

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 Type</th>
<th>Vegetation</th>
<th>Defendable space distance from building facade (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>All upslopes and flat land (0 degrees)</td>
<td>Forest</td>
<td>48</td>
</tr>
<tr>
<td></td>
<td>Woodland</td>
<td>33</td>
</tr>
<tr>
<td>Slope</td>
<td>Vegetation</td>
<td>Defendable space distance from building facade (metres)</td>
</tr>
<tr>
<td>-----------------------</td>
<td>-------------</td>
<td>--------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Scrub</td>
<td>27</td>
</tr>
<tr>
<td></td>
<td>Shrubland</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td>Mallee/ Mulga</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>Rainforest</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>Grassland</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Downslope &gt;0 to 5</td>
<td>Forest</td>
<td>57</td>
</tr>
<tr>
<td>degrees</td>
<td>Woodland</td>
<td>41</td>
</tr>
<tr>
<td></td>
<td>Scrub</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>Shrubland</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>Mallee/ Mulga</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>Rainforest</td>
<td>29</td>
</tr>
<tr>
<td></td>
<td>Grassland</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Downslope &gt;5 to 10</td>
<td>Forest</td>
<td>69</td>
</tr>
<tr>
<td>degrees</td>
<td>Woodland</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>Scrub</td>
<td>35</td>
</tr>
<tr>
<td></td>
<td>Shrubland</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>Mallee/ Mulga</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>Rainforest</td>
<td>36</td>
</tr>
<tr>
<td></td>
<td>Grassland</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Downslope &gt;10 to 15</td>
<td>Forest</td>
<td>82</td>
</tr>
<tr>
<td>degrees</td>
<td>Woodland</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>Scrub</td>
<td>39</td>
</tr>
<tr>
<td></td>
<td>Shrubland</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>Mallee/ Mulga</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td>Rainforest</td>
<td>45</td>
</tr>
<tr>
<td></td>
<td>Grassland</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Downslope &gt;15 to 20</td>
<td>Forest</td>
<td>98</td>
</tr>
<tr>
<td>degrees</td>
<td>Woodland</td>
<td>73</td>
</tr>
</tbody>
</table>

SURF COAST PLANNING SCHEME
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>
### Vegetation class

<table>
<thead>
<tr>
<th>Vegetation class</th>
<th>Defendable space distance from building facade (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Upslope and flat land (0 degrees)</td>
</tr>
<tr>
<td></td>
<td>&gt;0-5</td>
</tr>
<tr>
<td>Grassland</td>
<td>35</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 than 30 metres</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>
</tbody>
</table>
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.

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.

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.

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

**Building construction condition**

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.
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.

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.

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

### 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>

### 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 construct 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 construct 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 construct 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 construct 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>Basic Metal Products</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>Chemical, Petroleum &amp; Coal Products</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></td>
<td>Note 1</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,</td>
<td>200</td>
<td></td>
</tr>
<tr>
<td>with a design production rate exceeding</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10,000 tonnes a year:</td>
<td></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</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>wool:</td>
<td></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</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>packing agricultural produce:</td>
<td></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</td>
<td>5,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>sulphur containing materials</td>
<td></td>
<td></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</td>
<td>100</td>
<td>Note 2</td>
</tr>
<tr>
<td>institutional customers, or in in</td>
<td></td>
<td></td>
</tr>
<tr>
<td>bulk quantities:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laundry for commercial and institutional</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>customers, or in bulk quantities:</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Recycling and Resource Recovery</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advanced resource recovery technology</td>
<td>Note 1</td>
<td></td>
</tr>
<tr>
<td>facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Combustion, treatment or bio-reaction of</td>
<td>Note 1</td>
<td></td>
</tr>
<tr>
<td>waste to produce energy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial and Industrial materials</td>
<td>Note 1</td>
<td></td>
</tr>
<tr>
<td>recycling</td>
<td></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>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>Note 1</td>
</tr>
<tr>
<td>• Accepting organic wastes</td>
<td></td>
<td></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>Use distances in Paper &amp; Paper Products</td>
<td></td>
</tr>
<tr>
<td>Used plastics treatment or processing</td>
<td></td>
<td>Note 1</td>
</tr>
</tbody>
</table>

**Textiles**

<table>
<thead>
<tr>
<th>Product</th>
<th>Distance (metres)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<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>
</tbody>
</table>

**Transport and Storage**

<table>
<thead>
<tr>
<th>Transport and Storage</th>
<th>Distance (metres)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<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>
</tbody>
</table>

**Wood, Wood Products & Furniture**

Charcoal production:
- by the retort process                                                                                       | 500                        |                        |
- other than by the retort process                                                                            | 1,000                      |                        |
Joinery:                                                                                                      | 100                        |                        |
Sawmill:                                                                                                      |                            |                        |
Wood preservation plant:                                                                                     | 100                        |                        |
Wood-fibre or wood-chip products:                                                                            | 1,500                      |                        |
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.
53.13
31/07/2018
VC148

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.

53.13-1
31/07/2018
VC148

Application
This clause applies to land used and developed or proposed to be used and developed for a renewable energy facility.

53.13-2
31/07/2018
VC148

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.
## 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 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).
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>
<tr>
<td>Development context</td>
<td>Minimum setback from front street (metres)</td>
<td>Minimum setback from a side street (metres)</td>
</tr>
<tr>
<td>---------------------</td>
<td>------------------------------------------</td>
<td>-------------------------------------------</td>
</tr>
<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>
<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>

**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 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.
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>
</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.
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 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

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 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**

![Diagram A2 Daylight to existing windows](image)

**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.
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 \((2 + 0.9h)\) 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.
NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE

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.

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.

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.

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.

55.03-2
15/07/2013
VC100

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.

55.03-3
15/07/2013
VC100

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.

55.04-6

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.

### 55.05-5
19/01/2006
VC37

**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.

### 55.05-6
19/01/2006
VC37

**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.

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 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 Warmambool</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, 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 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 rooftop 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 circulation area and has readily removable hinges.</td>
<td>- A door that opens inwards and has readily removable hinges.</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 circulation area</td>
<td>A clear path with a minimum width of 900mm from the door opening to the circulation area.</td>
<td>Not applicable.</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 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.

---

**55.07-14**

**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.

---

**55.07-15**

**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

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.
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.
- Be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with disabilities.

