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
Settlement - Metropolitan Melbourne

Strategies

Maintain a permanent urban growth boundary around Melbourne to create a more consolidated, sustainable city and protect the values of non-urban land.

Focus investment and growth in places of state significance, including:

- Metropolitan Melbourne Central City.
- National Employment and Innovation Clusters.
- Metropolitan Activity Centres.
- State-Significant Industrial Precincts.
- Transport Gateways.
- Health and Education Precincts.
- Major Urban-Renewal Precincts.

Develop the Suburban Rail Loop through Melbourne's middle suburbs to facilitate substantial growth and change in major employment, health and education precincts and activity centres beyond the central city at an appropriate scale to address the needs of Melbourne's rapidly growing population.

Develop a network of activity centres linked by transport; consisting of Metropolitan Activity Centres supported by a network of vibrant major and neighbourhood activity centres of varying size, role and function.

Create mixed-use neighbourhoods at varying densities, including through the development of urban-renewal precincts, that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.
Melbourne 2050 spatial framework
Green wedges - Metropolitan Melbourne

Objective
To protect the green wedges of Metropolitan Melbourne from inappropriate development.

Strategies
Promote and encourage the key features and related values of each green wedge area.
Support development in the green wedge that provides for environmental, economic and social benefits.
Consolidate new residential development in existing settlements and in locations where planned services are available and green wedge values are protected.
Plan and protect major state infrastructure and resource assets, such as airports and ports with their associated access corridors, water supply dams, water catchments and waste management and recycling facilities.
Protect important productive agricultural areas such as Werribee South, the Maribyrnong River flats, the Yarra Valley, Westernport and the Mornington Peninsula.
Support existing and potential agribusiness activities, forestry, food production and tourism.
Protect areas of environmental, landscape and scenic value such as biodiversity assets, national and state parks, Ramsar wetlands and coastal areas.
Protect significant resources of stone, sand and other mineral resources for extraction purposes.
Provide opportunities for renewable energy generation.

Policy documents
Consider as relevant:

- Upper Yarra Valley and Dandenong Ranges Region - Regional Strategy Plan (1996)
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)
Activity centres - Metropolitan Melbourne

Strategies
Support the development and growth of Metropolitan Activity Centres by ensuring they:

- Are able to accommodate significant growth for a broad range of land uses.
- Are supported with appropriate infrastructure.
- Are hubs for public transport services.
- Offer good connectivity for a regional catchment.
- Provide high levels of amenity.

Locate significant new education, justice, community, administrative and health facilities that attract users from large geographic areas in or on the edge of Metropolitan Activity Centres or Major Activity Centres with good public transport.

Locate new small scale education, health and community facilities that meet local needs in or around Neighbourhood Activity Centres.

Ensure Neighbourhood Activity Centres are located within convenient walking distance in the design of new subdivisions.
Growth areas

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

Strategies
Concentrate urban expansion into growth areas that are served by high-capacity public transport. Implement the strategic directions in the Growth Area Framework Plans.

Encourage average overall residential densities in the growth areas of a minimum of 15 dwellings per net developable hectare, and over time, seek an overall increase in residential densities to more than 20 dwellings per net developable hectare.

Deliver timely and adequate provision of public transport and local and regional infrastructure and services, in line with a preferred sequence of land release.

Provide for significant amounts of local employment opportunities and in some areas, provide large scale industrial or other more regional employment generators.

Create a network of mixed-use activity centres that are high quality, well designed and create a sense of place.

Provide a diversity of housing type and distribution.

Retain unique characteristics of established areas impacted by growth.

Protect and manage natural resources and areas of heritage, cultural and environmental significance.

Create well planned, easy to maintain and safe streets and neighbourhoods that reduce opportunities for crime, improve perceptions of safety and increase levels of community participation.

Develop Growth Area Framework Plans that will:

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

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

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

**Policy documents**

Consider as relevant:

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

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

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

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

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

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

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

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

Improve connections to regional and metropolitan transport services.
Coastal settlement

Objective

To plan for sustainable coastal development.

Strategies

Plan and manage coastal population growth and increased visitation so that impacts do not cause unsustainable use of coastal resources.

Support a network of diverse coastal settlements that provide for a broad range of housing types, economic opportunities and services.

Encourage urban renewal and redevelopment opportunities in existing settlements to reduce the demand for urban sprawl.

Identify a clear settlement boundary around coastal settlements to ensure that growth in coastal areas is planned and coastal values are protected. Where no settlement boundary is identified, the extent of a settlement is defined by the extent of existing urban zoned land and any land identified on a plan in the planning scheme for future urban settlement.

Direct new residential and other urban development and infrastructure to locations within defined settlement boundaries of existing settlements that are capable of accommodating growth.

Support the sustainable management of growth around coastal, estuary and marine assets to protect environmental values, and to achieve regional economic and community benefits.

Avoid linear urban sprawl along the coastal edge and ribbon development in rural landscapes.

Protect areas between settlements for non-urban use.

Avoid development on ridgelines, primary coastal dune systems and low lying coastal areas.

Encourage the restructure of old and inappropriate subdivisions to reduce development impacts on the environment.

Ensure a sustainable water supply, stormwater and sewerage treatment for all development.

Minimise the quantity and enhance the quality of stormwater discharge from new development into the ocean, bays and estuaries.

Policy documents

Consider as relevant:

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

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

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

Policy documents
Consider as relevant:
Regional and local places

Objective
To facilitate integrated place-based planning.

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

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

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

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

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


- *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)
River corridors, waterways, lakes and wetlands

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

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

Policy documents
Consider as relevant:
- Maribyrnong River Valley Design Guidelines (Department of Planning and Community Development, 2010)
- Melbourne Water’s Guidelines for Approval of Jetties (Melbourne Water, 2011)
- Healthy Waterways Strategy (Melbourne Water, 2013)
Yarra River protection

Objective
To maintain and enhance the natural landscape character of the Yarra River corridor.

Strategies
Strengthen the Yarra River’s natural environment, heritage and overall health by:

- Protecting the river’s riparian vegetation, natural riverbank topography and flood management capacity.
- Ensuring development does not increase the rate or quantity of stormwater, sediment or other pollutants entering the river.
- Protecting and enhancing both terrestrial and aquatic habitats and their linkages along the river corridor.

Promote a sense of place and landscape identity by:

- Retaining a dominant and consistent tree canopy along the river corridor and in its broader landscape setting.
- Ensuring that the appearance of development is subordinate to the local landscape setting, with any views of development being filtered through vegetation.

Retain and enhance people’s enjoyment of the river and its environment by:

- Planning for the river and its environs as a recreation and tourism resource.
- Ensuring linkages and public access to the river and its parklands are maintained, enhanced and new links created where appropriate.
- Avoiding overshadowing of the river, its banks and adjacent public open space to ensure that the amenity of the public realm is maintained year-round.

Ensure that development is designed and sited to maintain and enhance the river’s secluded and natural environment by:

- Minimising the visual intrusion of development when viewed from major roads, bridge crossings, public open space, recreation trails and the river itself.
- Ensuring that the siting and design of buildings avoids conflicting with the local natural landscape and environmental character.
- Ensuring building height is below the natural tree canopy and all development is set back a minimum of 30 metres from the banks of the river.

Policy documents
Consider as relevant:

- *Middle Yarra River Corridor Study - Recommendations Report* (Department of Environment, Land, Water and Planning, 2016)
12.04  ALPINE AREAS
Sustainable development in alpine areas

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy guidelines
Consider as relevant:

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

Policy documents
Consider as relevant:

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

Objective
To protect and conserve environmentally sensitive areas.

Strategies
Protect environmentally sensitive areas with significant recreational value from development that would diminish their environmental conservation or recreational values. These areas include the Dandenong and Macedon Ranges, the Upper Yarra Valley, Western Port and Port Phillip Bay and their foreshores, the Mornington Peninsula, the Yarra and Maribyrnong Rivers and the Merri Creek, the Grampians, the Gippsland Lakes and its foreshore, the coastal areas and their foreshores, Alpine areas and nominated urban conservation areas, historic buildings and precincts.
Landscapes

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

Strategies
Ensure significant landscape areas such as forests, the bays and coastlines are protected.
Ensure development does not detract from the natural qualities of significant landscape areas.
Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.
Recognise the natural landscape for its aesthetic value and as a fully functioning system.
Ensure important natural features are protected and enhanced.
ENVIRONMENTAL RISKS AND AMENITY

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

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

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

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

Planning should prepare for and respond to the impacts of climate change.
13.01 CLIMATE CHANGE IMPACTS
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)*
13.04  
SOIL DEGRADATION
Contaminated and potentially contaminated land

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

Strategies
Require applicants to provide adequate information on the potential for contamination to have adverse effects on future land use if the subject land is known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel.
Facilitate the remediation of contaminated land, particularly on sites in developed areas with potential for residential development.

Policy documents
Consider as relevant:

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

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

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

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

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

**Policy guidelines**
Consider as relevant:
- Any applicable regional catchment strategy.
- Any special area plan approved under the *Catchment and Land Protection Act 1994*. 
Salinity

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

Strategies
Identify areas subject to salinity in the preparation of planning schemes and land use planning decisions.
Promote vegetation retention and replanting in aquifer recharge areas contributing to groundwater salinity problems.
Prevent inappropriate development in areas affected by groundwater salinity.

Policy guidelines
Consider as relevant:
- Any applicable regional catchment strategy and any associated implementation plan or strategy (particularly salinity management plans and regional vegetation plans).
- Any special area plan approved under the *Catchment and Land Protection Act 1994*.

Policy documents
Consider as relevant:
Noise abatement

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

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

Policy documents
Consider as relevant:

- *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2*
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 Separation distances for industrial residual air emissions* (Environment Protection Authority, 2013)
Land use compatibility

Objective
To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Strategies
- Ensure that use or development of land is compatible with adjoining and nearby land uses.
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

Policy documents
Consider as relevant:

*Recommended separation distances for industrial residual air emissions* (Environment Protection Authority, 2013).
13.07-2S  Major hazard facilities

26/10/2018  VC152

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.

13.07-3S  Live music

28/09/2020  VC183

Objective
To encourage, create and protect opportunities for the enjoyment of live music.

Strategies
Identify areas where live music venues are encouraged or where there are high concentrations of licensed premises or clusters of live music venues.

Implement measures to ensure live music venues can co-exist with nearby residential and other noise sensitive land uses.

Policy Guidelines
Consider as relevant:

- The social, economic and cultural benefits to the community of:
  - retaining an existing live music venue.
  - the development of new live music entertainment venues.
  - clustering licensed premises and live music venues.
NATURAL RESOURCE MANAGEMENT

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

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

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

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

Strategy

Protect agricultural land in Metropolitan Melbourne’s green wedges and peri-urban areas to avoid the permanent loss of agricultural land in those locations.
Sustainable agricultural land use

Objective
To encourage sustainable agricultural land use.

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

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

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

Strategies
Identify areas that may be suitably used and developed for plantation timber production.

Promote the establishment of softwood and hardwood plantations on predominantly cleared land, as well as other areas that are subject to or contributing to land and water degradation.

Ensure protection of water quality and soil.

Ensure timber production in native forests is conducted in a sustainable manner.

Conduct timber production (except agroforestry, windbreaks and commercial plantations of 5 hectares or less) in accordance with the Code of Practice for Timber Production (Department of Environment and Primary Industries, 2014).

Ensure Victoria’s greenhouse sinks are protected and enhanced by controlling land clearing, containing the growth of urban areas and supporting revegetation programs.

Policy documents
Consider as relevant:

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

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

Strategies
Ensure the continued availability of clean, high-quality drinking water by protecting water catchments and water supply facilities.
Consider the impacts of catchment management on downstream water quality and freshwater, coastal and marine environments.
Retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to:
- Maintain the natural drainage function, stream habitat and wildlife corridors and landscape values,
- Minimise erosion of stream banks and verges, and
- Reduce polluted surface runoff from adjacent land uses.
Undertake measures to minimise the quantity and retard the flow of stormwater from developed areas.
Require appropriate measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other land for wetlands and retention basins.
Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.
Ensure land use and development minimises nutrient contributions to water bodies and the potential for the development of algal blooms.
Require appropriate measures to restrict sediment discharges from construction sites.
Ensure planning is coordinated with the activities of catchment management authorities.

Policy guidelines
Consider as relevant:
- Any regional catchment strategy and related plans approved under the *Catchment and Land Protection Act 1994*.
- 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*.

Policy documents
Consider as relevant:
- *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)

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)
Protection of declared irrigation districts

Objective
To plan and manage for sustainable change within irrigation districts declared under Part 6A of the *Water Act 1989*.

Strategies
Identify and plan for the future needs of communities to adapt and adjust to land use change within an irrigation district.

Protect agricultural land serviced by irrigation infrastructure to ensure the future viability of an irrigation district.

Ensure non-agricultural land use does not undermine the integrity of irrigation infrastructure and complements existing and future agricultural production.

Ensure land use change within an irrigation district does not negate the potential opportunities for a rural water corporation to make adjustments to the footprint of an irrigation district that are identified under an approved plan or strategy.

Ensure land use change does not limit the ability of future investment in irrigation infrastructure that achieves the intended benefits of minimising water loss, and improved irrigation service efficiency to the farm gate and overall agricultural production.

Policy documents
Consider as relevant:

- *Gippsland Region Sustainable Water Strategy* (Department of Sustainability and Environment, 2011)
- *Western Region Sustainable Water Strategy* (Department of Sustainability and Environment, 2011)
- *Northern Region Sustainable Water Strategy* (Department of Sustainability and Environment, 2009)
- *Central Region Sustainable Water Strategy* (Department of Sustainability and Environment, 2006)


**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:

Urban design - Metropolitan Melbourne

Objective
To create a distinctive and liveable city with quality design and amenity.

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

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

Strategies
Ensure a comprehensive site analysis forms the starting point of the design process and 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:

Healthy neighbourhoods - Metropolitan Melbourne

Strategy

Create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.
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.
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

31/07/2018
VC148
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:

Integrated housing - Metropolitan Melbourne

Strategies

Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.

Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.
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.
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 diversity - Metropolitan Melbourne

Strategy

Create mixed-use neighbourhoods at varying densities that offer more choice in housing.
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.
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 - Metropolitan Melbourne

Strategies

Support the Central City to become Australia’s largest commercial and residential centre by 2050, by planning for office, retail, residential, education, health, entertainment and cultural activity spaces.

Plan for the redevelopment of Major Urban-Renewal Precincts in and around the Central City to deliver high-quality, distinct and diverse neighbourhoods offering a mix of uses.

Facilitate the development of National Employment and Innovation Clusters by ensuring they:

- Have a high level of amenity to attract businesses and workers.
- Are supported by good public transport services and integrated walking and cycling paths.
- Maximise investment opportunities for the location of knowledge intensive firms and jobs.

Support the employment and servicing role of Health and Education Precincts by:

- Focussing on improving access, particularly public transport access.
- Encouraging co-location of facilities to better utilise existing infrastructure.
- Supporting and facilitating growth of associated businesses and industries.
- Reinforcing their specialised economic functions while also providing opportunities for ancillary retail, commercial, accommodation and supporting services.

Plan for industrial land in suitable locations to support employment and investment opportunities.

Facilitate investment in Melbourne’s outer areas to increase local access to employment.
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.
**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 separation distances for industrial residual air emissions (Environment Protection Authority, 2013)
**Sustainable industry**

**Objective**
To facilitate the sustainable 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 separation distances for industrial residual air emissions* (Environment Protection Authority, 2013)
State significant industrial land

Objective
To protect industrial land of state significance.

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

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

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

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

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

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

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

Policy documents
Consider as relevant:
Tourism in Metropolitan Melbourne

Objective
To maintain and develop Metropolitan Melbourne as a desirable tourist destination.

Strategies
Maintain Metropolitan Melbourne's position as a global, national and local destination in its own right and as a gateway to regional Victoria by:

- Developing city precincts and promenades.
- Revitalising the retail core of the Central City.
- Supporting artistic and cultural life.
- Improving public facilities, amenities and access.
- Maintaining city safety.
- Providing information and leisure services.
- Improving transport infrastructure.
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)
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:

Sustainable personal transport - Metropolitan Melbourne

Strategies

Improve local travel options for walking and cycling to support 20 minute neighbourhoods.

Develop local cycling networks and new cycling facilities that support the development of 20-minute neighbourhoods and that link to and complement the metropolitan-wide network of bicycle routes - the Principal Bicycle Network.
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)
**Principal Public Transport Network**

**Strategies**

Facilitate high-quality public transport access to job-rich areas.

Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.

Identify and plan for new Principal Public Transport Network routes.

Support the Principal Public Transport Network with a comprehensive network of local public transport.

Plan for local bus services to provide for connections to the Principal Public Transport Network.

Improve the operation of the Principal Public Transport Network by providing for:

- A metro-style rail system.
- Extended tram lines and the establishment of a light rail system.
- Road space management measures including transit lanes, clearways, stops and interchanges.
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:

- The Victorian Transport Plan (Victorian Government, 2008)
- Victorian Ports Strategic Framework (Department of Infrastructure, 2004)
- Port Futures (Victorian Government, 2009)
- Port of Hastings Land Use and Transport Strategy (Port of Hastings Corporation, 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
Melbourne Airport

Strategies

Protect the curfew-free status of Melbourne Airport and ensure any new use or development does not prejudice its operation.

Ensure any new use or development does not prejudice the optimum usage of Melbourne Airport.

Policy documents

Consider as relevant:

- *Melbourne Airport Master Plan 2013 - People Place Prosperity* (Australia Pacific Airports (Melbourne) Pty Ltd, 2013)
- *Melbourne Airport Strategy* (Government of Victoria/Federal Airports Corporation, approved 1990) and its associated *Final Environmental Impact Statement*
**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 - Metropolitan Melbourne

Strategy
Ensure suitable sites are provided for intermodal freight terminals at key locations around Metropolitan Melbourne, particularly for the Beveridge Interstate Freight Terminal and the Western Interstate Freight Terminal.
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:

Renewable energy - Metropolitan Melbourne

Strategy

Facilitate the uptake of renewable energy technologies on a site-by-site and neighbourhood level during the master planning of new communities and in green wedge and peri-urban areas.
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.
Health precincts - Metropolitan Melbourne

Strategies

Facilitate health and community wellbeing precincts through the co-location of:

- Hospitals, allied health services and not-for-profit health providers at the regional level.
- General practitioners, community health facilities, allied health services and not-for-profit health providers at the neighbourhood level.

Create health precincts in new suburbs in or close to town centres.

Ensure health precincts are well serviced by community services.
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 - Metropolitan Melbourne

Strategy

Ensure education precincts are well serviced by community services.
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.
Cultural facilities - Metropolitan Melbourne

Strategies

Maintain and strengthen Melbourne’s distinctiveness as a leading cultural and sporting city with world-class facilities.
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.
Open space - Metropolitan Melbourne

Objective
To strengthen the integrated metropolitan open space network.

Strategies
Develop a network of local open spaces that are accessible and of high-quality and include opportunities for new local open spaces through planning for urban redevelopment projects. Ensure major open space corridors are protected and enhanced.

Develop open space networks in growth areas and in the surrounding region of Metropolitan Melbourne, where existing open space is limited and demand is growing, including:

- Cardinia Creek Parklands.
- Cranbourne Regional Park.
- Kororoit Creek Corridor.
- Quarry Hills Regional Park.
- Chain of Parks - Sandbelt.
- Sunbury Regional Park - Jacksons Creek Valley.
- Toolern Creek Regional Park.
- Werribee Township Regional Park.

Create continuous open space links and trails along the:

- Frankston parklands (linking existing parks from Carrum to Mornington).
- Maribyrnong River parklands.
- Merri Creek parklands (extending to Craigieburn).
- Western Coastal parklands (linking Point Gellibrand, Point Cook and Werribee).
- Yarra River parklands (extending from Warrandyte to the Port Phillip Bay).

Provide long term planning protection to meet demand for future open space along the Plenty Gorge parklands, Yarra Valley parklands, Cardinia Creek parklands, Heatherton/Dingley ‘Sandbelt’ parklands and Dandenong Valley parklands.

Protect the metropolitan water’s edge parklands from intrusion and encroachment of development that impacts on open space and their natural landscape setting.

Continue development of the lower Yarra River as a focus for sport, entertainment and leisure.