**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.
- 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 volume&lt;sup&gt;1&lt;/sup&gt;</th>
<th>300vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed&lt;sup&gt;2&lt;/sup&gt;</td>
<td>10kph</td>
</tr>
<tr>
<td>Carriageway width&lt;sup&gt;3&lt;/sup&gt; &amp; parking provision within street reservation</td>
<td>5.5m&lt;sup&gt;6&lt;/sup&gt; wide with no parking spaces to be provided. Appropriately signed.</td>
</tr>
<tr>
<td>Verge width&lt;sup&gt;4&lt;/sup&gt;</td>
<td>No verge required.</td>
</tr>
<tr>
<td>Kerbing&lt;sup&gt;5&lt;/sup&gt;</td>
<td>None</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Footpath provision</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carriageway designed as a shared zone and appropriately signed.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cycle path provision</th>
<th>None</th>
</tr>
</thead>
</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 volume&lt;sup&gt;1&lt;/sup&gt;</th>
<th>300vpd to1000vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed&lt;sup&gt;2&lt;/sup&gt;</td>
<td>15kph</td>
</tr>
<tr>
<td>Carriageway width&lt;sup&gt;3&lt;/sup&gt; &amp; parking provision within street reservation</td>
<td>5.5m 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 width&lt;sup&gt;4&lt;/sup&gt;</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>
<tr>
<td>Kerbing</td>
<td>Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
</tbody>
</table>
| 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>
</tbody>
</table>
| Footpath provision | 1.5m wide footpaths on both sides.  
Footpaths should be widened to 2.0m in vicinity of a school, shop or other activity centre.  
Be offset a minimum distance of 1m from the kerb. |
| Cycle path provision | Carriageway designed as a shared zone and appropriately signed. |

**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>
</tbody>
</table>
| Footpath provision | 1.5m wide footpaths on both sides.  
Footpaths should be widened to 2.0m in vicinity of a school, shop or other activity centre. |
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 volume¹</th>
<th>3000 vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed²</td>
<td>50 kph² reduced to 40 kph at schools and 20 kph at pedestrian and cycle crossing points.</td>
</tr>
</tbody>
</table>

**Carriageway width³, 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 width⁴</th>
<th>4.5m minimum each side.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kerbing⁵</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 volume¹</th>
<th>3,000 vpd to 7,000 vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed²</td>
<td>60 kph³ 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 dedicated 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

Traffic volume

- Greater than 7000vpd

Target speed

- Arterial road design as required by the relevant roads authority.

Carriageway width & parking provision within street reservation

- Arterial road design as required by the relevant roads authority.
Key to Table C1

1. Indicative maximum traffic volume for 24-hour period. These volumes depend upon location. Generation rates may vary between existing and newly developing areas.

2. Target speed is the desired speed at which motorists should travel. This is not necessarily the design speed and is not greater than the marked legal speed limit.

3. Width is measured from kerb invert to kerb invert. Widening may be required at bends to allow for wider vehicle paths using appropriate Australian Standards for on street and off-street parking but should not negate the function of bends serving as slow points.

4. Verge width includes footpaths. Additional width may be required to accommodate a bicycle path.

5. Where drainage is not required a flush pavement edge treatment can be used. Layback kerbs are preferred for safety reasons. Upright kerbs may be considered for drainage purposes or in locations where on-street parking should be clearly defined and parking within the verge is not desired.

6. Turning requirements to access and egress parking on abutting lots may require additional carriageway width. The recommended carriageway width of 5.5m will provide adequate access to a standard 3.5m wide single garage built to the property line.

7. 50kph is the default urban speed limit in Victoria.

8. Target speed must not exceed the legal speed limit.
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
\[ d_a V_{ave} < 0.35 \text{ m}^2/\text{s} \] (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 telecommunications 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 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></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 circulation area and has readily removable hinges.</td>
<td>- A door that opens inwards and has readily removable hinges.</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 circulation area</td>
<td>A clear path with a minimum width of 900mm from the door opening to the circulation area.</td>
<td>Not applicable.</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 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 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.
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.
**Table 1 Classes of 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>

**Table 2 Classes of 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>

**Table 3 Classes of 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>
31/07/2018
VC148

59.16

INFORMATION REQUIREMENTS AND DECISION GUIDELINES FOR LOCAL VICSMArt APPLICATIONS

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 TO CLAUSE 59.16 INFORMATION REQUIREMENTS AND DECISION GUIDELINES FOR LOCAL VICSMA RT 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.
EXISTING USES
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.
SUBDIVISION REFERRALS

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>The relevant water, drainage or sewerage authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>A boundary realignment.</td>
<td>The relevant electricity supply or distribution authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>The subdivision of an existing building already connected to services.</td>
<td>The relevant gas supply authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>A two lot subdivision.</td>
<td></td>
<td></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>
<th>Type of 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>
<td>Recommending referral authority</td>
</tr>
<tr>
<td>- To remove, destroy or lop native vegetation if a property vegetation plan applies to the site.</td>
<td></td>
<td></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>
<td></td>
</tr>
</tbody>
</table>

### Cattle feedlot

<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 a cattle feedlot.</td>
<td>Minister for Agriculture</td>
<td>Determining referral authority</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></td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>If the number of cattle is 5000 or more, the Environment Protection Authority</td>
<td></td>
<td></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 construct 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 <em>Catchment and Land Protection Act 1994</em> 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 <em>Conservation, Forests and Lands Act 1987</em>)</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></td>
<td></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>The Victorian WorkCover 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></td>
<td></td>
</tr>
</tbody>
</table>
### Kind of application

<table>
<thead>
<tr>
<th>Type of referral authority</th>
<th>Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>A notification is required under the Occupational Health and Safety Regulations 2007.</td>
<td>The Victorian WorkCover Authority</td>
</tr>
<tr>
<td>A licence is required under the Dangerous Goods (Explosives) Regulations 2011.</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>
</tr>
</tbody>
</table>

#### Determining referral authority

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

#### Kind of application

<table>
<thead>
<tr>
<th>Type of referral authority</th>
<th>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>
</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>
</tr>
<tr>
<td>- In Special Areas declared under Section 27 of the Catchment and Land Protection Act 1994.</td>
<td></td>
</tr>
<tr>
<td>Kind of application</td>
<td>Referral authority</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------</td>
</tr>
<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 Flora and Fauna Guarantee Act 1988</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 Water Act 1989</td>
</tr>
<tr>
<td>- To use or develop land for stone extraction:</td>
<td>Environment Protection Authority</td>
</tr>
<tr>
<td>- In areas with communities or taxa listed or critical habitat determined under the Flora and Fauna Guarantee Act 1988.</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>
</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></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>
</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 Road Management Act 2004 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>Roads Corporation</td>
</tr>
<tr>
<td>- On land which abuts a road declared as a freeway or an arterial road under the Road Management Act 2004. 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>
</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>
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></td>
<td>An application under the zone outside the waterway management district of Melbourne Water Corporation.</td>
<td>Relevant floodplain management 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></td>
<td>An application under the zone outside Metropolitan Melbourne.</td>
<td>Secretary to the Department of Environment, Land, Water and Planning</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></td>
<td>An application under the overlay outside the waterway management district of Melbourne Water Corporation.</td>
<td>Relevant floodplain management 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></td>
<td>An application under the overlay outside the waterway management district of Melbourne Water Corporation.</td>
<td>Relevant floodplain management 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 52.29</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>Clause 52.29</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 53.05-1</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>
</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

### 1.0 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>Clause 3.0 of Schedule 1 to Clause 37.01 (SUZ)</td>
<td>All applications for buildings and works.</td>
<td>Secretary to the Department of Environment, Land, Water and Planning</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 3.0 of Schedule 1 to Clause 42.01 (ESO)</td>
<td>All applications.</td>
<td>Secretary to the Department of Environment, Land, Water and Planning</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Corangamite Catchment Management Authority</td>
<td>Recommending referral authority</td>
</tr>
<tr>
<td>Clause 3.0 of Schedule 2 to Clause 42.01 (ESO)</td>
<td>All applications.</td>
<td>Relevant water, drainage or sewerage authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 3.0 of Schedule 4 to Clause 42.01 (ESO)</td>
<td>All applications on sites known to contain Merran’s Sun Orchid as shown on map 1 to the schedule. All applications for native vegetation removal on sites within the Anglesea Healthland as shown on map 2 to the schedule.</td>
<td>Secretary to the Department of Environment, Land, Water and Planning</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 3.0 of Schedule 5 to Clause 42.01 (ESO)</td>
<td>All applications.</td>
<td>Secretary to the Department of Environment, Land, Water and Planning</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 3.0 of Schedule 1 to Clause 42.02 (VPO)</td>
<td>All applications.</td>
<td>Secretary to the Department of Environment, Land, Water and Planning</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 1.0 of Schedule 42.03 (SLO)</td>
<td>All applications for native vegetation removal.</td>
<td>Secretary to the Department of Environment, Land, Water and Planning</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>
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>
<tr>
<td>Clause 52.09-8</td>
<td>An application to use or subdivide land or construct a building for Accommodation, Education centre or Hospital:</td>
<td>The Secretary of the Department administering the Mineral Resources (Sustainable Development) Act 1990.</td>
</tr>
<tr>
<td></td>
<td>• Within an Extractive Industry Interest Area.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• 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.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>These requirements do not apply to an extension to buildings or works.</td>
<td></td>
</tr>
<tr>
<td>Clause 52.21</td>
<td>An application to construct, use or illuminate a private tennis court under any provision of this scheme.</td>
<td>The owners and occupiers of adjoining and opposite properties.</td>
</tr>
<tr>
<td>Clause 52.27</td>
<td>An application in association with a bar, hotel or nightclub that is to operate after 1am.</td>
<td>Chief Commissioner of Victoria Police.</td>
</tr>
<tr>
<td>Clause 53.09</td>
<td>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.</td>
<td>Environment Protection Authority.</td>
</tr>
<tr>
<td>Clause 67.02</td>
<td>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</td>
<td>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.</td>
</tr>
<tr>
<td>Clause 67.03</td>
<td>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.</td>
<td>The Secretary to the Department administering the Flora and Fauna Guarantee Act 1988.</td>
</tr>
</tbody>
</table>
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.
<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.
71.04
31/07/2018
VC148

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.
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 Surf Coast 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:
Minister for Planning.

4.0  
Responsible authority for VicSmart applications:
The Chief Executive Officer of Surf Coast 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:
Municipal district of Surf Coast including the land covered in water in Bass Strait between the municipal boundary and Low Water Mark and 600 metres seaward of Low Water Mark.
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. 1ESO, 1SMO, 1LSIO-FO
2. 2ESO, 2SMO, 2LSIO-FO
3. 3ESO, 3SMO, 3LSIO-FO
4. 4ESO, 4SMO, 4LSIO-FO
5. 5ESO, 5HO, 5SMO, 5LSIO-FO
6. 6ESO, 6SMO, 6LSIO-FO
7. 7ESO, 7HO, 7SMO, 7LSIO-FO, 7PAO
8. 8ESO, 8HO, 8DDO, 8DPO, 8SMO, 8EAO, 8LSIO-FO, 8SLO, 8PAO
9. 9ESO, 9VPO, 9HO, 9SMO, 9LSIO-FO, 9PAO
10. 10ESO, 10VPO, 10HO, 10SMO, 10LSIO-FO, 10PAO
11. 11SMO, 11LSIO-FO, 11DPO, 11ESO
12. 12ESO, 12HO, 12SMO, 12LSIO-FO, 12PAO, 12DPO
13. 13ESO, 13LSIO-FO
14. 14HO
15. 15ESO, 15VPO, 15HO, 15SMO, 15BMO, 15LSIO-FO, 15DCPO
16. 16DDO, 16EAO, 16DPO, 16ESO, 16SMO, 16LSIO-FO, 16DCPO, 16PO
17. 17ESO, 17SMO, 17LSIO-FO
18. 18ESO, 18SMO, 18LSIO-FO
19. 19ESO, 19VPO, 19SLO, 19HO, 19DDO, 19DPO, 19BMO, 19LSIO-FO, 19EAO, 19DCPO, 19PAO
21. 21ESO, 21SMO, 21LSIO-FO, 21DCPO, 21BMO
22. 22VPO, 22SLO, 22BMO, 22HO, 22DCPO, 22ESO
23. 23ESO, 23SMO, 23LSIO-FO, 23PAO, 23BMO
24. 24ESO, 24VPO, 24HO, 24SMO, 24BMO, 24LSIO-FO, 24PAO
26. 26ESO, 26VPO, 26SMO, 26BMO, 26LSIO-FO
27. 27ESO, 27VPO, 27HO, 27SMO, 27BMO, 27LSIO-FO
28. 28HO, 28ESO, 28VPO, 28BMO, 28SMO, 28LSIO-FO
29. 29HO, 29SMO, 29LSIO-FO, 29DDO, 29RO, 29BMO, 29ESO
30. 30ESO, 30VPO, 30BMO
31. 31ESO, 31VPO, 31BMO, 31LSIO-FO
32. 32VPO, 32HO, 32BMO, 32LSIO-FO, 32SLO, 32ESO
33. 33ESO, 33VPO, 33SLO, 33HO, 33DDO, 33DPO, 33NCO, 33SMO, 33BMO, 33LSIO-FO, 33RO, 33PAO
34, 34VPO, 34SLO, 34HO, 34BMO
35, 35HO, 35ESO, 35VPO, 35BMO
36, 36ESO, 36VPO, 36SLO, 36HO, 36BMO
37, 37HO, 37ESO, 37SLO, 37DDO, 37BMO
38, 38ESO, 38BMO
39, 39ESO, 39HO, 39DDO, 39NCO, 39SMO, 39LSIO-FO, 39BMO
40, 40ESO, 40VPO, 40HO, 40DDO, 40NCO, 40SLO, 40SMO, 40LSIO-FO, 40BMO
41, 41ESO, 41BMO
42, 42ESO, 42SLO, 42HO, 42BMO, 42LSIO-FO
43, 43SLO, 43HO, 43DDO, 43EAO, 43BMO, 43LSIO-FO, 43NCO, 43RO, 43ESO
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>
## Incorporated documents