Support establishing community gardens and productive streetscapes.

Policy documents
Consider as relevant:

- Linking People and Spaces: A Strategy for Melbourne’s Open Space Network (Parks Victoria, 2002)
- Maribyrnong River Valley Design Guidelines (Department of Planning and Community Development, 2010)
Development and infrastructure contributions plans

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

Strategies
Prepare development contributions plans and infrastructure contributions plans, under the Planning and Environment Act 1987, to manage contributions towards infrastructure.
Collect development contributions on the basis of approved development and infrastructure contributions plans.
Require annual reporting by collecting and development agencies to monitor the collection and expenditure of levies and the delivery of infrastructure.

Policy documents
Consider as relevant:

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

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

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

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)*
- 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:
Telecommunications - Metropolitan Melbourne

Strategy
Support the provision of high-quality telecommunications infrastructure in Melbourne’s employment, urban renewal and growth areas through early planning for fibre-ready facilities and wireless infrastructure.
Waste and resource recovery

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

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

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

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

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

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

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

Integrate waste and resource recovery infrastructure planning with land use and transport planning.

Encourage development that facilitates sustainable waste and resource recovery.

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

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

This section sets out the Municipal Strategic Statement and the Local Planning Policies that apply to the area covered by this planning scheme, and includes provisions about their operation.
21.01

PURPOSE OF THE MUNICIPAL STRATEGIC STATEMENT

The Mornington Peninsula Municipal Strategic Statement develops a vision for the future of the Mornington Peninsula, expressed in terms of number of major objectives, and sets in place a strategic framework to achieve these objectives.

The objectives included in the statement reflect Council’s understanding, based on extensive consultation, of the diverse, long-term needs and values of the community. It is in terms of these needs and values that the statement identifies the land use opportunities and challenges that face the Peninsula. The strategies, in turn, seek to recognise the social, economic and environmental processes that shape the Peninsula and to apply planning principles that are capable of providing effective management of these processes, and their cumulative outcomes.

The major aims of this statement are:

- To assist the implementation of the objectives of planning in Victoria, the State Planning Policy Framework and Council’s municipal vision.
- To provide a clear and positive statement of sustainable, long term objectives for the future use and development of land on the Mornington Peninsula and the means by which they will be achieved.
- To provide the basis and justification for the application of zones, policies and overlay provisions in the new Mornington Peninsula Planning Scheme.
- To define the distinctive role of the Mornington Peninsula in the broader context of metropolitan Melbourne.
- To provide guidance to Council, the community and developers in the assessment of land use and development proposals, planning scheme amendments and other policy related issues. This Statement must also be considered by all authorities, agencies and infrastructure providers in the formulation of their own strategic plans.
PROFILE OF THE MORNINGTON PENINSULA

Introduction

The Mornington Peninsula is a special place, with a special relationship to the rest of Melbourne. The Shire is located between Port Phillip Bay and Western Port Bay, approximately 50 kilometres south-east of central Melbourne. It contains Victoria’s first European settlement site (at Sorrento) and is Victoria’s most visited destination for informal recreation.

The Shire has a total area of more than 720 square kilometres, with rural areas of above average productivity, scenic landscapes of State significance and a coastline extending for more than 190 kilometres. Substantial areas of the Shire, including the Western Port coast and the Mornington Peninsula National Park, are of high conservation value and support sites of national and international significance. Western Port also contains Victoria’s largest bulk liquid cargo port.

The Peninsula’s settlement pattern consists of more than 20 townships, ranging from relatively large centres such as Mornington, Somerville Hastings, Dromana and Rosebud, through to small towns and coastal villages such as Red Hill, Flinders and Merricks Beach. This settlement pattern and the relationship between the townships, the coast and the rural landscape contribute to the Peninsula’s distinctive “sense of place”.

People

The Mornington Peninsula Shire has a permanent population of approximately 120,000 people (1999). This increases to over 180,000 people during the summer peak period. The current rate of population growth is approximately 1.06 per cent per year, compared with the average for Melbourne of 0.8 per cent.

The Peninsula population is made up of approximately 48,900 households, with an average household size of 2.45 persons. Fifty five percent of the Peninsula’s households consist of one or two persons compared with 49 per cent in metropolitan Melbourne. Ninety three percent of the Peninsula’s population are from English speaking backgrounds compared with 75 per cent across metropolitan Melbourne.

If the current rate of growth continues, the resident population is projected to reach 127,000 by 2006 and over 146,000 by 2021. This anticipates a decline in the rate of growth (to 0.56 per cent) after 2011, as the population moves towards the peak capacity of the identified township growth areas.

The characteristics of the resident population vary considerably between different parts of the Shire, with many younger families in growing areas such as Mornington and Hastings. However, people aged 65 and over make up 21 per cent of the Shire’s population, compared with the Melbourne average of 15 per cent. Within the southern sector of the Shire (south of Rosebud) people aged 65 and over constitute approximately 26 per cent of the resident population.

Projections indicate a continuing increase in the number of persons aged 50 years or older during the period to 2021, consistent with general population trends for metropolitan Melbourne. This is accompanied by a decreasing number of persons per household.

Figures from the 1991 Census suggest that average household incomes are skewed towards $25,000 or less (48 per cent of households, compared with 38 per cent over the metropolitan region), and a higher than average proportion of households receive government support.

The rate of car ownership amongst households on the Peninsula is 93 per cent (compared with the Melbourne average of 87 per cent) indicating a relatively high level of car ownership, consistent with the relative lack of public transport facilities.
Settlement pattern and housing

The Mornington Peninsula is a “fringe municipality”, in that Melbourne’s metropolitan area extends through to the adjoining municipalities of Frankston and Casey. Casey also contains part of the “SEGA” or South Eastern Growth Area, which is intended to accommodate substantial future growth.

The Peninsula has also experienced strong population growth over the past twenty years, increasing substantially from the 1981 population of approximately 74,000. However, it has been State government policy since the early 1970’s to limit the expansion of Melbourne to designated growth corridors, such as the SEGA, and more recently to encourage urban consolidation as a means of managing the pressure for fringe development.

One of the objectives shaping these policies has been to avoid the spread of urban development onto the Peninsula. In this context, the Baxter – Mt Eliza escarpment has been identified as a visual and physical boundary between the Peninsula and metropolitan Melbourne. This policy was reinforced by the definition of the Peninsula’s new municipal boundary as part of the process of Local Government amalgamation in 1994.

The Mornington Peninsula is not a designated urban growth area and the limitation of urban development on the Peninsula is consistent with State policies for the Peninsula that have emphasised environmental and landscape conservation, the role of the Peninsula as a recreational area and the potential of Western Port for deep water port activities. These priorities continue to be emphasised in the State Planning Policy Framework. In this context the Peninsula has a different but complementary role to other parts of Melbourne in meeting the overall needs of the community.

However, within the established boundaries of townships on the Peninsula there are still substantial areas set aside for further residential development. Approximately 7,190 vacant residential lots are already available, and another 11,590 could potentially be created. This represents more than 20 years’ supply at current rates of development, without including vacant lots in rural area, the possible conversion of holiday homes to permanent occupancy or the trend towards medium density housing.

Separate dwellings dominate the Peninsula’s current housing stock, comprising 92 per cent of all dwellings, compared with metropolitan average of 77 per cent.

The Peninsula is also characterised by a very high vacancy rate. Thirty-five per cent of all dwellings were vacant at the time of the 1996 Census, compared with a metropolitan average of 8 per cent, reflecting the large number of dwellings on the Peninsula that are used as holiday homes. Vacancy rates in the major townships are comparable with the Melbourne average, but the coastal villages have very high vacancy rates (up to 90 per cent during the off-season).

The Peninsula retains a distinctive settlement pattern based on separate townships, with relatively clear boundaries. This pattern has been shaped by a variety of historic, locational and environmental factors. There is also a reasonably clear hierarchy among the townships, ranging from the major centres to the rural/coastal towns and villages. A centre’s position in the hierarchy is generally related to the range of commercial and community functions that it supports and the level of services available—both of which tend to depend on the size of its permanent population and the extent of its economic catchment area.

While the townships along the Port Phillip coastline may appear to form part of a single linear development, each still retains its own local history, individual character, functions, and activities, particularly linked with foreshore features. These in turn contribute to each township’s sense of place and community identity.

This sense of place is reinforced by the distinctive built form and character of many of the Peninsula’s townships, and of precincts with these townships. This distinctiveness often arises from:

- The relationship between the settlement and its environmental setting—be it a rural landscape, a tract of bushland, a hillside or clifftop area or a coastline.
- The balance between natural features and built form — in many areas natural features, such as vegetation cover or dune patterns, rather than buildings, are the dominant visual elements. Areas of public open space and reserves contribute to this feature.
- The influence of heritage sites, gardens and precincts.
- Well-established subdivision and development patterns — with characteristic townscape and streetscapes.
- The lower intensity of activity and traffic movements in some areas, such as the coastal villages, that contributes to the relaxed atmosphere.

**Economic development**

The Peninsula’s economy is very diverse and total employment amounts to approximately 23,100 jobs, compared with an estimated workforce of 31,000 people (ABS 1998). Between 1991 and 1996 there was a growth in jobs on the Peninsula of 1.8 per cent per year. Forty percent of the Peninsula’s workforce works outside the Shire, with 13 per cent employed in Frankston but with less than 4 per cent in any other centre.

The Shire’s unemployment rate has historically been slightly higher than the Victorian average. Unemployment currently stands at approximately 9.6 per cent compared with a Victorian average of 9.4 per cent.

Employment on the Peninsula is based on a few large employers, and many small ones. Most jobs are generated by town-based activities such as retailing, construction, business services, health, education and community services. These categories account for over 52 per cent of total employment, emphasising the importance of the major towns as employment and activity centres. Township employment is supported by both the demands of local residents and the additional trade generated by visitors, which has been estimated to account for up to 23 per cent of turnover in tourism focussed centres.

Manufacturing is also important, employing 28 per cent of the workforce. Many of the Shire’s industrial areas display a mix of service industry and sales/supply yards, indicating a local trade base. Extractive industries, including the Pioneer and Hillside quarries in Dromana, employ less than 1 percent of the workforce but remain important resources.

**Agriculture**

Agricultural activities and primary industry occupy the majority of Peninsula’s land area and employ approximately 3 per cent of the Shire’s workforce, which is well above the Victorian average.

Horticulture, market gardening and poultry farming are significant rural industries on the Peninsula. At present there are over 100 poultry farms (producing eggs and chickens), with a gross value of annual production over $90 million per year (equal to 30 per cent of the Victorian total). The Peninsula also produces almost $18 million worth of fruit and vegetables each year. The Peninsula forms part of the Port Phillip Region, which achieves the highest returns per hectare in Victoria. The Peninsula’s average return per hectare is also rated as above average by the Department of Agriculture, with high to very high productivity potential across the whole Peninsula (State of the Environment Report, 1991).

Vineyards are an increasingly important industry on the Peninsula. The Peninsula’s 40-plus wineries attract more than 150,000 visitors a year and the continued growth of this industry contributes to marketing of the region as a recreation destination with a range of all-season attractions.

**Port development**

The Port of Hastings is Victoria’s largest bulk liquid cargo port, accounting for 57 per cent of the State’s bulk liquid trade.

The port channel is Victoria’s deepest, with a guaranteed minimum depth of 14.3 metres.
The Port of Hastings is served by four jetty complexes, — the Crib Point Oil Terminal Jetty, Long Island Point Pier, the BHP Steel Industries Roll On-Roll Off Wharf and the Stony Point Port Services Complex.

The Western Port-Altona-Gippsland (WAG) pipeline links the gas fields in Bass Strait, the port facilities at Western Port and the processing plants at Altona; integrating Western Port with the State economy.

The port facilities at Hastings have attracted three major industries:

- BHP’s Western Port Steelworks,
- The Esso-BHP Gas Fractionation Plant and
- The Whitemark Petrol Storage and Distribution facility

These plants directly employ over 1,600 people.

In addition there are a number of smaller operations that are either engaged in port-related activities themselves, or are dedicated to servicing other port industries.

**Environmental and cultural significance**

The Mornington Peninsula is an area of great diversity and owes its special conservation value to a number of factors including:

- The acknowledged regional, national and international significance of natural areas and habitats located on the Peninsula and adjoining marine areas. This includes the parks and coastal reserves on Western Port and Port Phillip Bay, the Mornington Peninsula National Park, Arthur’s Seat State Park and Highfield/ Greens Bush Reserve. Commonwealth lands at HMAS Cerberus and Point Nepean also act as significant natural reserves.

Western Port is a fragile ecosystem and most of the Bay is nominated under international treaties for the protection of migratory bird habitats (the Ramsar Convention on Wetlands and the JAMBA and CAMBA treaties) with extensive areas of zoological, botanical or geomorphological significance.

The Peninsula is, therefore, a critical area for achieving State environmental and biodiversity objectives.

- The complex interrelationship between land use and development on the Peninsula and the foreshores, coastlines and marine environments of Port Phillip Bay, Western Port Bay and Bass Strait. The stream catchments of the Peninsula are relatively small, increasing their vulnerability and emphasising the need for whole of catchment management. This includes recognition of the value and importance of the groundwater resources of the Nepean Peninsula. Habitat linkages along streamlines, road reserves and the coastal fringe are also of strategic importance.

- The landscapes of the Peninsula, which involve a combination of natural and cultural elements, are a major recreational resource. Both local native vegetation and introduced species contribute to the visual diversity and cultural significance of the landscape. It is not only the specific landscape areas that are of value but also the proximity and contrasts of many different landscape types in a relatively small area.

- The cultural significance of heritage places, heritage buildings, structures and gardens located on the Peninsula, including places, sites and objects of Aboriginal cultural significance.

**Recreation and tourism**

The Mornington Peninsula is a key recreation area, and is often described as Melbourne’s playground, meeting both local and metropolitan needs. It is the most popular informal recreational area in Victoria.

In 1996, the Mornington Peninsula National Park attracted a total of 2.5 million visitors, making it the most visited National Park in Victoria. Other attractions include Arthur’s Seat National Park (82,500 visitors in 1996), safe bayside beaches, ocean surf beaches, golf courses, boating facilities,
bushwalking and horse riding trails, weekend markets and historic sites, including the homestead and nature reserve at Coolart in Somers and the Briars property between Mornington and Mt Martha.

The Peninsula boasts some of Victoria’s greatest natural and cultural assets, and these form the basis of a sustainable tourism industry.

**Infrastructure**

The Mornington Peninsula is connected to Melbourne by a network of major roads and freeways, including the Nepean Highway, Moorooduc Road and the Mornington Peninsula Freeway, the Western Port Highway, Coolart Road and Frankston-Flinders Road. In addition to these north-south linkages, there is also a network of cross-Peninsula roads, including Bungower Road and Mornington-Tyabb Road. These roads combine to form the primary movement system on the Peninsula, which will continue to rely heavily on private transport into foreseeable future.

A secondary network of roads serves the Peninsula hinterland and acts as an important recreation resource. These links, which include the Bittern Dromana Road, Red Hill-Shoreham Road, Mornington Flinders Road, Boneo Road, Browns Road and Old Melbourne Road, are used by cross Peninsula traffic, by local people accessing their properties, and by recreational travellers engaged in sightseeing and other leisure pursuits. A number of pedestrian and bicycle paths have also been developed which provide recreational opportunities and support movement within local areas.

The Mornington Peninsula’s passenger and commercial rail system is now limited to one non-electrified line between Frankston and Stony Point. It carries a passenger shuttle service along with considerable freight traffic associated with BHP’s Western Port Steelworks.

Buses are the principal mode of public transport serving Peninsula residents. These operate primarily on north south routes, connecting to Frankston. Subsidised school and community bus services operate throughout the Shire; however, the relatively low intensity and dispersed pattern of development (compounded by low permanent occupancy rates in some townships) militates against the establishment of a more extensive bus service.

In addition to the major deep water port facilities on Western Port there are a numerous local boating facilities including major facilities at Mornington, Hastings, Sorrento, and Crib Point. Vehicle and passenger ferry services operate between Sorrento, Portsea and Queenscliffe on Port Phillip and passenger services operate between Crib Point, French Island and Phillip Island on Western Port.

The Tyabb airfield has operated for many years and in addition to recreational flying provides a connection for some forms of commercial air transport to larger airports, including Moorabbin and Melbourne (Tullamarine) Airport.

The Peninsula receives water supply from the Cardinia reservoir but also contains a number of small service reservoirs and the major Devil Bend reservoir, which incorporates conservation and recreation functions as well as providing water storage. These areas require protection from air and waterborne pollution to maintain the quality of drinking water.

The Mornington Peninsula also faces a number of key challenges in relation to sewerage and drainage infrastructure.

Development in unsewered areas has previously been approved on the basis of satisfactory on-site wastewater treatment and disposal facilities. Recent investigations, however, have raised concerns that unsewered development is contributing to the pollution of inland surface waters, beaches and groundwater, particularly on the Nepean Peninsula.

Equally, although the drainage systems in more recent development areas have been designed with adequate capacity, many parts of the Shire have local capacity limits. Major regional drainage systems depend on natural watercourses and streamlines, with subsequent pressure on their environmental values.
The regional role of the Mornington Peninsula

Introduction

The unique resources of the Mornington Peninsula and its proximity to metropolitan Melbourne have shaped the Peninsula’s regional role over a long period.

Planning policies since the 1970s have emphasised the need to strike a balance between local interests and those of the wider Victorian community. In this context, regional planning has focused on managing and preserving the State significance of the Mornington Peninsula for conservation, recreation and port development purposes. This has been expressed in both Statements of Planning Policy 1 (Western Port) and 2 (the Southern Mornington Peninsula), as well through the preparation, by the former Western Port Regional Planning Authority, of the Conservation Plan for the Southern Mornington Peninsula and the Hastings Port Industrial Area Planning Scheme.

These priorities continue to be expressed in the State Planning Policy Framework, confirming that the role of the Peninsula, in a regional context, is very different from that of the metropolitan growth areas.

The key policies, which outline the strategic values of the Mornington Peninsula from a regional perspective, may be summarised as follows:

Settlement pattern and population growth

The State Planning Policy Framework requires that outward metropolitan growth must be confined to designated growth areas in accordance with the Minister’s Directions under the Planning and Environment Act 1987. The consolidation of residential and employment activities within existing urban areas and designated growth areas is also encouraged. Planning for Melbourne’s future growth is therefore predicated on specifying areas for urban development and avoiding dispersed development and sprawl outside these areas. The Mornington Peninsula is not a designated growth area and a different set of priorities must guide planning decisions.

The commitment by successive State governments to preventing the expansion of metropolitan Melbourne onto the Peninsula has had a critical bearing on planning in the area. This commitment was reaffirmed in 1994 when the entire Peninsula was brought under one local government authority, the Mornington Peninsula Shire Council, with boundaries which explicitly separated the new municipality from the established urban areas of Frankston and the urban growth areas of Casey.

Living Suburbs, Melbourne Metropolitan Policy, and 1995 notes that Melbourne has an abundant supply of undeveloped but easily serviceable urban land, that there is no need to earmark extra land for urban purposes in the foreseeable future. The policy states that Melbourne’s highly regarded tourism and conservation areas, including the Mornington Peninsula and Westernport, will continue to be protected.

Despite this, the Peninsula’s proximity to Melbourne, and the Melbourne land market, continues to generate pressures for urban expansion and the fragmentation of rural land. These pressures are felt to varying degrees throughout the municipality, but they are strongest around the edges of existing townships.

The Urban Fringe Advisory Committee Report, 1997 noted that these pressures tend to create a “zone of impermanence”, where expectations regarding future residential conversion, fuelled by ad hoc planning decisions, tend to destabilise existing land use patterns and compound the pressure...
for change. In this context the Advisory Committee recommended the development of a strong strategic framework and the creation of “hard edge” boundaries between urban and non-urban areas.

In this context, there is a strong commitment to maintaining the established growth boundaries of townships on the Peninsula, including those that define the edge of the Mt Eliza and Baxter townships and which create the “green break” between the Peninsula and metropolitan Melbourne.

**Environmental values**

The Mornington Peninsula contains many environmentally significant areas, including conservation reserves of international, national and state significance. It also accounts for a substantial section of the catchment and coastline of both Western Port and Port Phillip Bay. It is State Planning Policy that environmentally sensitive areas which play an important recreational role, including Western Port and the Mornington Peninsula, Western Port and Port Phillip Bays and their foreshores should be protected from development which would diminish their environmental, conservation or recreational value.