<table>
<thead>
<tr>
<th>Name of document</th>
<th>Introduced by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anglesea Borefield Project Incorporated Document, June 2009</td>
<td>C51</td>
</tr>
<tr>
<td>Briody Drive West Upgrade Development Contributions Plan, October 2012</td>
<td>C71 (Part 3)</td>
</tr>
<tr>
<td>Cumberland River, Cypress Trees Incorporated Plan, June 2006</td>
<td>C15 (Part 2)</td>
</tr>
<tr>
<td>Cypress Ave, Lorne Foreshore Incorporated Plan, June 2006</td>
<td>C15 (Part 2)</td>
</tr>
<tr>
<td>Deans Marsh Township Restructure Plan Revised October 2013</td>
<td>C88</td>
</tr>
<tr>
<td>Golden Beach Concept Plan (marked ‘Golden Beach Residential Lakes and Golf Course Development, Torquay – Concept Plan. Revision F: 13.04.00’)</td>
<td>NPS1</td>
</tr>
<tr>
<td>Livewire Park, Tree Top Adventure Facility, 180 Erskine Falls Road, Lorne, April 2016</td>
<td>C116</td>
</tr>
<tr>
<td>Lorne Restructure Plan, 2006 (Revised July 2007)</td>
<td>C34</td>
</tr>
<tr>
<td>Moreton Bay Fig, Lorne Foreshore Incorporated Plan, June 2006</td>
<td>C15 (Part 2)</td>
</tr>
<tr>
<td>Part of Lot A on PS 720129F (proposed Lots 312-314 on PS711644P), Winkin Way, Torquay - West Coast Business Park, April 2016</td>
<td>C115</td>
</tr>
<tr>
<td>Point Roadknight Restructure Plan 2004</td>
<td>C16</td>
</tr>
<tr>
<td>Powerline Bushfire Safety Program - Native Vegetation Removal Code of Practice, August 2016</td>
<td>GC57</td>
</tr>
<tr>
<td>Princes Highway Duplication – Winchelsea to Colac, July 2014</td>
<td>C91</td>
</tr>
<tr>
<td>Queens Park Caravan Park Incorporated Plan, June 2006</td>
<td>C15 (Part 2)</td>
</tr>
<tr>
<td>Surf Coast Heritage Study Stage 2B – Statements of Significance July 2009</td>
<td>C50</td>
</tr>
<tr>
<td>Taylor Park Incorporated Plan June 2009</td>
<td>C50</td>
</tr>
<tr>
<td>Torquay Caravan Park Incorporated Plan June 2009 (Am Jan 2012)</td>
<td>C78</td>
</tr>
<tr>
<td>Torquay Foreshore Incorporated Plan June 2009</td>
<td>C50</td>
</tr>
<tr>
<td>Torquay Jan Juc Development Contributions Plan, 16 May 2011 (Version 5 – Revised July 2017)</td>
<td>GC75</td>
</tr>
<tr>
<td>Wanliss Nut Farm Incorporated Plan, June 2006</td>
<td>C15 (Part 2)</td>
</tr>
<tr>
<td>Weeds of the Surf Coast Shire (2013)</td>
<td>C96</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:

5 October 2000
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><em>Central Highlands Regional Growth Plan (Victorian Government, 2014).</em></td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td><em>G21 Regional Growth Plan (Geelong Region Alliance, 2013).</em></td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td><em>Gippsland Regional Growth Plan (Victorian Government, 2014).</em></td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td><em>Great South Coast Regional Growth Plan (Victorian Government, 2014).</em></td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td><em>Hume Regional Growth Plan (Victorian Government, 2014).</em></td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td><em>Loddon Mallee North Regional Growth Plan (Victorian Government, 2014).</em></td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td><em>Loddon Mallee South Regional Growth Plan (Victorian Government, 2014).</em></td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td><em>Wimmera Southern Mallee Regional Growth Plan (Victorian Government, 2014).</em></td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td><em>Plan Melbourne 2017-2050: Metropolitan Planning Strategy (Department of Environment, Land, Water and Planning, 2017).</em></td>
<td>VC134 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>Anglesea Futures Land Use Framework 2018</td>
<td>C129surf</td>
</tr>
<tr>
<td></td>
<td>Clause 21.16</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><strong>Act</strong></td>
<td>The <em>Planning and Environment Act 1987</em>.</td>
</tr>
<tr>
<td><strong>Agricultural production</strong></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><strong>Anemometer</strong></td>
<td>A wind measuring device.</td>
</tr>
<tr>
<td><strong>Apartment</strong></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><strong>Approval date</strong></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><strong>Basement</strong></td>
<td>A storey below ground level, or that projects no more than 1.2 metres above ground level.</td>
</tr>
<tr>
<td><strong>Building height</strong></td>
<td>The vertical distance from natural ground level to the roof or parapet at any point.</td>
</tr>
<tr>
<td><strong>Building Regulations</strong></td>
<td>The <em>Building Regulations 1994</em>.</td>
</tr>
<tr>
<td><strong>Carriageway</strong></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><strong>Central Highlands region</strong></td>
<td>The area covered by the Ararat, Ballarat, Golden Plains, Hepburn, Moorabool and Pyrenees planning schemes.</td>
</tr>
<tr>
<td><strong>Clear to the sky</strong></td>
<td>An unroofed area or area roofed with material that transmits 90 per cent of light.</td>
</tr>
<tr>
<td><strong>Defendable space</strong></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><strong>Deflection angle</strong></td>
<td>The angle between two tangent sections of a carriageway.</td>
</tr>
<tr>
<td><strong>Design speed</strong></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><strong>Domestic services normal to a dwelling</strong></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 barbeque, downpipes and flues, a skylight, security screens, and the like.</td>
</tr>
<tr>
<td><strong>Earthworks</strong></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><strong>Frontage</strong></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><strong>Gaming</strong></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>
<tr>
<td>Garden area</td>
<td>Any area on a lot with a minimum dimension of 1 metre that does not include:</td>
</tr>
<tr>
<td></td>
<td>a) a dwelling or residential building, except for:</td>
</tr>
<tr>
<td></td>
<td>• an eave, fascia or gutter that does not exceed a total width of 600mm;</td>
</tr>
<tr>
<td></td>
<td>• a pergola;</td>
</tr>
<tr>
<td></td>
<td>• unroofed terraces, patios, decks, steps or landings less than 800mm in height;</td>
</tr>
<tr>
<td></td>
<td>• a basement that does not project above ground level;</td>
</tr>
<tr>
<td></td>
<td>• any outbuilding that does not exceed a gross floor area of 10 square metres; and</td>
</tr>
<tr>
<td></td>
<td>• domestic services normal to a dwelling or residential building;</td>
</tr>
<tr>
<td></td>
<td>b) a driveway; or</td>
</tr>
<tr>
<td></td>
<td>c) an area set aside for car parking.</td>
</tr>
<tr>
<td>Geelong G21 region</td>
<td>The area covered by the Colac Otway, Golden Plains, Greater Geelong, Queenscliffe and Surf Coast planning schemes.</td>
</tr>
<tr>
<td>Gippsland region</td>
<td>The area covered by the Bass Coast, Baw Baw, East Gippsland, Latrobe, South Gippsland and Wellington planning schemes.</td>
</tr>
<tr>
<td>Great South Coast region</td>
<td>The area covered by the Corangamite, Glenelg, Moyne, Southern Grampians and Warrnambool planning schemes.</td>
</tr>
<tr>
<td>Gross floor area</td>
<td>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.</td>
</tr>
<tr>
<td>Ground level</td>
<td>The natural level of a site at any point.</td>
</tr>
<tr>
<td>Habitable room</td>
<td>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.</td>
</tr>
<tr>
<td>High quality productive agricultural land</td>
<td>Land which is used for animal husbandry or crop raising, and is capable of continuing to sustain agricultural production, and:</td>
</tr>
<tr>
<td></td>
<td>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</td>
</tr>
<tr>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>Hume region</td>
<td>The area covered by the Alpine, Benalla, Greater Shepparton, Indigo, Mansfield, Mitchell, Moira, Murrindindi, Strathbogie, Towong, Wangaratta and Wodonga planning schemes.</td>
</tr>
<tr>
<td>Land capability assessment</td>
<td>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.</td>
</tr>
<tr>
<td>General term</td>
<td>Definition</td>
</tr>
<tr>
<td>------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<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, Monocle Valley, Moreland, Mornington Peninsula, Nullimbik, 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>
<tr>
<td>Radio mast</td>
<td>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.</td>
</tr>
<tr>
<td>Retail</td>
<td>The sale of goods or materials, in any quantity or manner, other than by wholesale.</td>
</tr>
<tr>
<td>Secluded private open space</td>
<td>That part of private open space primarily intended for outdoor living activities which enjoys a reasonable amount of privacy.</td>
</tr>
<tr>
<td>Setback</td>
<td>The minimum distance from any allotment boundary to a building.</td>
</tr>
<tr>
<td>Sexual services</td>
<td>Has the same meaning as it has in the <em>Sex Work Act 1994</em>.</td>
</tr>
<tr>
<td>Site coverage</td>
<td>The proportion of a site covered by buildings.</td>
</tr>
<tr>
<td>Stone</td>
<td>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.</td>
</tr>
<tr>
<td>Storey</td>
<td>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.</td>
</tr>
<tr>
<td>Stormwater</td>
<td>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.</td>
</tr>
<tr>
<td>Street leg length</td>
<td>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.</td>
</tr>
<tr>
<td>Street reserve</td>
<td>Land set aside for a street pavement and verge.</td>
</tr>
<tr>
<td>Sustainable agriculture</td>
<td>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.</td>
</tr>
<tr>
<td>General term</td>
<td>Definition</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<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>
</tr>
<tr>
<td>-----------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>---------------------------------------</td>
</tr>
<tr>
<td>Corrective institution</td>
<td></td>
<td>Corrective institution, Dependent person’s unit</td>
<td>Corrective institution, Dependent person’s unit</td>
</tr>
<tr>
<td>Dwelling</td>
<td></td>
<td>Dwelling</td>
<td>Dwelling</td>
</tr>
<tr>
<td>Group accommodation</td>
<td></td>
<td>Group accommodation</td>
<td>Group accommodation</td>
</tr>
<tr>
<td>Host farm</td>
<td></td>
<td>Host farm</td>
<td>Host farm</td>
</tr>
<tr>
<td>Residential aged care facility</td>
<td></td>
<td>Residential aged care facility</td>
<td>Residential aged care facility</td>
</tr>
<tr>
<td>Residential building</td>
<td></td>
<td>Residential building</td>
<td>Residential building</td>
</tr>
<tr>
<td>Residential village</td>
<td></td>
<td>Residential village</td>
<td>Residential village</td>
</tr>
<tr>
<td>Retirement village</td>
<td></td>
<td>Retirement village</td>
<td>Retirement village</td>
</tr>
<tr>
<td>Adult sex product shop</td>
<td>Land used to sell or hire sexually explicit material, including:</td>
<td>Adult sex product shop</td>
<td>Shop</td>
</tr>
<tr>
<td></td>
<td>a) publications classified as restricted under the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) materials and devices (other than contraceptives and medical treatments) used in conjunction with sexual behaviour.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td>Land used to:</td>
<td>Animal husbandry, Aquaculture, Crop raising</td>
<td>Animal husbandry, Aquaculture, Crop raising</td>
</tr>
<tr>
<td></td>
<td>a) propagate, cultivate or harvest plants, including cereals, flowers, fruit, seeds, trees, turf, and vegetables;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) keep, breed, board, or train animals, including livestock, and birds; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) propagate, cultivate, rear, or harvest living resources of the sea or inland waters.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Airport</td>
<td></td>
<td>Transport terminal</td>
<td>Transport terminal</td>
</tr>
<tr>
<td>Amusement park</td>
<td></td>
<td>Outdoor recreation facility</td>
<td>Outdoor recreation facility</td>
</tr>
<tr>
<td>Amusement parlour</td>
<td>A building that contains:</td>
<td>Place of assembly</td>
<td>Place of assembly</td>
</tr>
<tr>
<td></td>
<td>a) three or more coin, card, or token operated amusement machines;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>-----------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>---------------------------------</td>
<td>------------------------</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>Agriculture</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Animal training</td>
<td></td>
</tr>
<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, eggs, fibre, meat, milk or other animal products.</td>
<td>Grazing animal production</td>
<td>Animal husbandry</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Intensive animal production</td>
<td></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 dogs.</td>
<td></td>
<td>Animal husbandry</td>
</tr>
<tr>
<td>Apiculture</td>
<td>Land used to keep honeybee hives and to extract honey or other bee hive products.</td>
<td></td>
<td>Animal husbandry</td>
</tr>
<tr>
<td>Aquaculture</td>
<td>Land used to keep or breed aquatic animals, or cultivate or propagate aquatic plants.</td>
<td></td>
<td>Agriculture</td>
</tr>
<tr>
<td>Art and craft centre</td>
<td>Land used to manufacture, display, and sell, works of art or craft, such as handicrafts, paintings, and sculptures.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>-----------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------</td>
<td>------------------------------</td>
</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>jq</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>Food and drink premises</td>
<td></td>
</tr>
<tr>
<td>Beauty salon</td>
<td>jq</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>Dwelling</td>
<td></td>
</tr>
<tr>
<td>Betting agency</td>
<td>Land used for gambling by waging, and where there is the ability to receive a monetary reward.</td>
<td>Gambling premises</td>
<td></td>
</tr>
<tr>
<td>Boat and caravan storage</td>
<td>Land used to store boats, caravans, or vehicle-towed boat trailers.</td>
<td>Store</td>
<td></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>jq</td>
<td>Boat launching facility</td>
<td></td>
</tr>
<tr>
<td>Bottle shop</td>
<td>Land used to sell packaged liquor for consumption off the premises.</td>
<td>Shop</td>
<td></td>
</tr>
<tr>
<td>Broiler farm</td>
<td>Land used to keep broiler chickens for the production of meat.</td>
<td>Poultry farm</td>
<td></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>jq</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>Accommodation</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-------------------------------</td>
<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>Place of assembly</td>
<td></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>Intensive animal production</td>
<td></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>Place of assembly</td>
<td></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>Place of assembly</td>
<td></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>Place of assembly</td>
<td></td>
</tr>
<tr>
<td>Commercial display area</td>
<td>Land used only to display goods.</td>
<td>Warehouse</td>
<td></td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Land used to provide accommodation and care services. It includes permanent, temporary,</td>
<td>Residential building</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Conference centre</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>Function centre</td>
<td>Food and drink premises</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>Shop</td>
</tr>
<tr>
<td>Corrective institution</td>
<td>Land used to hold and reform persons committed to it by the courts, such as a prison, remand centre, and other type of detention facility.</td>
<td></td>