**Recreation and tourism**

Living Suburbs, Melbourne Metropolitan Policy, 1995 specifies that Melburnians should continue to have ready access to green spaces and non-urban land offering recreational and related opportunities. Similarly, State Planning Policy also requires that planning decisions should assist the creation of linked parklands and open space systems and the protection of important open landscapes. These policies focus attention on the current and future value of the Peninsula.

The Peninsula is already the major destination for informal recreation in Melbourne. Proximity to Frankston, Dandenong and the South Eastern Growth Area (SEGA) increases the value of Peninsula as a recreation area. The population of the SEGA is anticipated to increase by approximately 240,000 people over the next twenty years, requiring careful management of the Peninsula’s recreational resources.

The Bays and Peninsulas Regional Tourism Development Plan, 1997 states that local government must be aware of the importance of the semi rural experience to the overall tourism development and sustainability. The Plan emphasises the need to maintain both an actual and perceived green break between suburban Melbourne and the regions attractions and destinations and suggests that this will only be achieved by resisting urban sprawl and the perceptions this brings with it.

The Peninsula’s coastal and foreshore areas are also of special recreational significance and the Victorian Coastal Strategy sets a number of key directions. These include the designation of Mornington, Rosebud, Sorrento and Hastings as activity nodes, with Rosebud identified as a location for larger tourism facilities.

**Agriculture**

The State government is committed to protecting high quality agricultural areas from unplanned changes of land use. Living Suburbs, Melbourne Metropolitan Policy, 1995 notes that the value per hectare of agricultural production in the Port Phillip and Western Port Region (which incorporates the Mornington Peninsula) is the highest in State and that it is essential that these areas retain their value to the State’s economy as a source of clean and green produce. Living Suburbs also comments that valuable agricultural assets in and around Melbourne include the vineyards of the Mornington Peninsula, and that the value of agricultural areas lies not only in their capacity to generate produce, but also in their attraction to tourists.

**Port activity**

Western Port boasts major deep-water port facilities, including Victoria’s largest bulk liquid cargo port. The State Planning Policy Framework directs that:
• Land resources adjacent to ports should be protected to preserve their value for uses which are dependent upon or gain substantial economic advantage from proximity to the port’s particular shipping operations.

• Planning for the use of land should aim to achieve and maintain a high standard of environmental quality, be integrated with policies for the protection of the environment generally and of marine environments in particular and take into account planning for adjacent areas and the relevant catchment.

• Port and industrial development should be physically separated from sensitive urban development by the establishment of appropriate buffers, which reduce the impact of vibration, intrusive lighting, noise and air emissions from port activities.

State policy requires that planning for the Hastings port area should have regard to the Statement of Planning Policy No 1 - Western Port and is to be undertaken in accordance with the Hastings Port Industrial Area Land Use Structure Plan.

**Economic development**

The Western Port Regional Economic Development Strategy emphasises the comparative economic advantages of the region, including agriculture and tourism, and the potential that exists to develop Western Port as a gateway to the economic activity in the South Eastern Growth Area.

**Transport**

The upgraded South Eastern Arterial and the new Melbourne City Link, together with the possible construction of the Eastern Ring Road and Scoresby Transport Corridor, will provide more effective arterial road links between the Peninsula and Melbourne. This will include improved access to Melbourne Airport for tourism and airfreight. Improved access will tend to reinforce the Peninsula’s regional recreation role but may also increase development pressures on the fringe.

**A shared vision— Council’s Corporate Plan**

The previous sections have highlighted that the Peninsula is an area of great diversity. However, the variety of interests and opportunities that focus on the Peninsula also produces competing demands and pressures.

One of the key roles of Council as planning authority is to develop a shared community vision that reflects a wide range of views and values, while also having a clear direction. Following an extensive process of consultation, Council has included the following community vision in its corporate plan:

The Mornington Peninsula’s unique characteristics and community lifestyles will be maintained and enhanced by continuing to be:

• A place where diverse communities can enjoy a quality lifestyle.

• A place where environmental sustainability is applied as a guiding principle.

• A place where social needs, ecological care and economic development are balanced and integrated.

• A place where high landscape quality is promoted and enhanced.

In support of this vision, the corporate plan identifies a number of key commitments, including:

• Servicing and developing communities - Council is totally committed to its community and will encourage citizen participation and promote equity of access to a broad range of quality services and programs that foster physical, social and cultural wellbeing.

• Enhancing our environment - Council will work in partnership with the community in responsibly managing the distinctive natural and built environment.
Facilitating a robust economy - Council will actively support economic development in the agricultural, rural and commercial sectors which encourages employment opportunities and which are compatible with the special character of the Peninsula.

**Summary of strategic challenges and opportunities**

The combined consideration of current trends and characteristics (outlined in the municipal profile), regional role and local vision provides a basis on which to identify the challenges and opportunities facing the Peninsula. The development of this statement, and the Mornington Peninsula Planning Scheme as a whole, has been guided by Council’s understanding of these challenges and opportunities. A brief summary is outlined below, while the objectives and strategies that follow in subsequent sections respond in more detail.

**The need for a strategic framework**

The very diversity of values and interests that focus on the Peninsula, and the potential for incompatibility and unsustainable use of the Peninsula’s resources, emphasises the need for long term strategies and stewardship. This combines with Council’s commitment to environmental sustainability as a guiding principle applicable to all forms of land use. The Strategic Framework plan, which follows in section 21.04, therefore provides a considered response, a vision for a sustainable future land use pattern on the Peninsula. This plan seeks to build on the Peninsula’s strengths while addressing potential threats. Alternative patterns, such as broadscale rural residential development, may result in more immediate benefits for some landowners, but the proposed framework, and the equitable use of planning controls, is seen to achieve the best long-term outcomes.

A key element of the Strategic Framework Plan is to reinforce the Peninsula’s boundary, and the “green break” between the Peninsula and metropolitan Melbourne. It is also important to establish clear boundaries for all townships and settlements on the Peninsula – directing future growth to selected centres, while containing other townships and villages in order to maintain their environmental values and community life styles. Decisions regarding the distribution and level of future population on the Peninsula are seen as central to achieving Council’s vision. In this context, the existing hierarchy of towns and villages, each with a distinctive character and capable of meeting the needs of residents and visitors is considered to be one of the Peninsula’s main strengths.

The framework plan also reflects Council’s economic objectives, encouraging development and employment through the Peninsula’s comparative advantages. Further population growth could widen the job gap unless it is accompanied by effective economic development measures. On present population growth trends, the number of jobs available to Peninsula residents (both within and outside the Shire) will have to increase by 1.3 per cent a year to maintain current employment levels. The framework plan recognises the Peninsula’s comparative advantages in agriculture, including viticulture, horticulture, floriculture, orcharding and rural industry, value-added tourism and port-related development.

**Future township growth**

The Peninsula continues to experience strong residential growth and increasing population. There are substantial areas set aside for new development, as well as the pool of vacant lots and holiday houses, that may be developed and redeveloped for permanent occupancy. The increasing population builds the economic base to support town centres and other economic activity, but also brings with it demands for services, facilities and infrastructure. Increasing development also increases pressures on local environments and green spaces.

There is a need for coordinated planning in the development of new growth areas, and in the improvement of established areas. This may be achieved through integrated local area planning, which encompasses social, economic and environmental dimensions, and aims to create new communities rather than residential estates.
Local area character

The need to facilitate greater housing diversity in response to changing housing needs has raised key questions in the Peninsula community. This is particularly the case where new housing proposals impact on the existing residential fabric. These questions relate to:

- Identifying and evaluating the factors which contribute to the character of different residential areas within the Shire.
- The ability to establish an equitable planning framework that can address the cumulative impact of development decisions on local areas (the concept of shared amenity), as well assessment of individual sites.
- Ensuring adequate recognition of infrastructure limits and environmental capacity.

The conservation of heritage sites and precincts within the Shire are also a particular focus of concern. A strategic approach to manage and provide direction on these issues is required as a priority.

Strengthening commercial activity centres

The Shire’s town centres are more than a collection of shops; they are community centres that substantially contribute to the quality of life for the Peninsula’s residents and visitors. It is important to strengthen the existing centres:

- Economically - by providing commercial land to accommodate sustainable levels of commercial floor space, seeking to address gaps in the range of retail services, and coordinating public and private investment in the town centres.
- Functionally - through traffic management and parking provision and the integration of pedestrian ways and linkages, including the promotion of continuous retail streetscapes.
- Environmentally - through development design that recognises the importance of these areas to the community and that supports a distinct township identity; and through the provision of appropriate infrastructure to service town centres.

Township industrial areas

The township industrial areas provide an important employment base as well as services to the local population. The ability to attract more regionally based industry and employment depends on maintaining appropriate land resources, insulated from residential areas and with the necessary supporting infrastructure. Industrial areas are often located at the “gateway” to townships and adjacent to main roads, and strongly influence the presentation of the townships. Design in these areas needs to respond to both the opportunities and responsibilities associated with this level of public exposure. These areas often attract bulky goods retailing and provision may be made in these areas for restricted retailing, provided the retail function of the town centres is not compromised.

Foreshores and coastal areas

Coastal management is a core issue for the Peninsula and the relatively narrow coastal strip is the focus of multiple land use pressures. Sustainable use of the Peninsula’s foreshores, offers major social, environmental and economic benefits but requires careful planning and coordination.

Conservation values

The Peninsula’s environmental values have been well recognised; however, many of the environmental systems, which support these values, are under some degree of pressure. The Peninsula's ecosystems are under pressure. The removal of vegetation, drainage modifications, coastal works and weed and pest animal invasion have all impacted on habitat viability, species diversity and regeneration, stream and ground water quality, soil stability and salinity, and the condition of wetlands, intertidal areas and the Bays.
However, these ecosystems have the potential for restoration, albeit in a modified form. Strategies which protect and build on existing sites of high significance and core areas of public land can aim to restore environmental diversity and resilience.

The Peninsula also has a rich history, with buildings, places and sites of heritage significance. Significance, in terms of the Burra charter, refers to places that help us to understand the past, that enrich our life now and that we expect to be of value to future generation. The challenge is to make good decisions about the care of these important places.

The areas and sites of outstanding conservation value, special character, or unusual historical or scientific interest, which include national, State and regional parks; flora and fauna reserves; and other areas of natural bushland are seen as one of the Peninsula’s key strengths.

**Landscapes, recreation and tourism**

Outstanding natural landforms, rural landscapes, seascapes, coastlines and beaches are considered one of the Peninsula’s key strengths. These areas are suitable for a wide range of recreational activities, particularly unstructured outdoor pursuits. They are supported by a well-developed scenic road network that caters for through traffic, sightseeing, local access, walking and riding.

The rural and coastal landscapes of the Peninsula reflect diverse landforms, environmental systems and land use histories. They provide the basis for recreational experiences and a “sense of place”, that have a strong cultural significance. Much of the Peninsula’s attraction for recreation is connected to this “cultural capital” and a key challenge is to ensure that land use and development does not lead to incremental change that devalues the Peninsula as a recreational area.

In this sense, sustainable development is seen as that which supports the inherent values of the Peninsula and provides opportunities for access, understanding and enjoyment rather than introducing elements that are disruptive, intrusive or out of character.

**Agriculture**

Agriculture has a number of aspects on the Peninsula. It is a valuable land use in its own right, based in the productive capacity of the Peninsula’s soils and climate and the locational advantages of proximity to Melbourne markets. However, in the context of the Peninsula’s other planning priorities, agriculture is seen as a use which can foster sustainable land management practices and can be conducted without detriment to the natural and modified landscapes of the Peninsula. In this context, diverse rural activities, including vineyards and wineries, are considered one of the Peninsula’s main strengths.

Supporting agricultural use is also consistent with maintaining areas with a low population density and providing a separation between incompatible uses, such as townships and port development areas.

The existing pattern of subdivision in the Shire’s rural areas already presents a challenge to continued agricultural land use. Further fragmentation of rural land and increasing population in rural areas, would tend to undermine viable farming practices, and destabilise the land market. This in turn would reduce confidence of investment in land management and further fuel pressures for the conversion of rural land to hobby farms and rural residential subdivisions. Individual proposals for excision or subdivision may appear to have marginal effect on the achievement of the Peninsula’s planning objectives. However, the expectations of rural landowners and the cumulative effects of individual decisions are critical elements in long-term land management. For this reason a sustainable and consistent rural subdivision policy is of vital importance.

**Port development**

Western Port is an area of high environmental value and sensitivity; however, the potential for further port and port related development is seen as key strength. Realising this potential presents a number of challenges. These include:

- Ensuring adequate protection of the Bay, its catchment and environmental systems.
- Proper management of the port land resource and the establishment of the infrastructure necessary to support port related uses.

- Avoiding land use conflicts by maintaining separation between port development and sensitive township areas.

These factors must be properly managed to ensure that port development gains the support of both industry and the community.
MORNINGTON PENINSULA STRATEGIC FRAMEWORK PLAN

Making the most of Mornington Peninsula’s assets involves critical and often complex land-use planning decisions, particularly when competing values and strategic objectives have to be reconciled.

To assist this process Council has prepared a Strategic Framework Plan. This plan provides a framework for balanced development and sustainable land use on the Peninsula. It aims to maintain the long-term economic, social and environmental values that have been identified in previous sections of this statement.

Achieving balance does not mean trying to accommodate all land uses in all locations; it means making the most of each area’s particular strengths and respecting limits. The Strategic Framework Plan identifies locations where specific land use outcomes will be supported and promoted as well as areas where some forms of use and development will be excluded. The aim is to define a positive role for each area of the Peninsula having regard to the particular characteristics of each area and the full range of the community’s needs and values.

The plan indicates a basic land-use structure, consisting of

- Townships.
- Coastlines and foreshores.
- Rural areas.
- Port development areas.

Planning for each of these areas requires consideration of social, economic and environmental dimensions.

The major strategic directions identified in the Strategic Framework Plan include:

- Establishing a clear definition of the Peninsula’s boundary and the “green break” between the Peninsula and metropolitan Melbourne.
- Supporting and strengthening the hierarchy of towns and villages on the Peninsula, having regard to their individual character and functions, their relationships to each other and to adjacent rural, coastal and port development areas.
- Defining township growth boundaries as a method of focusing future development in the major towns. This strategy of distributing future population growth also depends on containing other townships and villages within existing established boundaries.
- Recognising the coastal activity nodes and tourism priority areas identified in the Victorian Coastal Strategy 2014.
- Directing rural residential development to defined locations, in accordance with Ministerial Direction 6 – Rural Residential Development.
- Recognising and protecting strategic landscape areas between and around townships, due to their strong influence on the Peninsula’s sense of place.
- Maintaining rural areas for their environmental, landscape/recreational and agricultural values. The Framework Plan utilises the Arthurs Seat escarpment / Red Hill area as a point of orientation, emphasising the diversity of landscape types on the Peninsula.
- Identifying major components of the regional open space network, including the Point Nepean National Parks, Greens Bush and Arthurs Seat State Park. These areas form a “green spine” on the Peninsula and support major recreational and environmental goals.
- Distinguishing between the Port Phillip foreshore as an area capable, in selected locations, of sustaining recreational opportunities for large numbers of people and Western Port and Bass Strait/Wild coast, which are more fragile environments, with greater sensitivity to modification.
- Supporting the maintenance and development of the arterial road network as a key economic and recreational resource.
- Identifying areas available for port development, recognising that this area is a unique resource of state significance.
- Maintaining separation between port development areas and township areas.

**Mornington Peninsula Strategic Framework Plan**
OBJECTIVES, STRATEGIES AND IMPLEMENTATION

The following sections outline a strategic response to the challenges and opportunities that face the Peninsula. Taken together, they elaborate a vision for the future. The sections generally reflect the land use structure identified in the strategic framework plan – including townships, coastal and foreshore areas, rural areas and port development areas. Although this structure is useful for the purposes of highlighting objectives and strategies for particular areas, it is also important to emphasise the relationships and balances which are central to the strategic framework. These are the focus of the initial section.
STRATEGIC FRAMEWORK AND THE PENINSULA’S SETTLEMENT PATTERN

Overview

The Mornington Peninsula presents a wide range of opportunities, but also faces substantial pressures and challenges. This combination emphasises the need for long-term strategic planning and stewardship of the Peninsula’s resources. A strategic framework plan, which seeks to reconcile competing land use interests and achieve the best long term outcome in terms of the Peninsula’s key values, has been outlined in section 21.04. It is critical that the Framework Plan is effectively implemented through this planning scheme, providing clear and positive directions for future land use and development in different parts of the Peninsula.

The distinctive settlement pattern of the Mornington Peninsula, based on a hierarchy of townships and villages, contributes to the diversity of residential, commercial, recreational and employment opportunities available not only to Peninsula residents, but to the wider Melbourne community. In addition, the directions of the State Planning Policy Framework emphasise that the planning priorities for the Peninsula are different from but complementary to those that apply to other areas, particularly the designated urban growth corridors.

Accordingly, continuing demand for housing on the Peninsula needs to be managed and integrated with the achievement other major planning objectives, including conservation, recreation, agriculture, and port development.

In this context, a major element of the Framework Plan is the definition of the Peninsula’s future settlement pattern, including the “green break” between the Peninsula and metropolitan Melbourne. Pressures for further urban expansion are particularly evident on the metropolitan fringe and the need to define clear and coherent boundaries is important to:

- Avoid the expansion and coalescence of the townships into a defacto growth corridor (or corridors).
- Stabilise expectations regarding future residential or rural residential development of rural land and promote sustainable rural land use.
- Protect areas of environmental, landscape, agricultural or recreational significance.
- Maintain a separation between townships and areas designated for port related development.

In some areas there are limits on development imposed by infrastructure constraints, such as a lack of reticulated sewerage. These also need to be clearly recognised.

The major towns of the Peninsula, including Mornington, Somerville, Hastings, Dromana and Rosebud provide access to services, employment and recreational opportunities for the majority of the Shire’s residents and visitors. It is important to strengthen these major centres by consolidating future population growth within their defined growth boundaries. This will provide increased population to support a wider range of services and facilities and provide a focus for economic activity, both in the short term through construction activity and in the longer term, based on the development of community services, commercial activity, retailing and service industry.

Adequate land has been provided within defined growth areas of these major townships to accommodate more than 20 years demand at current rates of housing growth, without consideration of the potential for higher density infill development or the conversion of existing holiday homes to permanent occupancy.

Rural residential development has also been a significant factor in planning for the Peninsula. While many people are attracted by the rural residential lifestyle, extensive rural residential development is incompatible with other values outlined in this statement and definite areas need to be designated for this form of development.

Key issues

- It is critical to recognise the importance of the Peninsula to Melbourne’s metropolitan growth and consolidation strategies, and Victoria’s environmental, recreational and economic goals.
- Recognising the key values of the Peninsula and managing pressures associated with proximity to metropolitan Melbourne, particularly pressures for urban expansion and rural residential development, depends on establishing a strong strategic planning framework. A major element of a strategic framework is the identification of a settlement pattern compatible with the Peninsula’s planning priorities.

- It is necessary to distribute future population growth in support of major township development, rather than allowing ad hoc expansion or dispersed population growth throughout the Peninsula’s rural area. This requires clear definition of growth areas and township boundaries, including the “green break” between the Peninsula and metropolitan Melbourne.

- An effective strategy must make provision for rural residential living, without the need for continuous expansion of the urban fringe. In some areas the restructure of old and inappropriate subdivision may contribute to the provision of low density lots.

**Objectives - what we want to achieve**

**Objective 1:**
To establish an integrated land use pattern that recognises the regional role and character of the Peninsula, and ensures that urban development does not prejudice the environmental, recreational and agricultural values of the Peninsula nor the potential for appropriate port related development

**Strategies**
Strategies to achieve this objective include:

- Establish a strategic framework plan, that recognises the key strengths and values of the Peninsula, including:
  - A hierarchy of towns and villages, capable of meeting the needs of residents and visitors.
  - Areas and sites of outstanding conservation and cultural value.
  - Outstanding natural landforms, rural landscapes, seascapes, coastlines and beaches, that are suitable for a wide range of recreational activities, particularly unstructured outdoor pursuits.
  - Areas capable of supporting diverse rural activities.
  - Access to deep-water channels in Western Port, with large areas of land separated from existing settlements and able to support port related development.