<td>Accommodation</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>Land used to propagate, cultivate or harvest plants, including cereals, flowers, fruit, seeds, trees, turf, and vegetables.</td>
<td>Horticulture</td>
<td>Agriculture</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rice growing</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Timber production</td>
<td></td>
</tr>
<tr>
<td>Dance studio</td>
<td></td>
<td></td>
<td>Indoor recreation facility</td>
</tr>
<tr>
<td>Data centre</td>
<td></td>
<td></td>
<td>Utility installation</td>
</tr>
<tr>
<td>Department store</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>Accommodation</td>
</tr>
<tr>
<td>Dependent person’s unit</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>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></td>
<td></td>
<td>Domestic animal husbandry</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>--------------------------------</td>
<td>------------------------------</td>
</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 Domestic animal boarding</td>
<td>Domestic animal husbandry</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 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>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 Caretaker's house</td>
<td>Accommodation</td>
</tr>
<tr>
<td></td>
<td>a) a kitchen sink;</td>
<td></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; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) a toilet and wash basin.</td>
<td></td>
<td></td>
</tr>
<tr>
<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>
</tr>
<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 Greenhouse gas sequestration exploration Geothermal energy exploration Geothermal energy extraction</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
<td></td>
</tr>
<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>
<td></td>
</tr>
<tr>
<td>Petroleum extraction</td>
<td></td>
<td>Petroleum extraction</td>
<td></td>
</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><strong>Electoral office</strong></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><strong>Emergency services facility</strong></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></td>
<td></td>
</tr>
<tr>
<td><strong>Energy generation facility</strong></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></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Waste-to-energy facility</td>
<td></td>
</tr>
<tr>
<td><strong>Employment training centre</strong></td>
<td></td>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td><strong>Equestrian supplies</strong></td>
<td></td>
<td>Restricted retail premises</td>
<td></td>
</tr>
<tr>
<td><strong>Exhibition centre</strong></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></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Museum</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Place of assembly</td>
<td></td>
</tr>
<tr>
<td><strong>Food and drink premises</strong></td>
<td>Land used to prepare and sell food and drink for immediate consumption on, or off, the premises.</td>
<td>Bar</td>
<td></td>
</tr>
<tr>
<td></td>
<td></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>
<tr>
<td><strong>Freeway service centre</strong></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>Retail premises</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>---------------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>Freezing and cool storage</td>
<td>Land used to store, sell, and distribute fuel.</td>
<td>Liquid fuel depot</td>
<td>Store</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Solid fuel depot</td>
<td></td>
</tr>
<tr>
<td>Fuel depot</td>
<td>Land used to store, sell, and distribute fuel.</td>
<td>Conference centre</td>
<td>Warehouse</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Reception centre</td>
<td></td>
</tr>
<tr>
<td>Function centre</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></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Funeral parlour</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></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</td>
<td>Retail premises</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Gaming premises</td>
<td></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>Outdoor recreation facility</td>
<td></td>
</tr>
<tr>
<td>Golf driving range</td>
<td></td>
<td>Outdoor recreation facility</td>
<td></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>
</tbody>
</table>
**Land use term** | **Definition** | **Includes** | **Included in**  
---|---|---|---  
Emergency, seasonal and supplementary feeding; the incidental penning, feeding and housing of animals for weaning or other husbandry purposes.  
In this definition:  
*Emergency feeding* 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;  
*Seasonal feeding* 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;  
*Supplementary feeding* means providing feed to animals to supplement the food the animals obtain by directly grazing, browsing or foraging plants growing on the land.  
<p>| <strong>Greenhouse gas sequestration</strong> | Land used for greenhouse gas substance injection and monitoring in accordance with the <em>Greenhouse Gas Geological Sequestration Act 2008</em>. | Earth and energy resources industry |<br />
| <strong>Greenhouse gas sequestration exploration</strong> | Land used for the exploration of greenhouse gas sequestration formations in accordance with the <em>Greenhouse Gas Geological Sequestration Act 2008</em>. | Earth and energy resources industry |<br />
| <strong>Group accommodation</strong> | Land, in one ownership, containing a number of dwellings used to accommodate persons away from their normal place of residence. | Accommodation |<br />
| <strong>Hairdresser</strong> | Shop |<br />
| <strong>Hall</strong> | Place of assembly |<br />
| <strong>Helicopter landing site</strong> | Land used for the take-off and landing of a helicopter, with or without a permanent landing pad, |</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>but without permanent facilities for the assembly and distribution of goods or passengers.</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>Home based business</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 husbandry</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>Horse stables</td>
<td></td>
</tr>
<tr>
<td>Horse riding school</td>
<td>Land used to propagate, cultivate, or harvest flowers, fruit, vegetables, vines, or the like.</td>
<td></td>
<td>Horse husbandry</td>
</tr>
<tr>
<td>Horse stables</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></td>
</tr>
<tr>
<td>Hospitable</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>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></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) any process of manufacture;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) Refuse disposal</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) Transfer station</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>---------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td></td>
<td>b) dismantling or breaking up of any article;</td>
<td>Research and development centre</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) treating waste materials;</td>
<td>Rural industry</td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) winning clay, gravel, rock, sand, soil, stone, or other materials (other</td>
<td>Service industry</td>
<td></td>
</tr>
<tr>
<td></td>
<td>than Mineral, stone, or soil extraction);</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>e) laundering, repairing, servicing or washing any article, machinery, or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>vehicle, other than on-site work on a building, works, or land; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>f) any process of testing or analysis.</td>
<td></td>
<td></td>
</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>
<td></td>
</tr>
<tr>
<td></td>
<td>b) providing amenities for people engaged in the operation;</td>
<td></td>
<td></td>
</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</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Materials recycling</td>
<td>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</td>
<td>Minor sports and recreation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>recreation, such as a cycle track, park, picnic or barbecue area,</td>
<td>facility</td>
<td></td>
</tr>
<tr>
<td></td>
<td>playground, plaza, and walking or jogging track.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intensive animal production</td>
<td>Land used for animal production where the animals’ food is imported from</td>
<td>Cattle feedlot</td>
<td></td>
</tr>
<tr>
<td></td>
<td>outside the immediate building, enclosure, paddock or pen.</td>
<td>Intensive dairy farm</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>
</tr>
<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</td>
<td>Intensive animal production</td>
<td></td>
</tr>
<tr>
<td></td>
<td>for the production of milk.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jetty</td>
<td></td>
<td>Marina</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-------------------------------</td>
<td>-------------------------------------------</td>
</tr>
<tr>
<td>Kindergarten</td>
<td></td>
<td>Child care centre</td>
<td></td>
</tr>
<tr>
<td>Landscape gardening supplies</td>
<td>Land used to propagate, grow, and sell plants, or sell and distribute garden supplies.</td>
<td>Garden supplies</td>
<td>Retail premises</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Plant nursery</td>
<td></td>
</tr>
<tr>
<td>Laundromat</td>
<td>Land used to clean or launder clothing or household items using self-service machines.</td>
<td></td>
<td>Shop</td>
</tr>
<tr>
<td>Leisure and recreation</td>
<td>Land used for leisure, recreation, or sport.</td>
<td>Major sports and recreation facility</td>
<td>Leisure and recreation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Minor sports and recreation facility</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Motor racing track</td>
<td></td>
</tr>
<tr>
<td>Library</td>
<td></td>
<td>Place of assembly</td>
<td></td>
</tr>
<tr>
<td>Liquid fuel depot</td>
<td>Land used to store, sell by wholesale, and distribute fuel.</td>
<td></td>
<td>Fuel depot</td>
</tr>
<tr>
<td>Mail centre</td>
<td>Land used to sort mail for distribution.</td>
<td></td>
<td>Warehouse</td>
</tr>
<tr>
<td>Major sports and recreation facility</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>Race course</td>
<td>Leisure and recreation</td>
</tr>
<tr>
<td>Manufacturing sales</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></td>
<td>Retail premises</td>
</tr>
<tr>
<td>Marina</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>Jetty</td>
<td>Recreational boat facility</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mooring pole</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pier</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pontoon</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td>Land used to sell goods, including foodstuffs, from stalls.</td>
<td></td>
<td>Retail premises</td>
</tr>
<tr>
<td>Market garden</td>
<td></td>
<td>Horticulture</td>
<td></td>
</tr>
<tr>
<td>Materials recycling</td>
<td>Land used to dismantle, treat, process, store, recycle, or sell refuse, used or surplus materials.</td>
<td></td>
<td>Industry</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------</td>
<td>------------------------------</td>
</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: a) sewerage or water mains; b) storm or flood water drains or retarding basins; c) flow measurement device or a structure to gauge waterway flow; d) siphons, water storage tanks, disinfection booster stations and channels; e) gas mains providing gas directly to consumers; f) a sewerage treatment plant, and any associated disposal works, required to serve a neighbourhood; g) a pumping station required to serve a neighbourhood;</td>
<td>Water retarding basin</td>
<td>Utility installation</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>h) power lines designed to operate at</td>
<td>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</td>
<td></td>
<td></td>
</tr>
<tr>
<td>less than 220,000 volts but excluding</td>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>any power lines directly associated</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>with an Energy generation facility</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>or Geothermal energy extraction; or</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) an electrical sub-station designed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>to operate at no more than 66,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>volts but excluding any sub-station</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>directly associated with an Energy</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>generation facility or Geothermal</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>energy extraction.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mooring pole</td>
<td>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.</td>
<td></td>
<td>Marina</td>
</tr>
<tr>
<td>Motel</td>
<td>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.</td>
<td></td>
<td>Residential hotel</td>
</tr>
<tr>
<td>Motor racing track</td>
<td>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.</td>
<td></td>
<td>Leisure and recreation</td>
</tr>
<tr>
<td>Motor repairs</td>
<td>Land used to repair or service motor vehicles, and includes the fitting of accessories.</td>
<td>Panel beating</td>
<td>Service industry</td>
</tr>
<tr>
<td>Motor vehicle, boat, or caravan sales</td>
<td>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.</td>
<td>Car sales</td>
<td>Retail premises</td>
</tr>
<tr>
<td>Museum</td>
<td>Land used to display archaeological, biological, cultural, geographical, geological, historical, scientific, or other like works or artefacts.</td>
<td></td>
<td>Exhibition centre</td>
</tr>
<tr>
<td>Natural systems</td>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nightclub</td>
<td>A building used to provide entertainment and dancing. It may include the provision of food and</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>
</tr>
<tr>
<td>-----------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
<td>------------------------------------</td>
</tr>
<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&lt;br&gt;Electoral office&lt;br&gt;Medical centre&lt;br&gt;Real estate agency&lt;br&gt;Travel agency</td>
<td></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>Amusement park&lt;br&gt;Golf course&lt;br&gt;Golf driving range&lt;br&gt;Paintball games facility&lt;br&gt;Zoo</td>
<td>Minor sports and recreation facility</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></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></td>
<td>Outdoor recreation facility</td>
</tr>
<tr>
<td>Panel beating</td>
<td></td>
<td></td>
<td>Motor repairs</td>
</tr>
<tr>
<td>Party supplies</td>
<td></td>
<td></td>
<td>Restricted retail premises</td>
</tr>
<tr>
<td>Petroleum exploration</td>
<td>Land used for petroleum exploration in accordance with the Petroleum Act 1998.</td>
<td></td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td>Petroleum extraction</td>
<td>Land used for petroleum extraction in accordance with the Petroleum Act 1998.</td>
<td></td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td>Pier</td>
<td></td>
<td></td>
<td>Marina</td>
</tr>
<tr>
<td>Pig farm</td>
<td>Land used to keep or breed pigs.</td>
<td></td>
<td>Animal production</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>-----------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
<td>--------------------------------------</td>
</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</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Carnival</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cinema</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cinema-based entertainment facility</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Circus</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Drive-in theatre</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Exhibition centre</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Function centre</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Hall</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Library</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Nightclub</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Place of worship</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Restricted place of assembly</td>
<td></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>Place of assembly</td>
<td></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>Landscape gardening supplies</td>
<td>Plant nursery</td>
</tr>
<tr>
<td>Pontoon</td>
<td></td>
<td>Marina</td>
<td>Plant nursery</td>
</tr>
<tr>
<td>Postal agency</td>
<td></td>
<td>Retail premises</td>
<td>Plant nursery</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>Retail premises</td>
<td></td>
</tr>
<tr>
<td>Primary school</td>
<td></td>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td>Race course</td>
<td></td>
<td>Major sports and recreation facility</td>
<td></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>
</tr>
<tr>
<td>---------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------</td>
<td>-------------------------------------</td>
</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>Office</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reception centre</td>
<td>Function centre</td>
<td></td>
<td></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>Boat launching facility, Marina</td>
<td></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>
<tr>
<td>-----------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------</td>
<td>---------------------------</td>
</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></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>Community care accommodation</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>Residential hotel</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:</td>
<td></td>
<td>Food and drink premises</td>
</tr>
<tr>
<td></td>
<td>a) entertainment and dancing; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>It does not include the sale of packaged liquor.</td>
<td></td>
<td></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>
</tr>
<tr>
<td>-----------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td></td>
<td>include food and drink for consumption on the premises, and gaming.</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>
<tr>
<td><strong>Restricted retail premises</strong></td>
<td>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.</td>
<td><strong>Equestrian supplies</strong></td>
<td><strong>Party supplies</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Shop</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>-----------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>It does not include the sale of food, clothing and footwear unless ancillary to the primary use.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail premises</td>
<td>Land used to:</td>
<td>Food and drink premises</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) sell goods by retail, or by retail and wholesale;</td>
<td>Gambling premises</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) sell services; or</td>
<td>Landscape gardening supplies</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) hire goods.</td>
<td>Manufacturing sales</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Land used to:</td>
<td>Market</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) handle, treat, process, or pack agricultural produce;</td>
<td>Motor vehicle, boat, or caravan sales</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) service or repair plant, or equipment, used in agriculture; or</td>
<td>Postal agency</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) manufacture mud bricks.</td>
<td>Primary produce sales</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>Manufacturing sales</td>
<td>Accommodation</td>
</tr>
<tr>
<td>Rice growing</td>
<td></td>
<td>Market</td>
<td>Crop raising</td>
</tr>
<tr>
<td>Road freight terminal</td>
<td></td>
<td>Motor vehicle, boat, or caravan sales</td>
<td>Transport terminal</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:                                                                różnica, treat, process, or pack agricultural produce;</td>
<td>Abattoir</td>
<td>Industry</td>
</tr>
<tr>
<td></td>
<td>a) handle, treat, process, or pack agricultural produce;</td>
<td>Sawmill</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) service or repair plant, or equipment, used in agriculture; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) manufacture mud bricks.</td>
<td></td>
<td></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>
<td>Included in</td>
</tr>
<tr>
<td>---------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>---------------------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>Secondary school</td>
<td>Education centre: Secondary school</td>
<td>Car wash</td>
<td>Industry</td>
</tr>
<tr>
<td>Service industry</td>
<td>Industry: Includes Definition Land use term. Car wash, Dry cleaner, Motor repairs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Service station</td>
<td>Service station: Service industry Land used to sell motor vehicle fuel from bowser, 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 storage</td>
<td>Shipping container storage: 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>Shop</td>
<td>Shop: 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>a) the selling of bread, pastries, cakes or other products baked on the premises;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) 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>a) food and drink premises;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) gambling premises;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) landscape gardening supplies;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) manufacturing sales;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>e) market;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>f) motor vehicle, boat, or caravan sales;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>g) postal agency;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>h) primary produce sales;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>i) 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></td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Slipway</td>
<td>Land used to sell solid fuel, such as briquettes, coal, and fire wood.</td>
<td>Boat launching facility</td>
<td></td>
</tr>
<tr>
<td>Solid fuel depot</td>
<td>Land used to sell solid fuel, such as briquettes, coal, and fire wood.</td>
<td>Fuel depot</td>
<td></td>
</tr>
<tr>
<td>Stone exploration</td>
<td>Land used to search for stone, including:</td>
<td>Earth and energy resources industry</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) conducting geological, geophysical, and geochemical surveys;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) core drilling 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>Earth and energy resources industry</td>
<td></td>
</tr>
<tr>
<td>Store</td>
<td>Land used to store goods, machinery, or vehicles.</td>
<td>Boat and caravan storage</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Freezing and cool storage</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rural store</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Shipping container storage</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Vehicle store</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>Shop</td>
<td></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>Food and drink premises</td>
<td></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>Utility installation</td>
<td></td>
</tr>
<tr>
<td>Tertiary institution</td>
<td></td>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>-----------------------</td>
<td>-----------------------------------------------------------------</td>
<td>---------------------</td>
<td>----------------------</td>
</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>
<tr>
<td>Trade supplies</td>
<td>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.</td>
<td>Timber yard</td>
<td>Retail premises</td>
</tr>
<tr>
<td>Tramway</td>
<td>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.</td>
<td></td>
<td>Industry</td>
</tr>
<tr>
<td>Transfer station</td>
<td>Land used to collect, consolidate, temporarily store, sort or recover refuse, used or surplus materials before transfer for disposal, recycling or use elsewhere.</td>
<td></td>
<td>Industry</td>
</tr>
<tr>
<td>Transport terminal</td>
<td>Land used to assemble and distribute goods or passengers. It includes facilities to park and manoeuvre vehicles. It does not include a Tramway.</td>
<td></td>
<td>Airport, Bus terminal, Heliport, Railway station, Road freight terminal, Wharf</td>
</tr>
<tr>
<td>Travel agency</td>
<td></td>
<td></td>
<td>Office</td>
</tr>
<tr>
<td>Utility installation</td>
<td>Land used:</td>
<td></td>
<td>Data centre</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-----------------------------------------------------------------------------</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 transport business.</td>
<td></td>
<td>Store</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. It may include the storage and distribution of goods for wholesale and the storage and distribution of goods for online retail. It does not include premises allowing in-person retail or display of goods for retail, or allowing persons to collect goods that have been purchased online.</td>
<td>Commercial display area</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fuel depot</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mail centre</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Milk depot</td>
<td></td>
</tr>
<tr>
<td></td>
<td></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 to produce energy for use off site. It includes the activities to collect, temporarily store, process, or transfer waste materials for energy production.</td>
<td></td>
<td>Energy generation facility</td>
</tr>
<tr>
<td>Water retarding basin</td>
<td>Land used to store storm or flood water on a temporary basis.</td>
<td></td>
<td>Minor utility installation</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td></td>
</tr>
<tr>
<td>------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-------------------------------</td>
<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>
<tr>
<td>Wind energy facility</td>
<td>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.</td>
<td>Renewable energy facility</td>
<td></td>
</tr>
<tr>
<td>Winery</td>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zoo</td>
<td></td>
<td>Outdoor recreation facility</td>
<td></td>
</tr>
</tbody>
</table>
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.