- Define clear and stable township boundaries which:
  - Maintain a clear separation or “green break” between metropolitan Melbourne and the Peninsula.
  - Reinforce the clear separation between Mt Eliza and Mornington.
  - Maintain the established boundaries of the Baxter township.
  - Recognise the character and ‘sense of place’ of individual towns, including the relationship between towns, coastal areas and the rural hinterland.
  - Ensure that the rural and natural landscapes which separate the Western Port coastal settlements are retained and conserved.
  - Provide for planned expansion of major towns, including Mornington, Hastings, Somerville, Dromana and Rosebud.
  - Avoid the extension of urban development into areas of high agricultural and landscape value.
  - Protect areas of conservation, environmental and recreational value.
- Recognise the constraints on development in areas that have limited infrastructure, that are remote from services and facilities or may be subject to environmental threats (such as flooding or bush fire risk).

- Maintain the existing transition area of lower density residential development in Mt Eliza and the inter-urban break with Mornington, having regard to its particular environmental, landscape, township character and heritage values.

- Give particular attention to the unique character and functions of the small coastal townships and rural villages, and to maintaining their compact form and amenity.

- Ensure that the elements that support the natural systems and cultural significance of the Peninsula are identified and given appropriate recognition in land use planning provisions. These include areas of remnant native vegetation, groundwater recharge areas, streamlines, swamp and wetland areas, areas subject to erosion, ridgelines, heritage sites, significant tree lines and landscapes that have been classified by the National Trust.

- Ensure that the intensity of subdivision and development in the Peninsula’s rural areas is compatible with environmental values and land capability, the capacity of different landscapes to absorb further development without adverse impact and the maintenance of productive agricultural land use.

- Support the establishment of major open space networks and maintain the values of major open space and conservation reserves, including the Point Nepean National Park and Arthurs Seat State Park.

- Provide appropriate buffers / separation between residential areas and incompatible land uses, including extractive industries, airfields and land designated for port and port related development.

- Retain the existing pool of rural residential properties, particularly where they assist to define township boundaries, to meet the demand for this type of housing without the need for continuous expansion of the rural residential fringe.

- Maintain a range of different low density lot sizes, having regard to land capability and landscape values.

**Implementation**

These strategies will be implemented by:

**Zones and overlays**

- Utilising land use zoning to clearly reflect the intended strategic framework for the Peninsula.

- Applying the Low Density Residential Zone to appropriate areas to provide a permanent pool of low density and rural residential lots, supplemented by Design and Development Overlays to recognise landscape, environmental and infrastructure factors.

- Applying Environmental Significance, Vegetation Protection and Landscape Significance Overlays to identify areas of particular environmental and landscape value and to encourage land capability and landscape impact assessment as part of development proposals.

- Applying Design and Development Overlays to recognise areas where environmental, landscape and infrastructure factors require more detailed consideration, including areas appropriate for lower density residential development and rural residential development, and to put in place a framework for equitable development while maintaining local area character.

- Applying restructure overlays to areas of old and inappropriate subdivision, including the Wildcoast/ St Andrews area at Rye, Crib Point – Bittern, Arthurs Seat and Merricks, to reduce the environmental impacts of dwellings and other development.

- Applying Special Use Zones to:
- Areas identified for Port Related Development.
- Land adjacent to the Tyabb Airfield.
- Site specific recreational developments that combine housing with the retention of large areas of recreational land.
- To a small number of private recreational and institutional sites (including golf courses and the Mornington Racecourse) where no clear alternative zoning can be identified.
- Planned open space areas and throughways that are privately owned within the Ranelagh Estate.

- Utilising the Public Conservation and Resource Zone to indicate coastal areas and other public land with high environmental value and limited capacity to absorb development.
- Utilising the Public Park and Recreation Zone for the more intensively utilised areas of public land, including sections of the Port Phillip Bay foreshore.
- Applying the Public Use Zone to sites containing public facilities and infrastructure to ensure that land use is consistent with the intended public purpose and to protect public investment in major infrastructure.
- Including main roads within a Road Zone to provide control over new access arrangements and to protect public investment in major infrastructure.
- Ensuring the route of the proposed Mornington Peninsula Freeway extension and other major road works, including proposed Access and Service Corridors to serve future port related development, are designated by Public Acquisition Overlays to facilitate future provision of major infrastructure.

Policy and the exercise of discretion

- Ensuring that planning decisions take into account long term environmental, social and economic impacts and achieve best practice environmental management by requiring impact assessment reports and management plans as part of development proposals where appropriate.
- Maintaining the township growth boundaries that are defined through the zoning provisions of this planning scheme and considering variations only as part of a comprehensive strategic review of the planning scheme that addresses both State and Local Planning Policy Frameworks.
- Containing rural residential development within existing designated areas and retaining the existing pool of rural residential lots, by preventing re-subdivision of established areas.
- Ensuring that linear development along major roads does not undermine township development strategies and landscape protection/recreation objectives. (Clause 22.06- Development on highways, main roads and tourist routes).
- Ensuring that the development of dwellings in rural areas, rural excisions and realignments are limited in accordance with a sustainable policy in relation to the intensity of housing and subdivision in rural areas. (Clause 22.03- Dwelling density, excisions and realignments in rural areas).
- Requiring proposals for recreational development in rural and/or coastal areas to demonstrate that they will primarily provide tourist accommodation and recreation facilities, and will not take the form of new residential settlements. (Clause 22.08- Integrated recreational development in rural areas).

Further strategic work

- Developing complementary strategies and policies to maintain and support rural areas between and around townships and to:
  - Provide for their proper use and development.
- Manage the potential land use conflicts between rural and residential areas.
- Manage township- rural boundary, including land at the edge of Baxter, Merricks/Balnarring Beaches, Somerville and Mt Eliza.

- Coordinating planning for the interface areas (including the townships of Mount Eliza and Baxter) with the relevant adjoining municipalities.

- Considering the role of major areas of public open space in maintaining stable township growth boundaries when developing management plans.

- Preparing a comprehensive conservation strategy for the Peninsula, including a review of existing Local Conservation Strategies, the Western Port Bay Strategy, the Regional Catchment and Land Protection Strategy, and the Mornington Peninsula Drainage and Stream Condition Due Diligence Report.

- Promoting catchment based land management, including the management of groundwater catchments and the integration of planning for the use and development of land with policies for the protection of the adjacent bays and marine environment.

- Progressively reviewing existing subdivision patterns in terms of compatibility with the environmental values and conditions of the land. This may include the restructuring of old and inappropriate subdivisions where necessary.

- Preparing a comprehensive recreation and tourism development policy that integrates elements of the Metropolitan Open Space Strategy, Council’s Recreation, Culture and Open Space Strategy and the Bays and Peninsulas Regional Tourism Development Plan.

- Completing the preparation of an economic development strategy for the Shire that identifies, facilitates and promotes appropriate economic development opportunities.

- Developing a Main Roads Strategy to provide for the maintenance of existing road infrastructure and the identification of road network priorities

Other actions

- Coordinating the capital works program and liaising with other service and infrastructure providers to reinforce the settlement pattern strategy.

- Investigating rating strategies that reinforce the Peninsula’s planning priorities.

- Commencing the preparation and introduction of appropriate environmental management standards for all works and services carried out by and on behalf of Council.

- Promoting public investment in major infrastructure, including reticulated sewerage, regional drainage, regional waste disposal and main road maintenance and upgrading which is consistent with the strategic framework plan, the Peninsula’s regional role and the other provisions of this planning scheme.
GUIDING FUTURE TOWNSHIP DEVELOPMENT

The townships of the Peninsula provide a base from which many of the social and economic needs of the community are met. Planning for the Peninsula’s townships will also have a critical influence on environmental outcomes. Planning for these townships requires a range of land use issues to be considered. These are addressed in the following elements:

21.07-1 Housing and integrated local area planning
21.07-2 Local area character
21.07-3 Activity centres
21.07-4 Industrial areas

Housing and integrated local area planning

The Mornington Peninsula Strategic Framework Plan anticipates an increase in the Shire’s population by approximately 26,000 people over the next 20 years. The intention expressed in the framework plan is to contain this growth within defined areas of the Peninsula’s major townships, including Mornington, Hastings Somerville, Dromana/Safety Beach and Rosebud. This strategy, of focussing future population growth in major towns, is seen to:

- Meet the demand for housing on the Peninsula in areas that already have the highest levels of access to services, facilities and employment opportunities.
- Build the population base of the major townships to support the provision of a wider range of services and facilities.
- Reduce the pressures for more dispersed development that is incompatible with the Peninsula’s other strategic priorities.

Both within existing townships and in new growth areas, Council is committed to servicing and developing communities and promoting equity of access to a broad range of services and programs. Environmental sustainability is also applied as a guiding principle, with a need to balance and integrate social needs, ecological care and economic development. This range of objectives may be addressed through integrated local area planning.

In the context of the Peninsula’s townships this will involve:

- Providing for balanced development, with appropriate areas of commercial, industrial and public land included in structure plans for major townships.
- Ensuring major areas of new residential development have reasonable access to employment centres, commercial services and public transport.
- Providing for a diversity of housing choice and promoting more sustainable forms of residential development, in terms of construction practices, energy conservation, waste water and storm water disposal.
- Improving access to recreational and open space areas, including open space linkages to regional open space networks.
- Improving accessibility between residential areas and activity centres/community facilities, including the provision of pedestrian and bicycle paths.
- Appropriate provision for traffic management and the creation of a safe and efficient road hierarchy.
- Protecting and enhancing local environmental conditions and environmentally sensitive features, particularly associated with areas of remnant vegetation, streamlines and wetlands.
- Ensuring the timely provision of all infrastructure, including health, education and community care facilities.
- Establishing equitable mechanisms for funding the provision of infrastructure.
These principles are also applicable to established areas, areas of low density residential development and to townships and villages that are not intended to accommodate expansion, and there may be additional focus in these areas on maintaining local character and environments.

**Key issues**

- Council’s commitment to servicing and developing communities requires an approach that integrates environmental, social and economic planning.
- Provision for housing diversity is necessary to cater for the changing housing needs of current and future communities. This demand may be accommodated with less disruption in newly developing areas.
- The efficient and equitable provision of infrastructure requires an appropriate combination of public investment and private development contributions.
- The distribution of demographic and household characteristics throughout the municipality is very uneven and it is important to consider the current and likely future population profile of particular areas when planning for service and facilities, and providing for housing diversity.

**Objectives - what we want to achieve**

**Objective 1**

To provide for land use and development within township areas which meets the needs and respects the values of local communities.

**Strategies**

Strategies to achieve this objective include:

- Direct growth to major townships to give these towns the population base necessary to support a wider range of infrastructure, facilities and services and to encourage the development of a stronger employment base.
- Plan and coordinate the development of townships having regard to the surrounding environment, the character and functions of the particular settlement, and to achieving a balance between planned population growth and:
  - The level of public investment in services, open space and other facilities and infrastructure to be provided.
  - Provision for the development of retail and commercial floor space.
  - The areas set aside for the development of service industries and manufacturing.
  - The facilities provided to encourage and support tourism.
- Provide for the development of greater housing diversity in new growth areas and through appropriate consolidation within established areas, having regard to:
  - The function of each township.
  - Existing and projected population characteristics.
  - Environmental capacity and principles of best practice environmental management.
  - The available and accessibility of services and infrastructure.
  - The capacity of local infrastructure systems and roadways.
  - The character of the neighbourhood and heritage significance of the site or precinct.
- Require the preparation of comprehensive development plans for major areas of new development.
- Clearly define areas for future residential development in order to facilitate the efficient, equitable and coordinated provision of infrastructure and services.

- Encourage the development of multi-function facilities and the co-location of services to the extent that this is compatible with maintaining and improving the accessibility of services.

- Ensure that development does not reduce the extent or integrity of areas of significant indigenous vegetation and provides for the reinstatement of native vegetation and the creation of habitat corridors where development is proposed adjacent to areas of environmental sensitivity.

- Ensure that proposals for new development provide appropriate stormwater treatment measures and that construction activities do not adversely impact on the regional drainage function of waterways, drains, retarding basins and floodplains.

- Require that major new development areas be connected to reticulated sewerage.

- Ensure that infill development proposals which will result in new or increased waste water discharge are approved only where connected to reticulated sewerage or where the applicant demonstrates that wastewater discharges will meet State environmental standards and will not contribute further to the pollution of groundwater or surface waters.

- Ensure that all development, including drainage, roads and sewerage systems are designed to protect the air environment, land, waterways and ground water resources from polluting discharges and activities in accordance with State Environment protection policies and relevant best practice environmental management guidelines.

- Ensure that proposals for non residential uses in residential areas respect the character and amenity of residential areas.

**Implementation**

These strategies will be implemented by:

**Zones and overlays**

- Ensuring that appropriate areas of land are zoned for residential, commercial and industrial activities to reflect a balance between current and likely future needs and the role of specific townships in the Peninsula’s hierarchy of towns and villages.

- Applying the General Residential Zone and Neighbourhood Residential Zone to the major areas set aside for future residential development.

- Utilising the Road Zone to identify major roads where the control over new access points is required.

- Utilising Environmental Significance Overlays and the Vegetation Protection Overlay to identify significant features and maintain environmental values within township areas.

- Utilising the Erosion Management Overlay to identify areas of slope instability or land degradation within township areas.

- Applying the Floodway Overlay and the Land Subject to Inundation Overlay to flood prone land along waterways within townships.

- Applying a Development Plan Overlay to 23 – 25 Rosebud Parade, Rosebud to provide for a retirement village.

- Applying a Development Plan Overlay to 1A & 1B Jetty Road, Rosebud to provide for a mixed use development comprising basement parking, restaurant(s)/café(s) at ground level and medium density residential development at upper level(s).

- Applying an Environmental Audit Overlay to potentially contaminated land.
Policies and the exercise of discretion

- Requiring the preparation of comprehensive outline development plans where appropriate for areas of new development, including major redevelopment sites.

- Applying a local policy to ensure environmental standards are maintained. (Clause 22.13 - Township environment).

- Ensuring that proposals for redevelopment of sites in public ownership are based on a strategic assessment in consultation with the local community.

- Requiring that proposals for non-residential uses in residential zones meet local policy objectives. (Clause 22.12 - Non residential uses in residential zones).

- Applying local policies to facilitate land stability (Clause 22.16 Ballar Creek and Clause 22.20 Landslide Susceptibility).

- Applying a local policy to the northern part of Mornington (Clause 22.21 Mornington North Policy).

Further strategic work

- Developing strategic statements for specific townships to provide more detailed direction.

- Reviewing existing outline development plans and developing integrated implementation strategies, including the preparation of development contribution plans, for major areas of new development and areas where infrastructure capacity requires upgrading.

- Completing the review of the Mornington East Development Contribution Plan and introduce a Development Contributions Plan Overlay to provide for equitable contributions towards the future provision of infrastructure and facilities.

- Developing an implementation program for the Recreational Cultural and Open Space Strategy within township areas.

- Reviewing the Mornington Peninsula Drainage and Stream Condition Due Diligence report to:
  - Identify necessary environmental management actions.
  - Identify potential engineering infrastructure requirements.
  - Develop storm water management plans, policies and provisions to implement adopted recommendations.

- Investigating the requirements for facilities, including traffic management and car-parking works, to manage peak demands associated with recreational visitors.

- Liaising with the County Fire Authority (CFA) to complete fire hazard mapping as a basis for the introduction of appropriate overlay provisions.

- Liaising with Melbourne Water to complete mapping of land subject to inundation as the basis for the introduction of appropriate overlay provisions.

Other actions

- Coordinating Council’s capital works program and development contribution plans, in conjunction with other service and infrastructure providers to respond to current and anticipated community needs and to reinforce the township development strategy.

- Completing a Community Needs Profile to assist in the development of relevant service programs.

- Establishing more effective mechanisms for ongoing community consultation, including targeted consultation with specific groups.

- Facilitating the development of management plans for major areas of public open space, including foreshores, recognising their environmental and recreational values.
- Liaising with other public authorities to extend opportunities for community use of facilities in off peak periods.

- Pursuing an asset rationalisation strategy to ensure effective use of resources in meeting community needs.

- Encourage home based businesses that are compatible with maintaining residential amenity.

Local area character

Overview

There is continuing demand for new housing on the Peninsula and, as with the rest of Melbourne, a changing demographic profile in some areas, that may be reflected in greater demand for medium density housing. The availability of a range of housing may also enable people with different housing needs at different stages of their lives to remain in an area and maintain community contacts.

However, there is concern that in some areas the cumulative effect of market driven changes may adversely affect the features of residential environments which are valued by existing residents. It is therefore critical to identify areas where change to the residential environment may be both appropriate and desirable, areas where some change is possible without adverse impact and areas where minimal change is appropriate. One of the key challenges in this process is to identify local area character.

The concept of local area character is still in the process of being defined and translated into operative planning principles and provisions. However, planning on the Peninsula has sought to reinforce the sense of place associated with different townships, and different areas within townships, recognising that this is one of the things that makes the Peninsula special and that it is highly valued by residents and visitors. To this end, efforts have been made to maintain the relationship between townships, coastal areas and rural landscapes by containing expansion and preserving the non-urban areas between and around townships.

In addition, some areas, such as parts of Mornington and Sorrento, have a strong heritage element, while in others the natural environmental features and landform have produced a definite local character. In a number of these areas a key factor is the balance between open space, built form and vegetation. One key distinction is between areas where the street space is defined and enclosed by buildings in contrast to areas where open space, landform and landscape are dominant and provide a setting for buildings.

It is clear that the extent of site coverage has a direct effect on the ability to retain or establish site vegetation and that the ability to retain a “bushland” or “woodland” setting is often dependent on retaining larger lot sizes. It is therefore important to define requirements for site- and area-responsive design—design that integrates subdivision and development with the natural landform and vegetation and recognises the importance of existing townscapes and streetscapes.

Key issues

- There is a continuing strong demand for housing on the Peninsula, with changing demographic and housing demand profiles in some areas.

- It is appropriate to accommodate demand for greater diversity of housing to the extent that is compatible with the achievement of other planning objectives for the Peninsula.

- Limits need to be clearly established to avoid the loss of critical values, including the distinctive character of some of the Shire’s existing residential areas.
Objectives - what we want to achieve

Objective 1
To ensure that the design and intensity of new residential subdivision and development is site and area responsive, having regard to:

- Environmental capacity and principles of best practice environmental management.
- The availability of infrastructure.
- The neighbourhood character and heritage of the area.
- The accessibility of the area to facilities, services and employment centres.

Strategies
Strategies to achieve this objective include:

- Identify areas of distinctive character based on land form, environmental, heritage or building and subdivision design elements
- Require site and location responsive design in the subdivision of land and in the siting and design of buildings and other development.
- Ensure that proposed subdivision and development within existing townships demonstrates regard to:
  - Environmental features and environmental capability.
  - The retention of native vegetation of local provenance and other existing vegetation.
  - The established residential fabric.
  - Sites and areas of heritage significance.
  - Maintaining the balance between open space, vegetation and building density.
  - The landform and avoiding extensive or excessive excavation or landfill.
  - Building profiles that complement the natural topography of the site.
  - Energy conservation.
  - The relationship between the intensity of land use, traffic circulation, and parking requirements.
  - The capacity of local streets and safe pedestrian movement.
  - The provision of appropriate landscaping and the capacity of drainage systems and other infrastructure.

- Identify sites and areas of State and regional heritage significance based on existing heritage studies, promote greater understanding of the value of these sites and develop more specific provisions for the effective and equitable conservation.

Implementation
These strategies will be implemented by:

Zones and overlays
- Utilising land use zoning to identify the intended township boundaries and to maintain the relationship between townships and the surrounding rural and coastal landscapes.
- Applying the General Residential Zone and Neighbourhood Residential Zone in combination with Development Design Overlays to recognise areas of greater sensitivity where the design of development must respect particular locational, environmental, infrastructure or landscape factors and the limited capacity of these areas to absorb further development.

- Utilising Design and Development Overlays to identify a density of development which is considered to be consistent with maintaining the character and environmental values of specific areas - having regard to the potential cumulative impact of higher density infill and site redevelopment within established areas.

- Providing siting, design and height provisions within Design and Development Overlays to encourage site responsive design.

- Applying specific Environmental Significance, Vegetation Protection and Heritage Overlays within parts of the township areas, where adequate information is available, in order to ensure appropriate site responsive design.

- Applying a Development Plan Overlay to the Park Road area of Mt Martha to provide for a more site responsive redesign of an existing subdivision.

**Policy and the exercise of discretion**

- Recognising the locational advantage of sites within walking distance (approximately 400 metres) of commercial activity centres for medium density housing and redevelopment, subject to consideration of environmental, township character and infrastructure factors.

- Applying a local policy in the consideration of applications involving sites and locations of cultural heritage significance. (Clause 22.04 - Cultural heritage places and Clause 22.05 - Aboriginal cultural heritage).

- Requiring site analysis and design response plans, where appropriate, as part of applications for single dwellings in areas of greater sensitivity.

- Requiring development plans based on a site analysis and design response plan, as part of subdivision applications in areas of greater sensitivity.

- Requiring all proposals for major site development or redevelopment, including those involved in the disposal of public land, to be based on a comprehensive site analysis conducted in conjunction with extensive community consultation.

- Applying a local policy in consideration of proposals for non residential uses within the residential zones in order to protect residential amenity. (Clause 22.12 - Non residential uses in residential areas).

**Further strategic work**

- Completing the exhibition of proposed Heritage Overlays that implement the recommendations of existing Heritage Studies.

- Preparing a more detailed Housing Strategy for the Mornington Peninsula, which will provide a clear definition of those areas where Council supports different degrees of change in response to anticipated housing demand.

- Undertaking a Local Area Character Study to refine the methodology of assessment and provide the basis for development of performance based principles and provisions, aimed at promoting excellence in design outcomes.

- Completing the Hastings Heritage Study, reviewing existing Heritage Studies and preparing a more detailed policy regarding the future use and development of heritage sites and precincts.

- Investigating the use of Development Contribution Plans to fund necessary upgrades in infrastructure and facilities, including, drainage systems, road capacity and street scape improvements in areas subject to proposals for infill development.
Other actions

- Establishing more effective means of community consultation in relation to housing issues.
- Developing management plans for local areas of public open space to recognise environmental and cultural features, and to increase recreational value.
- Liaising with servicing authorities to coordinate programs for the installation of new infrastructure and to promote the use of techniques which create least disruption to the residential environment, including the use of underground cables, joint trenching and co-location of structures.
- Investigating the use of traffic calming and local area traffic management plans in areas in proximity to town centres to avoid intrusive traffic movements through residential areas and to reduce the impact of peak visitor traffic and parking demand.

Activity centres

Hierarchy of activity centres

The Mornington Peninsula Strategic Framework Plan forming part of Clause 21.04 highlights the settlement pattern of the Mornington Peninsula.

The hierarchy of activity centres on the Mornington Peninsula plays an important role in reinforcing this settlement pattern. Whilst each centre has its own individual character and its role in servicing the community; collectively, the array of centres contributes to the sense of place of the Peninsula as a whole.

Activity centres are focal points for community life that reflect local character and identity. They offer a wide range of services to residents and visitors. They provide the majority of business and employment opportunities, contribute to the variety of housing choices and support public transport links.

*Melbourne 2030 – Planning for Sustainable Growth* recognises the role and function of Mornington, Rosebud and Hastings as Major Activity Centres, as referred to in Clause 12.01-2. Within the level of Neighbourhood Activity Centres specified in Clause 12.01-2 the following sub-levels have been identified for the Peninsula.

Large Township activity centres

These are generally the focus of a larger settlement (with a population typically in excess of 10,000 people) and serve that community in a way that complements major centres. They have a leasable floor area (LFA) in the order of 10,000 square metres to 25,000 square metres. The commercial land uses typically include a major supermarket (with a LFA in excess of 2,000 square metres), office-based services (usually with a LFA of in total in excess of 1,000 square metres) and some restricted retail premises (usually with a LFA of in total less than 1,500 square metres).

Small Township activity centres

These are generally the focus of a medium size settlement (with a population typically in the range of 5,000 to 10,000 people) and serve that community in a way that complements larger centres. They have a leasable floor area (LFA) in the order of 3,000 square metres to 10,000 square metres. The commercial land uses typically include a medium-size supermarket (with a LFA in the range of 1,000 - 2,000 square metres), few office-based services and no restricted retail premises.

Local Activity Centres

These are generally the focus of a smaller settlement (with a population typically less than 5,000 people) and serve that community in a way that complements larger centres. They generally have a LFA in the order of 1,000 square metres to 3,000 square metres. The commercial land uses typically include a small supermarket (usually with a LFA less than 1,000 square metres), few office-based services and no restricted retail premises.
Convenience Centres

These generally serve neighbourhoods within settlements. They generally have a LFA that is less than 1,000 square metres. The commercial land uses typically include a convenience shop/general store, with some other retail premises and no office-based services or restricted retail premises.

The hierarchy of activity centres on the Peninsula is specified in Table 1 to this clause and on the map to this clause.

The classification of activity centres in Table 1 reflects a ‘best fit’ assessment of activity centres against a range of criteria that include the population catchment, the total Leasable Floor Area and the mix of retail, office-based and other activity. Table 1 does not express as policy that activity centres should meet all criteria for centres in their category.

Table 1 to Clause 21.07-3: Hierarchy of activity centres

<table>
<thead>
<tr>
<th>Major Statistical Local Area: Mornington Peninsula Shire (West)</th>
<th>Township Large</th>
<th>Township Small</th>
<th>Local</th>
<th>Convenience</th>
</tr>
</thead>
<tbody>
<tr>
<td>Humphries Road, Mt Eliza</td>
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<tr>
<td>Mountain View Road, Mt Eliza</td>
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<tr>
<td>Mt Eliza</td>
<td>Beleura Hill Road, Mornington</td>
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<tr>
<td>Mornington</td>
<td>Robertson Drive, Mornington</td>
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<tr>
<td>Bentons Square</td>
<td>Wilsosn Road, Mornington</td>
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<tr>
<td>Mt Martha</td>
<td>Dava Drive, Mornington</td>
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<tr>
<td>Walara Drive, Mt Martha</td>
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<thead>
<tr>
<th>Major Statistical Local Area: Mornington Peninsula Shire (South)</th>
<th>Township Large</th>
<th>Township Small</th>
<th>Local</th>
<th>Convenience</th>
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</thead>
<tbody>
<tr>
<td>Martha Cove</td>
<td>Boundary Road, Dromana</td>
<td></td>
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<tr>
<td>Dromana</td>
<td>McCrae (cnr. Lonsdale Street)</td>
<td>McCrae (cnr. Beverley Street)</td>
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<tr>
<td>Rosebud</td>
<td>Rosebud West</td>
<td>Old Cape Schanck Road, Rosebud</td>
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<tr>
<td>Rye</td>
<td>Blairgowrie</td>
<td>Iliaroo Street, Rosebud West</td>
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<tr>
<td>Sorrento</td>
<td>Carmichael Street, Tootgarook</td>
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<tr>
<td>Portsea</td>
<td>Dundas Street, Rye</td>
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</table>

<table>
<thead>
<tr>
<th>Major Statistical Local Area: Mornington Peninsula Shire (East)</th>
<th>Township Large</th>
<th>Township Small</th>
<th>Local</th>
<th>Convenience</th>
</tr>
</thead>
<tbody>
<tr>
<td>Somerville</td>
<td>Baxter</td>
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<tr>
<td>Hastings</td>
<td>Tyabb</td>
<td>Bittern</td>
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<td>Bainarring</td>
<td>Crib Point</td>
<td>Disney Street, Crib Point</td>
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<tr>
<td>Red Hill South</td>
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<td>Flinders</td>
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Note 1: The boundaries of the Statistical Local Areas are shown on the map to this clause.

Note 2: Activity centres are generally identified by the extent of the Commercial 1 and 2 Zones in the specified localities.

Map to Clause 21.07-3 - Hierarchy of activity centres on the Mornington Peninsula

Directions for commercial growth

The State Planning Policy Framework favours a compact development pattern for the metropolitan area. It encourages new commercial development to focus on activity centres that are best able to cope with change.

The Strategic Framework Plan forming part of Clause 21.04 seeks a compact development pattern for the Mornington Peninsula. Population growth is to be contained within the Peninsula’s main townships. To support this compact development pattern, commercial growth should be directed in a way that strengthens the hierarchy of activity centres on the Peninsula.

Additional retail and office development should be directed primarily to Major Activity Centres and to a lesser extent to Large Township Activity Centres, in a way that is commensurate with population growth in their catchments.

Additional retail and office development in Small Township Activity Centres and Local Activity Centres should be of a limited extent only. No material extension of Convenience Centres should take place.

There is no need for any new major, township or local activity centre on the Peninsula in addition to the activity centres shown in Table 1 to this clause and on the map to this clause.
Directing additional commercial development to Major and Large Township Activity Centres will not only support a compact development pattern on the Peninsula. It will also facilitate a high level of service to the community. It will enhance the role of activity centres as the focus for community life. Concentrating a broad range of activities in Major and Large Township Activity Centres generates multiplier effects and contributes to the ‘critical-mass’ for business and employment opportunities. It provides certainty needed for investment decisions for commercial development. It will also protect the smaller centres from inappropriate levels of commercial development.

Fragmentation of commercial activity is not in the long term interests of the community. Strengthening the existing hierarchy of activity centres is sustainable, equitable and achieves net community benefit.

Out-of-centre retail, service station and office developments detract from compact urban patterns. This is detrimental to the established hierarchy of centres and should be avoided.

Bulky goods retailing (restricted retail premises and trade supplies) has experienced strong growth in recent years. This type of retailing is best provided in clusters developed for that purpose, as opposed to being located inefficiently in dispersed locations on industrial land along main roads or in other out-of-centre locations. The land area and vehicular access requirements of these clusters make them unsuitable for a location in the heart of activity centres. These clusters should be directed to the edge of the three townships with major activity centres on the Peninsula. There they contribute to the overall position of the activity centres of these townships in the hierarchy.

**Design and development of activity centres**

The State Planning Policy Framework aims to build up activity centres as a focus for high quality development, activity and living for the whole community.

The character of activity centres plays an important role in the sense of place and identity of individual townships and communities. New development should contribute to the character of centres and be attractive and functional. It should enhance the urban design of centres, which is a key factor in improving the attractiveness of activity centres for residents and visitors. This is vital for the economic performance of these centres.

Structure plans are a good tool to manage growth in activity centres. They outline where growth can be accommodated. They also show how to broaden the mix of uses, improve the quality of urban design and integrate transport options, in a way that suits individual activity centres.

**Key issues**

- The vital role of the hierarchy of activity centres in achieving a distinct and compact settlement pattern on the Mornington Peninsula.

- The impact of the location of additional retail, service station, restricted retail and office development on the role and function of activity centres within the hierarchy.

- The impact of new commercial development on the character, scale, sense of place, transport and parking issues and infrastructure of existing centres.

- The impact of locating retail and office development as well as service stations outside activity centres, whether along main roads or in other out-of-centre locations, on the efficiency of the overall hierarchy of centres and on the role, function and viability of existing individual centres.

- The potential for the growth in bulky goods retailing to undermine the hierarchy of activity centres if provided in dispersed out-of-centre locations.

**Objectives - what we want to achieve**

**Objective 1**

To strengthen the hierarchy of activity centres on the Mornington Peninsula shown on the map to this clause and in Table 1 to this clause.
Strategies
Strategies to achieve these objectives include:

- Encourage additional retail premises (not including restricted retail premises), service stations and office developments to locate in Major Activity Centres and Large Township Activity Centres. Ensure the extent of additional commercial floor area for individual activity centres is commensurate with their role and function within the hierarchy.
- Encourage restricted retail premises to locate in clusters on the edge of townships with Major Activity Centres.
- Strongly discourage retail, restricted retail, service station and office developments from locating in out-of-centre residential, industrial and non-urban locations.

Implementation
These strategies will be implemented by:

Zones and overlays

- Applying the Commercial 1 Zone to identify retail areas in activity centres. The extent of the zoning reflects the role and function of individual activity centres within the hierarchy.
- Applying the Commercial 2 Zone to primarily provide for clusters of restricted retail premises on the edge of townships with Major Activity Centres.
- Applying the Commercial 1 Zone to areas, generally adjacent to the main retail precincts in activity centres, where non-retail commercial development is appropriate.
- Applying the Commercial 1 and 2 Zone to enable Major and Large Township Activity Centres to expand to meet the needs of the growing population.

Policies and the exercise of discretion

- Applying a local policy to discourage inappropriate commercial land use and development in industrial areas (Clause 22.01 - Industrial Areas).
- Applying a local policy to encourage commercial land use and development that strengthens the hierarchy of activity centres and that responds to the forecasted need for additional commercial floor space (Clause 22.02 - Activity Centres).
- Applying a local policy to discourage inappropriate commercial land use and development along highways, main roads and tourist routes in rural areas (Clause 22.06 - Development on Highways, Main Roads and Tourist Routes).
- Applying a local policy to discourage inappropriate commercial land use and development in rural areas (Clause 22.07 – Commercial and Industrial Uses in Rural Areas).
- Applying a local policy to encourage appropriate non-residential uses to locate in and around activity centres (Clause 22.12 - Non-Residential Uses in Residential Zones).

Further strategic work

- Develop more detailed policies and guidelines in relation to clustering restricted retail premises, including the appropriate location of a cluster in Rosebud.

Other actions

- Monitor the growth in retail, restricted retail and office floor space across the Mornington Peninsula and use this as a basis to review the Mornington Peninsula Activity Centres Strategy – September 2005 every five years.

Objective 2
To facilitate well-designed activity centres that:
- Make a vital contribution to the identity and sense-of-place of the localities they serve.
- Provide a high level of service to the communities in their catchments.
- Promote business and employment opportunities.

**Strategies**

Strategies to achieve these objectives include:

- Ensure that structure plans guide the use and development of land in activity centres. These structure plans set the strategic framework for the layout of land uses, the urban design and the integrated transport in and around activity centres.
- Ensure that structure plans are combined with Coastal Management Plans in activity centres with foreshore areas.
- Encourage activity centres to provide a broad range of retail, commercial, community, recreational and tourism facilities, as well as a variety of housing opportunities, commensurate with their role and function in the hierarchy.
- Ensure that new development in activity centres contributes to the existing character and scale of activity centres and that it respects heritage values. Encourage excellence in the quality of urban design for all types of development.
- Ensure that activity centres provide good access and parking for all modes of transport and promote activity centres as the focal points for extended public transport services.
- Facilitate a variety of infrastructure funding arrangements, including contributions made by new developments.

**Implementation**

These strategies will be implemented by:

**Zones and overlays**

- Applying the Commercial 1 Zone, the Development Plan Overlay and the Design and Development Overlay to give effect to land use, urban design and integrated transport outcomes envisaged in structure plans for activity centres.

**Policies and the exercise of discretion**

- Applying a local policy to guide commercial development in activity centres. (Clause 22.02 - Activity Centres).
- Applying a local policy to provide guidelines for advertising signs (Clause 22.10 - Advertising signs).
- Applying local policies to give effect to structure plans for individual activity centres (Clause 22.18 - Mornington Activity Centre Policy).
- Applying a local policy to guide decisions about the use of land for the purpose of gaming and the installation and use of gaming machines (Clause 22.22).

**Further strategic work**

- Progressively preparing and reviewing activity centre structure plans to provide greater direction for land use and development in activity centres.
- Investigating equitable funding mechanisms for infrastructure improvements in activity centres.

**Other actions**

- Review Council’s capital works program and liaise with other service and infrastructure providers to coordinate the implementation of activity centre structure plans.
- Implement special rates schemes where this is required for the implementation of structure plans.

**Industrial areas**

Manufacturing is a significant employer in the Shire; involving local service industry and manufacturing based in the townships as well as the major concentration of employment at the Western Port Industrial complex in Hastings. If the Peninsula is to expand its manufacturing employment base, it must compete with the major growth areas to the north. In this aim the Peninsula offers a number of advantages including:

- The residential attraction of the Peninsula for business owners.
- The availability of serviced sites.
- Particular advantages in relation to marine based industry and processing of agricultural products.

It is also necessary to monitor the rate of development to ensure that there is adequate land supply. Providing too little land for industry could constrain development and reduce local employment opportunities, while zoning too much would tie up serviced land within township areas that could be used for other purposes.

Care must be taken to identify areas for industry that can develop without intruding on residential areas—for example, land on the edge of towns or sites which are separated from residential areas by buffers, such as railway lines, drainage reserves or main roads. As far as possible, industrial development should be located to avoid the need for trucks and other industrial traffic to pass through residential areas. Industrial development should only be located where adequate infrastructure is available or can be provided at the time of development and where the potential for conflict between industrial zones and nearby sensitive land uses is avoided or minimised.

While Mornington Peninsula currently has a substantial supply of light industrial land, there is a relative shortage of lots larger than 2,000 square metres. It is necessary to prevent the premature subdivision of remaining industrial land to maintain a supply of larger development sites.

**Key issues**

- Manufacturing and service industry remain a significant component of the Shire’s employment base.
- The retention of a supply of land for further industrial development, in locations which facilitate industrial activity and trade is important to local economic development.
- Industrial areas are often in prominent locations at the entry to townships and adjoining main roads. It is therefore important that the standard of design applied to industrial buildings and sites contributes to the presentation of these areas and that they respect the community’s aspirations for a built environment which is orderly, safe and attractive.
- The interface between industrial areas and residential areas, and the use of main roads which extend through residential areas, requires careful management to avoid loss of residential amenity or constraints on industrial use.

**Objectives - what we want to achieve**

**Objective 1**

To facilitate the expansion of existing industries and to attract new industries that provide services to the Peninsula community, contribute to the local employment base and that are compatible with the Peninsula’s character and environment.

**Strategies**

Strategies to achieve these objectives include:
• Ensure that adequate areas are available in appropriate locations for a range of industrial development.

• Provide areas for industrial development on the basis of current and anticipated demand, where possible in locations that provide separation from major residential and commercial areas and do not generate industrial through traffic on residential roads. The area of industrial land should be in proportion to the anticipated population growth of the township, unless other factors are identified.

• Retain larger areas of industrial land as a resource to provide opportunities for a wider range of manufacturing activities.

• Encourage the redevelopment of older and under utilised industrial sites in a way which makes effective use of available infrastructure and improves the amenity of adjoining areas.

• Protect industrial areas from encroachment by incompatible uses that may limit future opportunities.

• Support retail or office activity in industrial areas only if:
  - It is ancillary to an industrial use on the same site (such as manufacturing sales).
  - It is intended primarily to provide services to the industrial area (such as food premises or industry supplies).
  - It consists of restricted retail premises, which require large display and storage areas, and where it is shown that the use cannot be reasonably located in existing commercial activity centres.

**Implementation**

These strategies will be implemented by:

**Zones and overlays**

• Applying the Industrial 3 Zones to areas suitable for industrial use and development, subject to additional assessment of the potential impact of proposed industrial uses on adjacent residential areas, including the generation of industrial traffic through residential areas.

**Policies and the exercise of discretion**

• Protecting industrial land from inappropriate rezoning which would reduce the supply of industrial sites and the range of lot sizes available for development.

• Ensuring that subdivision and development of large industrial areas is preceded by the preparation and approval of a development plan for such areas.

• Ensuring that suitable buffer areas are provided and maintained in the approval of new industrial land uses.

• Promoting the use of access routes which minimise the likelihood of intrusion of industrial traffic into residential areas wherever possible.

• Applying a local policy to guide decisions about the use of land for the purpose of gaming and the installation and use of gaming machines (Clause 22.22).

**Further strategic work**

• Establishing an inventory of industrial land available in the Shire for new industrial development.

• Preparing a development plan for the East Mornington Industrial Area and adjoining Mornington racecourse precinct.

**Other actions**

• Establishing a trial business incubator at Hastings to encourage new business development.
- Encourage the establishment of industry and services which reinforce the Peninsula’s comparative advantages in agriculture and marine based activity.

**Objective 2**

To ensure appropriate development of industrial areas which:

- Meets best practice environmental management guidelines.
- Contributes to the efficient function of industrial area, in terms of traffic movement, car parking, and loading.
- Ensures development design and built form which complements and contributes to the township environment.
- Maintains the safety and efficiency of main roads.
- Provides and maintains appropriate buffers between residential areas and other land uses which are incompatible with industrial activity.