Accommodation group

- Camping and caravan park
- Corrective institution
- Dependent person’s unit
- Bed and breakfast
- Dwelling
- Caretaker’s house
- Group accommodation
- Host farm
- Residential aged care facility
- Community care accommodation
- Residential building
- Residential hotel
- Motel
- Residential village
- Rooming house
- Retirement village
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
  - Primary school
  - Secondary school
  - Tertiary institution
Earth and energy resources group

- Geothermal energy exploration
- Geothermal energy extraction
- Greenhouse gas sequestration
- Greenhouse gas sequestration exploration
- Mineral exploration
- Mineral extraction
- Petroleum exploration
- Petroleum extraction
- Stone exploration
- Stone extraction
Place of assembly group

- Amusement parlour
- Carnival
- Cinema
- Cinema-based entertainment facility
- Circus
- Drive-in theatre
- Art gallery
- Place of assembly centre
- Exhibition centre
- Museum
- Function centre
- Conference centre
- Hall
- Reception centre
- Library
- Nightclub
- Place of worship
- Restricted place of assembly
Recreational boat facility group

- Boat launching facility
  - Boat ramp
  - Slipway

- Marina
  - Jetty
  - Mooring pole
  - Pier
  - Pontoon
73.04-11 Retail premises group

- Bar
- Convenience restaurant
- Hotel
- Restaurant
- Take away food premises
- Betting agency
- Gaming premises
- Garden supplies
- Plant nursery
- Manufacturing sales
- Market
- Motor vehicle, boat, or caravan sales
- Car sales
- Postal agency
- Primary produce sales
- Shop
- See separate diagram for the sub-group of Shop
- Trade supplies
- Timber yard
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
Warehouse group

- Commercial display area
  - Liquid fuel depot
  - Solid fuel depot
- Fuel depot
- Mail centre
- Warehouse
  - Milk depot
  - Boat and caravan storage
  - Freezing and cool storage
  - Rural store
  - Shipping container storage
  - Vehicle store
- Store
Energy group

- Energy generation facility
  - Renewable energy facility
  - Wind energy facility
  - Waste-to-energy 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.
74.02
31/07/2018
VC148

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.