**Strategies**

Strategies to achieve these objectives include:

- Require all development to be designed to ensure the protection of the air environment, land, waterways and groundwater resources from polluting discharges and activities in accordance with State environment protection policies and relevant best practice environmental management guidelines.
- Ensure industrial development is adequately serviced to avoid adverse environmental impacts or loss of amenity to adjoining areas.
- Require the preparation of a development plan prior to the development of large areas of industrial land. The development plan should:
  - Provide for coordinated servicing of the land.
  - Make provision for the control of access to main roads.
  - Establish appropriate site and building design guidelines.
  - Provide for the protection of remnant areas of vegetation, streamlines, wetlands and other environmentally sensitive features.
- Prevent the development of unsightly industrial uses in exposed locations.

**Implementation**

These strategies will be implemented by:

**Zones and overlays**

- Using the Development Plan Overlay to require the approval of a development plan for the Mornington Industrial Area adjacent to the Nepean Highway.
- Using the Restructure Overlay at Crib Point to provide for the consolidation of old and inappropriate subdivisions into appropriate lot sizes for new service industry.

**Policies and the exercise of discretion**

- Using a local policy to guide the subdivision, siting and design of industrial development. (Clause 22.01 - Industrial subdivision and design).
- Using a local policy to provide guidelines for advertising signs. (Clause 22.10 - Advertising signs).
- Applying State Environment Protection Policies to industrial uses in consultation with the EPA and requiring best practice environmental management plans where appropriate.

- Encouraging the recycling and reduction of industrial wastes.

- Requiring that applications for subdivision of industrially zoned land into lots of less than 2000 square metres include:
  - A development plan for the site, demonstrating the ability of proposed lots to meet appropriate development standards.
  - An assessment of supply and demand for industrial lots of various sizes in the locality.

- Supporting industrial use and development only in the industrial zones.

- Avoiding the establishment of junkyards and other premises that are difficult to visually integrate with other forms of development on main roads or other highly exposed locations.

**Further strategic work**

- Developing more detailed guidelines for industrial development particularly for township “gateway” areas.

- Investigating equitable funding mechanisms for physical works improvements in industrial areas where required to enhance their function and appearance.

**Other actions**

- Coordinating Council’s capital works program and liaise with other service and infrastructure providers to reinforce industrial area strategies. This should include works to reduce the environmental and amenity impact of industrial uses, including traffic and parking management, waste water disposal and litter control.

- Working in partnership with land owners and other key agencies to improve the presentation, landscaping building design, site layout, parking and access in the Shire’s older industrial areas, particularly where these adjoin main roads, is necessary to maintain a development density and land use pattern that is compatible with protecting environmental systems.
FORESHORES AND COASTAL AREAS

Overview

The Mornington Peninsula Shire is surrounded on three sides by coastlines that substantially define the character of the Peninsula. Many of the coastal areas are environmentally sensitive and contain unique landforms and diverse species of flora and fauna. The coastal areas also have rich cultural heritage and scenic value.

The coast is one of Victoria’s most popular recreational destinations, with the Peninsula’s foreshores attracting more than 2.8 million day trip visitors in 1995. A number of pressures exist on the coast. The challenge confronting those responsible for coastal management is to reconcile the sometimes competing demands for protection of landscapes, environmental systems, habitats and other natural assets of coastal areas with the opportunities that these areas provide for public recreation and economic development.

Accordingly, coordinated coastal and foreshore management is a key element of a sustainable development framework for the Peninsula.

The impact of foreshore development on the viability of existing town centres must also be carefully considered and Council seeks to rejuvenate the perception and image of the Port Phillip foreshore. Foreshores are the doorway to the coast, and should project a sense of identity, embracing the bay, the adjacent township areas and the major access routes.

Key issues

- The Peninsula’s coastal and foreshore areas are a major tourism and recreational resource, however over use will result in environmental degradation, loss of natural and cultural values and declining community benefit.

- It is critical to ensure coordinated management of coastal areas including recognition of:
  - The impact of tourist/visitor pressure on foreshore and coastal eco systems.
  - The inter-relationship between drainage systems, effluent disposal and water quality conditions on the coast and in the Bays.
  - The inter-relationship between the foreshores, coastal areas and local character of each township.
  - The need to sensibly integrate new development in identified activity nodes.
  - The opportunities for greater regional linkage, including ferry services on both Port Phillip and Western Port and the Bay Trail.

- The framework of activity nodes and tourism centres provided by the Victorian Coastal Strategy provides a basis for more detail local planning.

- It is important to distinguish between the foreshore areas of Port Phillip Bay, which will continue to support relatively high levels of public use, in association with the facilities provided by adjoining township areas, and the more limited capacity of the coastlines and beaches of Western Port and the Wildcoast/ Bass Strait.

Objectives - what we want to achieve

Objective 1

To protect and enhance the natural ecosystems and landscapes of the coast for the benefit and enjoyment of present and future generations.

Strategies

Strategies to achieve these objectives include:
- Acknowledge natural processes and the fragile and dynamic nature of the coast in decision making.
- Identify threatening processes including the spread of environmental weeds, introduced pest fauna, erosion and the pollution of water, ground water, air and land that may impact on the foreshore’s natural systems and sites and applying appropriate management techniques.
- Prevent the further removal or degradation of areas of indigenous vegetation outside of designated activity nodes.
- Encourage the protection, regeneration and replanting of indigenous species on public and private land in coastal areas, particularly to strengthen and extend habitat areas and corridors and control erosion.
- Identify areas of erosion and cliff instability and implementing appropriate control measures, which are both effective and compatible with the coastal landscape.
- Contain development in coastal locations to existing settlements, avoiding further linear development along the coast and, where necessary, restructure old and inappropriate subdivisions.
- Support the progressive installation of reticulated sewerage to all existing coastal settlements and all new coastal development. Where a local community supports an alternative waste water management strategy this may be considered provided the strategy meets best practice environmental management guidelines.
- Minimise the need for drainage outfalls to the coast and ensuring that the location and design of all structures minimises the impact on both physical and ecological processes and coastal amenity.
- Limit the development of new structures on the foreshore to designated activity nodes where possible.
- Ensure that preference is given to the re-use of existing structures where feasible and the removal of degraded foreshore structures wherever possible.
- Ensure that new construction and development on the coast is designed on the basis of a site and landscape analysis, which takes account of the scenic and visual qualities of the foreshore and coastal areas.
- Establish performance standards and monitoring programs to minimise the risk of pollution of the coastal environment and to improve water quality from urban and rural catchments entering the Bays.
- Identify coastal areas at risk of natural process impacts including potential hazards associated with coastal erosion, flooding, sea level rise and storm surge, including from the impacts of climate change.

Implementation

These strategies will be implemented by:

Zones and overlays

- Applying the Public Park and Recreation Zone to areas of the Port Phillip foreshore that form part of the General Recreation Zone under the Victorian Coastal Strategy.
- Applying the Public Park and Recreation Zone to areas of Port Phillip Bay to assist in facilitating appropriate development.
- Applying the Public Conservation and Resource Zone to the areas of the Western Port, Bass Strait and Port Phillip coastline that form part of the General Protection Zone or National Park and Conservation Reserve under the Victorian Coastal Strategy.
- Applying the Special Use Zone (SUZ 1 - Port Related Uses) to identify land adjacent to Western Port that may be utilised for port related activity provided that high environmental standards are met.

- Applying the Environmental Significance Overlay to coastal areas subject to erosion.

- Applying the Significant Landscape Overlay to protect coastal landscapes, including areas classified by the National Trust and scenic roads in coastal areas.

- Applying the Land Subject to Inundation Overlay and other relevant planning provisions to coastal areas and waterways identified as being vulnerable to hazards associated with coastal erosion, flooding, sea level rise and storm surge.

**Policies and the exercise of discretion**

- Applying a precautionary approach to decision making, ensuring that the environmental effects of both the construction and operation of a proposed development are assessed as part of the approval process. New development proposals should respect natural coastal systems and should include an assessment of vulnerability to climate change effects.

- Avoiding the construction of additional structures on the foreshore except where substantial net benefits to the community and/or coastal environment are clearly demonstrated.

- Avoiding the extension or establishment of car parks and roads in sensitive coastal locations such as dunes or wetlands.

- Approving private coastal protection works only where they will not:
  - Cause loss of or damage to public beaches, Crown land or significant natural features.
  - Result in erosion of adjacent properties.
  - Adversely affect coastal landform stability or coastal processes.

**Further strategic work**

- Identifying areas of habitat significance in foreshore, intertidal and marine areas and preparing appropriate planning scheme provisions.

- Incorporating the major foreshore areas in the review of municipal heritage studies.

- Reviewing the Land Subject to Inundation Overlay and other relevant planning provisions to update the provisions and to reflect the vulnerability of coastal areas to the impacts of climate change.

**Other actions**

- Developing protocols and partnership arrangements with the Department of Environment, Land, Water and Planning (DELWP), Parks Victoria and other bodies involved in coastal management.

- Developing land use management plans in partnership with DELWP and Parks Victoria for the protection and maintenance of the coastal environment.

- Developing a program for monitoring environmental conditions including liaison with the EPA to establish monitoring of outputs from drains and watercourse.

- Determining the need for beach protection works based on sound environmental management principles.

- Defining access paths to the foreshore by appropriate fencing and signage and preventing uncontrolled access to areas susceptible to erosion.
Rationalising foreshore drains and, where piped drainage outlets are necessary, constructing drains in a manner which avoids erosion or interruption of coastal processes, incorporates sediment and litter control devices and, as far as practicable, discharge below the low water mark. All natural drainage lines should be vegetated and treated to limit the rate of discharge to below scouring velocity.

Objective 2
To achieve coordinated development of public and private facilities that increases the sustainable social, economic and recreational value of the coast and foreshore to the community.

Strategies
Strategies to achieve these objectives include:

- Consolidate all new development within identified activity nodes which are compatible with the long-term protection of the coastal environment and which strengthen the physical and functional connection between existing township areas and the foreshore.
- Ensure that coastal development is designed and constructed in a manner which respects and enhances the coastal environment and the experience and enjoyment of the coast by the community.
- Encourage pedestrian access and connections, both along the coast and between the coastal foreshore and adjoining township areas, provided this does not threaten fragile coastal environments or fragment narrow stands of coastal vegetation.
- Limit the number of structures within foreshore areas to that necessary to meet demonstrated community needs. The preferred option is to investigate the re-use of existing buildings and the multi-use of buildings and structures and the upgrading of existing facilities in preference to a proliferation of separate buildings and structures.
- Ensure that coastal development helps to meet the costs of managing and maintaining coastal and foreshore areas through the development of equitable development contribution plans and special rate schemes.

Implementation
These strategies will be implemented by:

Zones and overlays

- Applying a Design and Development Overlay and Vegetation Protection Overlay to residential land adjacent to the foreshore reserves to ensure a consistent approach to building heights and setbacks on land near the coast and to support the retention of native vegetation.
- Applying an Environmental Significance Overlay to Crown land on the Port Phillip Foreshore reserve, extending 600 metres seaward, to facilitate appropriate coastal management and coordination.

Policy and the exercise of discretion

- Ensuring that structures are sited and designed to integrate with and compliment the surrounding coastal landscape in accordance with Landscape Setting Types for the Victorian Coast 1998) and Siting and Design Guidelines for Structures on the Victorian Coast (1998).
- Making provision for car parking that achieves a balance between the convenience for users and the protection of the conservation and landscape values of the foreshore.
- Managing commercial activities on foreshore areas to:
  - Maintain public access,
  - Prevent the proliferation of activities which are not dependent on a beach or coastal location.
- Avoid adverse impact on the level of service and viability of adjoining commercial centres.

- Encouraging a range of services and activities to enhance the recreational use and enjoyment of the coast by the community in selected activity nodes.

**Further strategic work**

- Developing a local policy in full consultation with the local community in relation to the appropriate future development of the activity nodes identified in the Victorian Coastal Strategy at Hastings, Mornington, Rosebud and Sorrento and the opportunities to support activity at Dromana and Rye.

- Investigating the preparation of urban design frameworks for coastal towns and villages, with priority to Rosebud, Mornington, Hastings and Sorrento. Design frameworks should encompass issues relating to landscape design, built form, views, siting, building height and integration between town centres, scenic roads and foreshore/coastal areas.

**Other actions**

- Completing the review of Mornington Peninsula Coastal Management Framework including arrangements in relation to occupation of foreshore areas by various user groups.

- Participating with the Central Coastal Board, DELWP, and other government authorities in the preparation of Coastal Action Plans for Port Phillip, Western Port and the Bass Strait coastline.

- Participating in any review of coastal management arrangements, with emphasis on establishing a viable structure in terms of balancing management responsibilities and economic capacity.

- Ensuring maintenance standards of foreshore facilities reflect reasonable community expectations.

- Developing a risk management strategy for Peninsula foreshores, including fire control plans and minimisation of vandalism through the siting and design of infrastructure, assets and landscaping.

- Identifying locations with potential public safety or security concerns and recommend improvements.

- Investigating a traffic management strategy to support the use of Point Nepean Road as a scenic tourist route and recreational coastal drive.

- Developing interpretative plans for the Peninsula’s coastal areas.

- Exploring opportunities for cultural and recreational events and activities on areas of the foreshore, including the public display of art and sculpture.

- Supporting the development of the coastal Bay Trail and exploring opportunities to improve pedestrian and bicycle links between the foreshore and inland parks, reviewing access needs for the elderly and disabled and investigating opportunities for linking coastal village on Western Port via paths, cycle paths and board walks.

- Developing a program of infrastructure and facility improvement works which may be funded through grants, sponsorship funding and/or from new works and contributions associated with development within activity nodes.
PLANNING FOR RURAL AREAS

The Peninsula’s rural areas are one of the key elements of the strategic framework plan. In the context of the Peninsula, “rural” refers to land with a diverse range of values. It includes areas that support the natural systems of Peninsula, including stream catchments, wetlands and ground water recharge areas, bushland habitats and major conservation reserves. It refers to land used for agriculture and primary production. It refers to landscapes, and areas of recreational value and cultural significance.

Finally, the attraction of the Peninsula has led to a substantial rural population that is not directly or primarily engaged in traditional agriculture. In this sense, many properties on the Peninsula are used for “rural living”, generating a further set of demands and expectations.

A major aim of this statement is to recognise the complexity and interdependence of the Peninsula’s rural values and to provide a framework that will maintain them into the future. This framework is expressed in terms of three components:

21.09-1 - Conserving environmental values.
21.09-2 - Supporting agriculture and primary production.
21.09-3 - Maintaining and enhancing landscape, cultural and recreational values.

A key challenge is to support the development of high yield, nature-based tourism and eco tourism and to support businesses which operate in a sustainable manner.

21.09-1

Conserving environmental values

Overview

The Mornington Peninsula is recognised as an area of environmental significance. Environmental characteristics have shaped human activity on the Peninsula and continue to do so today, forming the basis of the Peninsula’s strengths in agriculture and recreation.

A number of interrelated environmental issues face the Peninsula, including the loss and degradation of native vegetation, pest plant and animal infestation, lowered habitat capacity, pollution of streams and aquifers, erosion and mass wastage of slopes and damage to scientific and historic sites. It is estimated that the Peninsula contains less than six per cent of the vegetation cover that existed at settlement and the need to protect remnant vegetation communities is a critical issue.

The Local Agenda 21 program and the development of Local Conservation Strategies provide an opportunity to address environmental issues in detail. However, land use planning has a central role in achieving conservation objectives and in applying the principle of sustainability through development decisions.

Extensive studies have identified the diversity of the Peninsula’s environmental features and the linkages between environmental systems, landform, landscapes and sustainable land use. The concept of land units, which indicate areas of consistent geology, landform, soils, vegetation, landscape and environmental capability was utilised as the basis for land use planning by the Western Port Regional Planning Authority in the preparation of the Conservation Plan for the Southern Mornington Peninsula (1979). This approach continues to provide a viable framework for the development and implementation of environmental strategies.

Key issues

- There is a need to recognise the relationship between different elements of the Peninsula’s environmental systems that support environmental quality, diversity and stability.
- Most areas of the Peninsula are physically stable, in terms of sensitivity to disturbance, except for areas west of the Selywn Fault (the Nepean Peninsula). However, there are localised areas prone to erosion and instability. The beach, dune, cliff and inter tidal areas are particularly sensitive to human interference.
The overall sustainability of biological systems is more precariously balanced, due to:

- The extent of clearing of native vegetation.
- The generally mature age structure of the remnant vegetation and the limited number of large scale vegetated areas capable of supporting natural regeneration.
- Loss of diversity of natural habitats, indigenous plant and animal species.
- Invasion by environmental weeds and pest animals.
- Increased development in catchment areas, including unsewered subdivision and intensive agriculture.
- Incomplete waterway management.

In this context some areas are of strategic importance – including streamline environments and habitat corridors. Public land, including parks and coastal reserves provides a critical resource base and there is a need for regional coordination in catchment planning and management.

The cumulative effect of increased population in rural areas is to increase pressure on environmental systems, with particular impact in ground water recharge areas and erosion prone areas. Increasing development also in results in the further removal of remnant vegetation, both to establish buildings and access, and to manage fire risk. It is necessary to maintain a development density and land use pattern that is compatible with protecting environmental systems.

Objective 1

To maintain and enhance the natural values and ecological systems of the Peninsula.

Strategies

Strategies to achieve these objectives include:

- Base planning for the use and development of land on a comprehensive assessment of the natural systems of the Peninsula.
- Utilize a land unit approach to provide a framework for sustainable land use and environmental management.
- Identify, conserve and enhance areas and sites of environmental significance, paying special regard to:
  - The capacity of those areas and sites to withstand change and development without detriment.
  - The management of such areas and sites to sustain their value and the integrity of biotic communities both on land and in water.
  - The adverse effects of unconstrained access and development in areas of indigenous plant communities and habitats.
  - The need to protect the high conservation and landscape values of National and State parks and other conservation reserves by minimising intrusive development on adjacent areas.
  - The potential for establishment and enhancement of faunal habitat and linking corridors in areas adjacent to National and State Parks and other conservation reserves in strategic areas between the Parks and other sites of conservation significance.
- Integrate land use planning with policies for the protection of catchments, the adjacent coastal areas and marine environments.
- Include consideration of information from scientific studies of the area, including the Regional Catchment Strategy and Catchment Action Plans prepared under the Catchment and Land Protection Act 1994 and Coastal Action Plans under the Coastal Management Act 1995.
- Coordinate public and private land use strategies to achieve best practice environmental management outcomes.
- Develop and implement management plans for public land, having regard to the need to recognise and reconcile the relationship between public land management and private land use.
- Conserve and enhance native vegetation along roadsides having regard to the Mornington Peninsula - Western Port Roadsides Management Plan (1996).
- Protect and conserve habitat areas and linking corridors to encourage wildlife survival.
- Protect and conserve remnant native vegetation and the diversity of plant communities on public and private land through effective and equitable controls and monitoring.
- Protect the Peninsula’s coastal dunes, wetlands and other environmentally sensitive areas in accordance with relevant State guidelines and policies.
- Ensure that planning scheme provisions are consistent with the principles of ecologically sustainable development and allow development only where the long-term protection of the environment is ensured, having regard to the environmental capacity of each areas to absorb further development.
- Protect the land, air environment, waterways and ground water resources of the Peninsula from polluting discharges and activities in accordance with the relevant State Environment Protection Policies, best practice environmental management guidelines and any relevant approved regional or catchment strategy.
- Ensure that all earth works are designed to minimise off site discharges of stormwater contaminated by sediment, having regard to EPA guidelines.
- Promote the provision of drainage, sewerage and other waste disposal facilities to lessen pressure on environmental systems.

**Implementation**

These strategies will be implemented by:

**Zones and overlays**

Use the Green Wedge Zone and Farming Zone to encourage an integrated approach to land management and the protection and enhancement of biodiversity.

Using the Green Wedge Zone and Farming Zone to specify a required minimum lot size based on land unit analysis, that will facilitate maintaining the existing pattern of rural land use and that is compatible with the ability of the environment and landscape to absorb use and development without detriment.

Using the Environmental Significance Overlay to give effect to land unit classifications and support integrated environmental management.

Using the Environmental Significance Overlay, Vegetation Protection Overlay and Erosion Management Overlay to identify and implement management requirements in relation to specific environmental such as streamlines, wetlands, areas of native vegetation and erosion-prone areas.

- Applying the Public Conservation and Resource Zone to manage the use of major public reserves of substantial conservation value, in conjunction with sustainable levels of recreational activity.

**Policies and the exercise of discretion**

Requiring land use and development proposals to:

Provide land capability assessments and environmental impact statements, where appropriate.

Demonstrate compliance with State Environment Protection Policies, where appropriate.

Incorporate best practice environmental management guidelines.
Have regard to the requirements or recommendations of any approved relevant regional catchment strategy or action plan.

Provide short and long-term rehabilitation plans, where appropriate, including, revegetation with native vegetation of local provenance and other environmental repair techniques.

Using a local policy to provide guidelines to reduce the environmental impact of development. (Clause 22.14– Mornington Peninsula land units).

Avoiding the spread of environmental weeds and encouraging the re-establishment of native vegetation of local provenance through the provision of appropriate information and support, and through conditions of planning approval where appropriate.

Using a local policy to provide guidelines in relation to the development of land in areas prone to bushfire risk (Clause 22.11- Mornington Peninsula fire protection policy).

Requiring all earthmoving works to be designed to minimise off-site discharges of stormwater contaminated by sediment by appropriate and approved means and have regard to EPA guidelines for major construction sites, techniques for sediment pollution control and urban stormwater management: major roads and freeways.

Requiring the provision of utility services, drainage, sewerage and other waste disposal facilities in keeping with the area's conservation significance.

**Further strategic work**

Investigating the further integration of land unit-based planning with integrated catchment management.

Reviewing the Chinaman’s Creek catchment strategy and implementing appropriate policies and planning scheme provisions.

Developing catchment plans in partnership with the Catchment and Land Protection Board, Melbourne Water and the EPA to protect natural elements, control and minimise pollution load at or near the source and promote treatment and reuse of storm water.

Introducing appropriate land use and development controls in consultation with Melbourne Water to protect water supply catchment areas and to identify floodplains and land subject to inundation.

Promoting the development of management plans to manage public access and visitor numbers to recreational areas where increased human activity will threaten the conservation values of such areas.

Support the development of management plans to recognise and reconcile the relationship between public land management and land use on adjoining private land.

Extending the detailed mapping of environmental system elements to all areas of the municipality.

Developing more detailed mapping and provisions in relation to fire risk areas and fire prevention, in conjunction with the CFA.

**Other actions**

Developing and implementing an environmental code of practice to guide Council’s operational activities.

Supporting programs for the control of noxious weeds and vermin.

Developing a program for monitoring environmental conditions including liaison with the EPA to establish monitoring of outputs from drains and watercourse.
Supporting agriculture and primary production

Overview

A mild climate, high and well-distributed rainfall, a variety of good soils and ready access to markets have combined to make the Peninsula a major farming area. The Peninsula forms part of the Port Phillip and Westernport catchment and Land Protection Region that is the third highest in the state in terms of gross value of agricultural production per hectare. Agricultural land in close proximity to Melbourne is of major value to the state economy.

However, the Peninsula’s attraction as a residential location and its appeal to hobby farmers has led to fragmentation of some rural land into relatively small parcels. While the small size of many landholdings leads to pressure on effective and economic agriculture on the Peninsula, the Shire seeks a strategic response which will maintain and foster agricultural viability.

It is also necessary to ensure that farming practices are integrated with the achievement of other planning objectives, particularly in terms of catchment management, conservation and landscape protection. Sustainable development and land use must be based on a detailed assessment and understanding of long term land capability.

Broiler chicken farming is a particular issue of concern on the Peninsula. This is an important economic activity however the scale of the buildings, the practices associated with farm operation (including night time collections) and variations in odour emissions lead to conflicts with landscape objectives and the expectations of other rural residents. A state-wide code of practice is currently in preparation and will bring greater certainty to this industry. In the interim, it is considered that long term sustainability must include community acceptance and that a precautionary approach is appropriate.

Agriculture will continue to play an integral role on the Peninsula, forming part of the economic base, providing a basis for sustainable land management and adding value to recreational experiences.

Key issues

Although the Peninsula remains an area of above average agricultural productivity pressures for residential use and land fragmentation tend to undermine the continued use of land for agriculture and increase expectations of continuing excisions or future conversion to hobby farms.

The loss of land from rural production tends to undermine the infrastructure that supports farming, adding more pressure on agricultural land use and undermining confidence in investment. This process can create a vicious circle unless there is a long-term strategy to retain rural land.

The increase in intensive forms of agriculture on the Peninsula, including vine yards, and market gardening requires attention to environmental sustainability, in relation to pressure on remnant vegetation and maintaining environmental stream flows.

There are opportunities for value adding industries to operate in conjunction with agricultural activities, however the use of rural land for industry should only occur where the industry is directly related to or supports agricultural production in the area. Rural areas must not be seen as low cost industrial land.

Extractive industry resources need to be protected for their strategic value, but development of these sites must have regard to the landscape protection and conservation objectives of this scheme.

Objective 1

To support the use of rural land for farming to the maximum extent that is environmentally sustainable and consistent with maintaining landscape character.

Strategies

Strategies to achieve these objectives include:
Recognise the productive capacity of rural land on the Peninsula and the value of maintaining agricultural land as part of the Peninsula’s strategic planning framework.

Support sustainable agricultural land use as a means of effectively managing and conserving rural land and landscapes and achieving the productive use of land for agricultural purposes.

Ensure that high-quality agricultural land and other agricultural land that is of strategic importance in terms of achieving conservation, recreation, settlement pattern, and port development objectives, remain available for productive agriculture.

Maintain controls over subdivision of rural land to avoid further impediments to the proper management of land for agriculture and to ensure that the intensity of subdivision, land-use and development is consistent with sustainable agricultural land use, the natural attributes of the land and protection of the landscape.

Retain larger rural lots as single titles, and avoid fragmentation of rural land, to facilitate the use of effective farming practices.

Limit provisions for rural excision to include only those farm properties which remain in the same ownership as prior to the introduction of planning controls (1975) and which have sufficient area to continue to operate as farming properties after the excision.

Avoid the encroachment of more sensitive land uses into recommended air or noise buffer distances which are established to insulate potentially offensive activities.

Protect rural areas from encroachment by containing township growth within defined boundaries.

Prevent the establishment of use and development that is incompatible with agricultural activity.

Ensure that recreational developments do not impact on the rural character of an area or the continued use of land for rural pursuits by their nature or scale.

Encourage best practice in the sustainable management of rural land in order to maximise its productive value and avoid land degradation, this includes:

Identifying areas of environmental concern, such as the management of surface water and ground water resources.

Encouraging whole farm planning.

Developing and implementing appropriate strategies and catchment action plans in conjunction with landowners, land care groups and relevant authorities and agencies.

Protecting and where possible enhancing native vegetation and habitat for native fauna as part of whole farm planning.

Establishing, maintaining and ensuring compliance with appropriate buffer areas and other performance requirements for intensive activities such as feedlots, piggeries, broiler chicken farms, egg production farms and animal boarding establishments.

Consolidating broiler chicken farming in areas where this form of use and development is already well established, to the extent this is compatible with achieving compliance with State Environmental Protection Policies and best practice environmental management guidelines.

Promote opportunities for value adding activities such as agricultural services, rural industries and visitor accommodation, while having regard to the potential impact of commercial and industrial activities on the character and environmental quality of the area, including EPA interim guidelines on the control of noise from industry in country Victoria.

Implementation

These strategies will be implemented by:
Zones and overlays

Using the Green Wedge and Farming Zone to provide for the sustainable use of rural land, primarily for extensive animal husbandry and Crop raising.

Using the Green Wedge and Farming Zone to specify a required minimum lot size that will facilitate maintaining the existing pattern of rural land use and that is compatible with ability of the environment and landscape to absorb use and development without detriment.

Applying the Environmental Significance Overlay to identify potential environmental constraints and to require land capability assessment of proposed development where appropriate.

Policies and the exercise of discretion

Using local policies to establish an appropriate framework for the consideration of applications involving rural land. Clause 22.14 – Mornington Peninsula land units)

Using a local policy to establish an appropriate framework for the consideration of applications involving more than one dwelling on a rural property, the creation of house lot excisions and realignments of boundaries. (Clause 22.03- Dwelling density, excisions and realignments in rural areas).

Using a local policy to provide guidelines for the consideration of applications involving broiler chicken farms. (Clause 22.15- Broiler chicken farms).

Requiring applications to demonstrate consistency with codes relating to feedlots, piggeries, effluent disposal guidelines for dairy sheds, dairy processing plants, aqueous wool scouring and carbonising, tanning and related industries and any relevant Best Practice Environmental Management Guidelines as developed or varied from time to time.

Requiring applications for intensive animal industries, where these are not subject to a specific state code of practice, to demonstrate that the level of odour emission will comply with State environment protection policies, will not impact on residential properties and will not cause a nuisance (as defined in the Health Act 1958).

Ensuring that existing extractive industries have reasonable access to available stone resources while being contained to carefully limited works and sites.

Ensuring that the staging of development by extractive industries and subsequent rehabilitation is sensitively affected, with maximum protection for every value and significant aspect of the surrounding area.

Further strategic work

Undertake a review of rural land use planning including an agricultural land capability assessment.

Investigate the opportunities for timber production on smaller landholdings, as part of whole farm plans and the option of cooperative use of land in separate ownerships as a viable production unit.

Other actions

- Encouraging the use of whole farm techniques and agricultural activities that are:
  - compatible with the conservation of water and soil resources and the retention and reinstatement of areas of native vegetation of local provenance.

- Supporting coordinated catchment management and land care programs.

- Supporting cooperative management of properties in separate ownership as viable farming units.

- Supporting recycling from agricultural activities and encouraging the reuse of waste water where this is ecologically sustainable and is carried out in accordance with the Guidelines for Waste water Reuse (EPA Publication No. 464, 1996) and the Guidelines for Waste water Irrigation (EPA Publication No.168, revised 1991).
Maintaining and enhancing landscape, cultural and recreational values

The Peninsula is the most popular area in Victoria for informal recreation. The Peninsula's importance as a recreation area is increasing due to:

- Rapid population growth in Melbourne’s south-east.
- The particular suitability of the Peninsula's natural features, heritage, resources and natural character to support a wide and varied range of recreational opportunities, particularly unstructured and outdoor activities.

A key resource supporting this recreational role is the diversity and quality of the Peninsula’s landscapes. These vary from the Arthurs Seat escarpment and undulating Red Hill area, to the open coastal landscapes of Western Port/ Cape Schanck to the south and east, the distinctive Cup’s landscape to the west, and the landscapes of Mt Martha and the Kangerong Basin to the north. Equally important are the Moorooduc Plain, Balcombe Valley and the landscapes of the central and eastern Peninsula, which form part of the Peninsula’s “green break” from metropolitan Melbourne.

These landscapes are made up of a number of elements, including specific features such as ridgelines and escarpments, treelines of both native and introduced vegetation, as well as the general land form, viewlines and patterns of remnant vegetation. The network of scenic roads that cross the Peninsula and the “green spine” of public land and walking tracks also form part of the landscape value of the Peninsula, and the add to recreational experiences. In addition, there are buildings and places throughout the Peninsula, which increase our understanding of the past and add value to our current experience. These are sites of European and Aboriginal heritage significance.

In this context, sustainable development is seen as that which supports the inherent values of the Peninsula and provides opportunities for access, understanding and enjoyment rather than introducing elements that are disruptive, intrusive or out of character. Protecting the recreational value of the Peninsula’s roads is included in this aim, involving policies such as the retention of roadside vegetation and preventing the development of commercial strips.

This is not to suggest that recreation on the Peninsula requires no supporting facilities. Investment in recreational infrastructure that adds value to the region’s natural resources both enriches the experience of users and benefits the local economy. This infrastructure may include visitor accommodation, interpretation centres, equestrian facilities, restaurants associated with wineries and the like. Regional trails, such as the Two Bays Walking Trail and the Around the Bay Trail, are particularly compatible with the focus on outdoor and unstructured recreation in the Shire.

The Peninsula boasts some of Victoria’s greatest natural and cultural assets, and these form the base of its tourism industry. However, the Peninsula faces a challenge in harnessing its attractions to produce sustainable economic benefits.

It is also necessary to ensure that the region’s infrastructure can support more intensive tourist activity, particularly in designated tourism nodes. Adequate infrastructure is essential to avoid detriment to natural areas and the residential amenity of the townships.

Finally, in the context of development pressures on the Peninsula, it is important to distinguish between developments which meet tourism and recreation needs, and those that would essentially establish new residential settlements. While the resulting built form may be similar, the functional value and implications in terms of planning objectives will be significantly different.

Key issues

- The Peninsula’s regional tourism role is likely to increase over time, placing pressure on the natural environment and rural and coastal landscapes that support this role.
- In rural areas, the provision of facilities to support recreation and add value to recreational experiences is supported. However, maintaining the value of the Peninsula for recreation depends on resisting pressures for urban intrusion including rural residential development and the development of commercial strips adjacent to major roads and tourist routes.
Increasing the tourism focus of the existing townships needs to be supported by the provision of adequate infrastructure.

A sustainable position in relation to recreational developments must distinguish between facilities which support the Peninsula’s recreational role and the establishment of new residential settlements.

There are substantial opportunities to consolidate the Peninsula’s recreational role, extending regional open space networks and increasing the range and diversity of recreational activities, however it will be important to achieve coordination between public land managers and ensure cooperation with private land owners.

Objective 1
To maintain the recreational role of the Peninsula by protecting the qualities of its landscapes, natural environment and cultural heritage.

Strategies
Strategies to achieve these objectives include:

- Maintain the scenic landscape quality of the Peninsula with the following strategies:
  - Maintain permanent non-urban areas of high landscape value and natural interest, which support a variety of recreational activities and experiences and contribute to the liveability of the Melbourne and Western Port regions.
  - Give emphasis to outdoor and unstructured recreation, especially recreational activities that promote understanding of, cultivate interest in, or are directly associated with rural pursuits, the land or coastal environments in their natural state.
  - Promote appropriate recreational activities in non-urban areas particularly activities that are linked with the existing historic, agricultural, environmental and landscape features of the Peninsula.
  - Acknowledge the role of State significant tourist and recreational facilities as an important part of the economic development of the Peninsula.
  - Protect the landscapes, seascapes, coastlines and waterways of the Peninsula, paying particular regard to:
    - Protecting the integrity of the landscape and natural features in both rural and township areas.
    - Landscape character and vantage points of high quality.
    - Visual sequences along access routes.
    - The control of building and subdivision densities in areas of scenic value.
    - The conservation of significant areas of native vegetation of local provenance indigenous vegetation and significant stands of trees along ridges and in valleys and of vegetation along roadsides.
    - The potential to restructure old and inappropriate subdivisions where development would impact adversely on the landscape or natural features.
  - Ensure that the roads of the Peninsula are protected from inappropriate development and are maintained as a major landscape and recreational resource.
  - Require that the location, design and construction of buildings and works are compatible with the special character and heritage of each area.
  - Prevent the establishment of new broiler farms in sensitive landscape areas.
Encourage the provision of facilities which support the recreational role of the Peninsula, improve the ability to meet the demands of visitors and reduce the impact of recreational use on environmental systems and township areas.

Encourage the provision of services and facilities for outdoor and unstructured recreation, including short term and home hosted accommodation, of a kind, scale and location appropriate to the natural and rural environment and the special role, heritage and character of the Peninsula.

Provide for sustainable forms of recreation including a world class regional open space network.

Support the extension of the Regional Open Space network, including the Two Bays Trail and the Port Phillip Coastal Bay Trail.

Identify, protect and manage sites and locations of cultural heritage significance, relating to both Aboriginal and European heritage.

Have regard to current heritage studies for the municipality, including the Aboriginal cultural resource management grid map and guidelines (Aboriginal Affairs Victoria).

Protect rural areas and roads from intrusion by commercial uses that are primarily urban in character, such as freestanding convenience shops, take-away food shops and service stations which are more appropriately located in township areas.

Maintain and enhance the safety, function and amenity of access routes and scenic roads by:

Avoiding a proliferation of access points along major roads that detract form their safety and efficiency.

Protecting visual sequences along access routes.

Protecting arterial roads, scenic roads and access routes form inappropriate commercial and visual intrusion, including advertising signs.

Preventing the development of commercial strips along rural roads.

Limiting access in some areas to protect pedestrian and equestrians form vehicle traffic.

Ensure that major indoor recreational facilities and facilities for structured recreation are not be approved where these would have a significant adverse impact on the rural environment or character of the area.

Ensure that proposals for recreational developments that include residential, commercial or subdivisional components meet strict tests of consistency with the overall planning directions of this statement.

Implementation

These strategies will be implemented by:

Zones and overlays

Using the Green Wedge and Farming Zone to provide flexibility in the use of rural land for recreational purposes that are consistent with landscape character, environmental management and long term agricultural use in the area.

Using the Green Wedge and Farming Zone to specify a minimum subdivision requirement in different areas which is consistent with an assessment of the ability of the landscape to absorb further development without detriment.

Using the Green Wedge and Farming Zone to require planning approval of substantial timber production proposals that may adversely affect landscape values.

Using the Comprehensive Development Zone to incorporate integrated tourist developments, where there is an overriding recreation or tourist need of State significance.
- Applying the Significant Landscape Overlay to identify areas of particular landscape sensitivity and to require landscape impact assessment as part of development applications.

- Using the Public Park and Recreation Zone to manage recreation areas capable of supporting greater numbers of visitors and providing facilities for active sport and recreational uses.

**Policies and the exercise of discretion**

Using local policies to provide guidelines for the consideration of applications involving sites of cultural heritage and aboriginal cultural heritage. (Clause 22.04- Cultural heritage places and Clause 22.05- Aboriginal cultural heritage).

Using a local policy to provide guidelines for the consideration of commercial and industrial uses in rural areas. (Clause 22.07- Commercial and industrial uses in rural areas).

- Use a local policy to establish guidelines for the consideration of applications involving the development of substantial recreational facilities in conjunction with residential and commercial components. (Clause 22.08- Integrated recreational and residential development in rural areas).

- Using a local policy to ensure that the safety, function and amenity of access routes must be maintained and enhanced. (Clause 22.6- Development on highways, main roads and tourist routes).

- Using a local policy to provide direction on the display of advertising signs. (Clause 22.10- Advertising signs).

- Including consideration of the impact of development on private land on the recreational and conservation values of adjoining reserves, including the Point Nepean National Park and Arthurs Seat State Park.

- Requesting applicants in areas where there is a known site of heritage significance or potential for Aboriginal archaeological sites to occur to include a report from a suitably qualified archaeologist demonstrating that the impact of proposed developments on cultural heritage values has been addressed.

**Further strategic work**

- Undertaking a more detailed Cultural Landscape Study as part of a comprehensive Conservation Strategy for the Shire.

- Preparing guidelines to ensure appropriate siting and design of buildings and works in areas of landscape significance, including the coastal areas between Merricks Beach and Cape Schanck.


**Other actions**

- Encouraging the preparation of management plans for major reserves including the management of the interface with adjoining land in private ownership.

- Coordinating development and management of regional open space with Parks Victoria, DNRE and other relevant agencies.

- Seeking the involvement of community volunteers and private sector sponsors to assist in the management and maintenance of regional open space areas.

- Seeking appropriate funding to develop the open space network on the Peninsula, focussing on:
  - The protection and enhancement of sites of environmental and cultural significance.
  - Completing habitat links and trail gaps which would significantly improve the network.
  - The establishment and enhancement of adequate infrastructure at activity nodes.
- Working with Tourism Victoria to prepare a development plan for nature-based ecotourism and interpretation operations.
MANAGING PORT AREA DEVELOPMENT

The Port of Hastings makes an important contribution to the Victorian economy and has a number of significant competitive advantages including:

- Shorter shipping times than the Port of Melbourne.
- Sheltered anchorage’s and a deep water channel requiring minimal maintenance dredging.
- Readily developed land and accessible infrastructure, including pipelines.
- Major road links to Melbourne's existing industrial and manufacturing centres.

On the basis of these factors planning for Western Port has been directed towards maintaining long term port potential.

Western Port has also been the subject of a number of environmental and planning studies, including the major Western Port Bay Environmental Study (1975). This work has identified the Bay and its surrounds as an area of environmental significance and sensitivity. Planning has therefore placed special emphasis on “finding the balance”— meeting the need to pursue the economic advantages of the area, whilst ensuring the protection of the environment.

The Hastings Port Industrial Area Land Use Structure Plan (1996) provides a comprehensive assessment of the land-use issues associated with port development at Western Port. It is used as the basis for the more detailed planning provisions of the Mornington Peninsula Planning Scheme, in accordance with the requirements of the State Planning Policy Framework.

Key issues

- Need to ensure that land in proximity to the port area remains available for port related development and is not compromised by short term development decisions.
- Further subdivision will fragment land ownership and encourage greater housing density in the area, potentially constraining future port development.
- Existing subdivision pattern in some areas, including the Cemetery and Anglers Estates at Long Island, already raise land use conflicts.
- Port and port related development must be carefully planned and managed to avoid damage to the environment or to the amenity of existing residential communities.
- Need to promote the provision of major infrastructure, including main road improvements, necessary to support port related development and to limit impacts on the environment and township areas.

Objectives - what we want to achieve

Objective 1

To protect the long-term value of Western Port for selected port and industrial purposes that depend upon or gain significant economic advantage from proximity to natural deep water channels.

Strategies

Strategies to achieve these objectives include:

- Provide for the development in appropriate locations of industries which are directly dependent on or gain significant economic advantage from a location adjacent to deep water port facilities, or are directly associated with such a use, while also having regard to the protection and enhancement of the biodiversity of the area.
- Ensure the provision of adequate land for wharfage and industry dependent on the deep water port facilities in accordance with the recommendations of the Hastings Port Industrial Area Land Use Structure Plan.
- Manage the interface between port development, townships and rural areas to protect the value of substantial port related industrial assets.
- Prevent industrial development that is not directly dependent on access to the port from locating in the port related development area.
- Support the provision of connections by road, rail and pipeline between the port and established areas of manufacturing and distribution.
- Protect the safety and efficiency of main roads serving the area.
- Protect high pressure pipelines from encroachment of residential and other sensitive land uses.
- Control subdivision to maintain options for port-related development and support existing rural land use.
- Ensure the provision of appropriate buffer areas as part of port related development proposals.
- Ensure that residential development is separated from port areas and port-related development, and protected from the impact of industrial traffic, by maintaining existing strategic rural areas and limiting residential development to areas within existing township boundaries.
- Require traffic management plans and works to minimise the adverse impact of major developments on urban communities.

**Implementation**

These strategies will be implemented by:

**Zones and overlays**

Using the Special Use Zone (SUZ 1 - Port Related Uses) to ensure the strategic development and sustainable use of land for port related purposes.

Using the Restructure Overlay to provide for the consolidation of old and inappropriate subdivision in Crib Point for the purpose of port related development

Using the Green Wedge Zone and Farming Zone, the Low Density Residential Zone and the Design and Development Overlay to maintain a separation between townships and areas identified for future port related activity.

Applying the Road Zone to major roads as a means of managing future access and protecting public investment in major infrastructure.

Using the Design and Development Overlay to identify the location of major high-pressure pipelines and to provide appropriate buffer areas.

**Policies and the exercise of discretion**

Using a local policy to identify the Yaringa area as being subject to particular constraints due to the existing subdivision pattern and relatively high density of housing. (Clause 22.09- Yaringa area).

Assessing applications outside of the port area for their affect on the viability of the port and port-related uses.

**Further strategic work**

Developing implementation plans for the Hastings Port Industrial Area Land Use Structure Plan, 1996 and relevant sections of the Western Port Bay Strategy, 1994, including the long-term management of road access to areas utilised for port related activity.

Developing an appropriate restructure plan and development strategy for land within the Cemetery and Anglers Estate at Long Island.
Other actions
Promoting the provision of major infrastructure, including the upgrading of the Western Port Highway and other road improvement works to facilitate and encourage greater utilisation of land designated for port related uses.

Objective 2
To ensure that port and port related development does not adversely affect or compromise the ecosystems and recreational resources of Western Port.

Strategies
Strategies to achieve these objectives include:
Ensure that planning for the use and development of land takes into account the protection of inter-tidal wetlands, identified areas of conservation significance, native flora and fauna, areas of important fish habitat and the whole Western Port catchment.
Ensure that the environmental impact of port development and industrial development nearby is carefully assessed, particularly if it involves land reclamation or channel dredging programs or is likely to have a detrimental impact on native flora or fauna.
Require that all development is designed to ensure the protection of the air environment, land, waterways and groundwater resources from polluting discharges and activities in accordance with State environment protection policies and relevant best practice environmental management guidelines.
Identify and protect areas of significant nature conservation value in and adjacent to foreshores, streams and wetlands.
Require the provision of drainage, sewerage and other waste disposal facilities, utilities and other services in keeping with the special demands and constraints on the port area and the special significance and susceptibility of Western Port.
Require appropriate building design, siting and landscaping to ensure that port and industrial development is visually integrated with the landscape and seascape.
Protect the amenity of residential areas by maintaining substantial rural breaks between residential and industrial development.

Implementation
These strategies will be implemented by:

Zones and overlays
Using a local schedule to the Special Use Zone to provide specific provisions for the strategic development and sustainable use of land for port related purposes and to reinforce the requirement for environmental assessment of use and development proposals.

Policies and the exercise of discretion
Requiring that careful consideration is given to studies of the port area, the adjacent bay, and catchment, including the Western Port Bay Environmental Study (1973–74), and to strategies adopted by Government, when planning for the use of land or assessing land-use and development proposals.
Evaluating the environmental implications of developments that require planning approval and consulting appropriate authorities, infrastructure providers and operators on the need for and appropriate form of environmental assessment studies.
Including consideration of adopted policies and international conventions on the protection of the environment, relevant catchment strategies and action plans; coastal strategies and action plans; and groundwater quality management plans in all planning decisions.
Requiring the use of demonstrated best-practice performance standards for the design and development of all port development and associated industrial facilities, including where appropriate, the provision of educational and interpretative facilities.

Requiring that practices which minimise all forms of pollution to the waters of Western Port and its catchment are applied in accordance with Government policies, including State Environment Protection Policy W-28- the Waters of Western Port Bay and best practice environmental management guidelines including the EPA Trial Dredging Protocol.

**Further strategic work**

Developing more detailed mapping and overlay provisions in relation to sites of environmental value and significance within the area designated for port related development.

Reviewing coastal planning provisions for the Western Port area in conjunction with the Department of Infrastructure and other relevant authorities.

**Other actions**

Participating in the review of State Environment Protection Policy W 28 - Waters of Western Port Bay to reinforce the port area strategies.

Developing interpretative material to promote awareness of the environmental values of Western Port.
MONITORING AND REVIEW

A review of this planning scheme must be undertaken at least once every three years. An ongoing program of performance monitoring will be developed to evaluate the achievement of strategic policy directions and the operational effectiveness of the administration of the scheme. The monitoring programs will be reported on annually and will be used to inform the review of the MSS.

To evaluate the achievement of strategic policy directions a performance monitoring program will be developed that focuses on the following key elements.

<table>
<thead>
<tr>
<th>Key element</th>
<th>Indicators</th>
<th>Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>Establishing a strategic framework. Clause 21.06</td>
<td>Stable and coherent township growth boundaries and provision for sustainable use and development.</td>
<td>Number of amendments which extend the urban boundary. Performance measured on multi goal achievement matrix with sustainability weighting. The number of applications in which the MSS and local policies are identified as being ambiguous or in which a variation from the stated policy is required.</td>
</tr>
<tr>
<td>Integrated local area planning and housing. Clause 21.07-1</td>
<td>Planning that meets the needs of the community and respects local values.</td>
<td>Support for permit conditions linked to the implementation of development plan requirements. Approval of Development Contributions Plan for Mornington East. Positive evaluation of community service levels and design of new residential areas (by residents) in community satisfaction survey.</td>
</tr>
<tr>
<td>Commercial consolidation, increased levels of service and commercial centre design. Clause 21.07-3</td>
<td>To improve levels of service and ensure complementary design of new development in town centres.</td>
<td>Levels of retail turnover in major centres. Amount of floorspace per person. Increase in areas of public space, including under cover pedestrian areas available within town centres. Support for design arguments in VCAT decisions. Positive evaluation of the design of new commercial development in community satisfaction surveys.</td>
</tr>
<tr>
<td>Industrial land supply and industrial area design. Clause 21.07-4</td>
<td>To facilitate the development of new industries.</td>
<td>Number of applications for new industrial use and development. Positive evaluation of the design of new industrial development in community satisfaction surveys.</td>
</tr>
<tr>
<td>Foreshore environments. Clause 21.08 (objective 1)</td>
<td>To protect and enhance natural coastal ecosystems and landscapes.</td>
<td>Establish environmental monitoring program with other coastal authorities.</td>
</tr>
</tbody>
</table>
### Key element

**Coordination of coastal development. Clause 21.08 (objective 2)**

- **Indicators**: To ensure coordinated development of coastal activity nodes.
- **Target**: Completion of coastal management plans.

**Rural environmental conditions. Clause 21.09-1**

- **Indicators**: To maintain natural values and ecological systems.
- **Target**: State of environment reporting including:
  - No net decrease in the area of vegetation or level of diversity.
  - Stream water quality conditions.
  - Ground water quality conditions.
  - Condition of regionally significant sites.
  - Number of complaints registered with council and EPA relating to rural activities.

**Support for agriculture. Clause 21.09-2**

- **Indicators**: To support sustainable agriculture and prevent the further fragmentation of rural land.
- **Target**: Area of land engaged in agriculture. Number of properties achieving farm rate. Support for Local Policy in relation to excisions by VCAT.

**Landscape protection and recreational use. Clause 21.09-3.**

- **Indicators**: Maintain the recreational role of the Peninsula by protecting landscapes, natural systems and cultural heritage.
- **Target**: Support for decisions at VCAT based on landscape impact assessment. Number of accommodation units established. Level of funding received in support of regional open space network. Positive evaluation of new development in rural area in community satisfaction survey.

**Port area development. Clause 21.10 (objective 1)**

- **Indicators**: To protect areas for future port development.

**Western Port environmental protection. Clause 21.10 (objective 2)**

- **Indicators**: To ensure port development does not compromise the environmental systems or recreational values of Western Port.
- **Target**: Positive EES assessments of proposed developments.

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To evaluate the operational effectiveness of the administration of the scheme and the new system, a performance monitoring program will be developed that focuses on the following key elements.

### Operational effectiveness

<table>
<thead>
<tr>
<th>Key element</th>
<th>Indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Efficient decision-making process.</td>
<td>Number and nature of decisions made. Time taken for decisions. Feedback from development industry on timeframes and costs associated with applications processed.</td>
</tr>
<tr>
<td>Efficient operation of the new system.</td>
<td>Degree of compliance of applications with MSS and local policy objectives. Consistency of decisions (delegate, council, VCAT, Panels) with strategic policy objectives. Degree of VCAT support for the clarity of the MSS and LPPF. Change in number of amendments.</td>
</tr>
</tbody>
</table>
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Heritage Citation, 95 Salmon Street Hastings, Context Pty Ltd, February 2017

Heritage Citation, 118 Salmon Street Hastings, Context Pty Ltd, February 2017

Heritage Report, Hastings Uniting Church Chapel, 121 Marine Parade Hastings by Lorraine Huddle October 2015 (revised February 2017 by Context P/L)

Heritage Citation, 34 Back Beach Road, Portsea (MPSC, 2004)

Heritage Report St Macartan’s Former School and Convent Site (MPSC, 2009)

Heritage Report 2465 Point Nepean Road, Rye (MPSC, 2011)

Landscape Assessment of the Southern Mornington Peninsula (Centre for Environmental Studies – University of Melbourne, May 1974)

Landscape Setting Types for the Victorian Coast (Victorian Coastal Council - May 1998)

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Mornington North Outline Development Plan (Mornington Peninsula Shire, July 2013)

Mornington Peninsula Activity Centres Strategy (MPSC - September 2005)


Mornington Peninsula – Western Port Roadside Management Plan (MPSC 1996)

Mornington Peninsula Public Transport Study (Booz Allen and Hamilton, June 1997)

Mornington Peninsula Shire Council – Corporate Plan 1997 - 2000

Mornington Peninsula Shire Heritage Review, Area 2 Volume 2 - Place and Precinct Citations by Context Pty Ltd, 22 August 2016 (Revised September 2017).

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Mornington Peninsula Shire Heritage Review – Area 1, Mount Eliza, Mornington and Mount Martha: Background Report; (Mornington Peninsula Shire Council, December 2013)

Mornington Peninsula Shire Heritage Review – Area 1, Mount Eliza, Mornington and Mount Martha: Significant Place Citations, (Mornington Peninsula Shire Council, October 2014)

Mornington Peninsula Shire Thematic History, (Graeme Butler and Associates, edited by Context Pty Ltd, July 2013)

Mornington Planning Scheme Rural Lands Strategy (Shire of Mornington, March 1988)

Mornington Peninsula Shire Heritage Review – Area 1, Mount Eliza, Mornington and Mount Martha: Background Report; (Mornington Peninsula Shire Council, December 2013)

Mornington Peninsula Shire Heritage Review – Area 1, Mount Eliza, Mornington and Mount Martha: Significant Place Citations, (Mornington Peninsula Shire Council, July 2014)

Mornington Peninsula Shire Thematic History, (Graeme Butler and Associates, edited by Context Pty Ltd, July 2013)

Mornington Rural Land Use Strategy (Shire of Mornington)
Planning for Sea Level Rise Guidelines Port Phillip and Westernport Region (Melbourne Water February 2017)

Port Phillip and Western Port Regional Catchment Study (Port Phillip Regional Catchment and Land Protection Board August 1997)

Recognising the Heritage of Ranelagh; Conservation Management Plan for the Ranelagh Estate, Mt Eliza (Context Pty Ltd; Blair, S; Helms, D & Dyson, C; 2009)

Red Hill South Commercial Centres Strategy (Ratio February 1991)

Responsible Electronic Gaming (EGM) Policy (Mornington Peninsula Shire Council, August 2016)


Review of Issues on the Urban Fringe – Final Report (Department of Infrastructure, 1997)

Rural Planning Priorities for the Western Port Region (WRPCC, 1994)

Shire of Flinders Heritage Study Caring for our Heritage (Context Pty Ltd; Kellaway, C & Lardner, H; 1992)

Shire of Flinders Heritage Study History and Heritage (Context Pty Ltd; Kellaway, C & Lardner, H; 1992)

Shire of Flinders Heritage Study Inventory of Significant Places (Context Pty Ltd; Kellaway, C & Lardner, H; 1992 (Updated 1997))

Shire of Hastings Commercial Centres Strategy (Ratio P/L, April 1991)

Shire of Hastings Conservation Strategy (Shire of Hastings 1994)

Shire of Mornington Conservation Directions (March 1993)


Shire of Mornington Heritage Study Volume 1 Recommendations and Guidelines Volume 2 Environmental History Volume 3 Significant Sites and Areas (Graeme Butler & Associates, 1994)

Shoreham Design Guidelines (Dec 2007)

Siting and Design Guidelines for structures on the Victorian Coast (Victorian Coastal Council - May 98)

Somerville Baxter Moorooduc Non Urban Areas Study (Aberdeen Hogg and Associates, September 1978)

Somerville Guidelines for Growth (WRPA – Shire of Hastings, June 1997)

Somerville Outline Development Plan (Shire of Hastings)

Sorrento Streetscape Guidelines (Jacobs Lewis Vines 1981)

Sorrento Townscape Study (Centre for Environmental Studies- University of Melbourne/Shire of Flinders August 1979)

South East Region Gaming Policy Framework (Coomes, December 2007)

‘Spring Farm’ Moorooduc - Heritage Assessment, 245 Mornington-Tyabb Road, Moorooduc (Heritage Intelligence, July 2009)

Statement of Planning Policy No 1 (as varied 1976)

Statement of Planning Policy No 2 (as varied 1976)

The Preservation of the Mornington Peninsula and Westernport (National Trust of Australia – Victoria, May 1974)

VicCode Implementation Study – Shire of Flinders (Henshall Hansen and Partners may 1993)

Victorian Coastal Strategy (Victorian Coastal Council, 2014)
Western Port Bay Strategy (WRPCC, 1992)
Western Port Coastal Villages Strategy (WRPCC, December 1994)
Western Port Region Conservation Survey (Conservation Council of Victoria 1974)
Westernport Area Commercial Centres Strategy Study (WPRPCC July 1989)

Abbreviations

MPSC – Mornington Peninsula Shire Council
WPRPCC - Westernport Regional Planning and Coordination Committee.
WPRPA – Western Port Regional Planning Authority
LOCAL AREA PLANS

Ranelagh Estate, Mount Eliza

Applies to all land in the Ranelagh Estate as shown on the map forming part of this clause.

Vision

The Ranelagh Estate is a place where the visions of Walter Burley Griffin, Marion Mahoney Griffin and Saxil Tuxen are respected and conserved in the Estate plan, where the natural park-like environment is conserved and enhanced, where the reserves are well looked after and used, where the Mount Eliza shops are a social meeting place, and where all the people who live on the Estate care about the Estate.

Objectives

- To respect the heritage values of the Ranelagh Estate.
- To conserve the Ranelagh Estate as a distinctive local landscape and a significant heritage place.
To manage the values of the Ranelagh Estate in a coordinated manner and in accordance with its significance and heritage best practice.

To ensure that new development and subdivision proposals have proper regard to heritage values within the Ranelagh Estate.

To identify and develop opportunities for interpretation and presentation.

**Strategies**

Strategies to achieve these objectives include:

**Subdivision**

Avoid further subdivision of lots or realignment of lot boundaries that is not consistent with the original subdivision plan of the Estate, including boundaries of private, public and commercial land parcels. The original subdivision plan consists of the following plans: LP 10716, LP 10717, LP 10718.

**Development**

Strongly discourage development that would do any of the following:

- Give the appearance of more than one dwelling on a lot.
- Alter or impact upon the natural site contours and drainage patterns.
- Require the removal of mature trees or other important cultural landscape elements such as hedges.
- Significantly increase the site coverage of buildings on a lot.
- Be visually intrusive and contrary to the principle that built form should be subordinate to the landscape.

**Roads and verges**

Conserve and maintain the curvilinear street pattern and rounded street corners, generous verges on corners and both sides of the roads, and landscaped traffic islands.

Conserve the original hierarchy of road reserves, with Wimbledon Avenue the widest at 100 feet (33 metres) and the remainder at 50 feet (16.5 metres).

Ensure that vehicular access and traffic management measures are coordinated throughout the Estate and are designed to enhance its cultural heritage significance.

**Open space**

Conserve and maintain all open space in accordance with the original objectives of the Griffin design plan, including all of the following:

- Prevent subdivision of reserves for private use.
- Conserve and maintain public access to reserves.
- Restore features of the open space system that have been lost or obscured or function has become less obvious.
- Discourage solid fences or other structures that would create a solid visual barrier along the common boundaries between houses and internal reserves.

**Landscape and plantings**

Conserve and maintain significant and mature trees and significant avenue plantings.

Where appropriate, restore historic planting schemes that have become compromised or damaged.

Restore indigenous vegetation in locations where it is a significant feature within the Estate.
Views
- Conserve views and glimpses of the sea from the public domain, including those through private property and the Ranelagh Club.
- Protect and conserve important view corridors.
- Strongly discourage the removal or pruning of significant trees to improve views from private property.

Village Centre
- Discourage commercial uses from locating in land within a residential zone.
- Discourage the future use of land set aside for open space adjoining the commercial area for additional car parking or other non-recreational uses.

Interpretation
- Encourage development of the Ranelagh Estate that will help define its boundaries and entrances so that it is evident and readable in the landscape as a Griffin garden suburb estate.

Implementation
- Apply Schedule 8 to the Special Use Zone to recognise privately owned land that was previously part of a reserve shown on the original Walter Burley Griffin plan of subdivision.
- Apply Heritage Overlays to conserve and enhance heritage places.
- Apply Local Policy Clause 22.04 – Heritage Places and Abutting Land to land within the Heritage Overlay and to land that abuts the Heritage Overlay within the Ranelagh Estate policy area.
- Apply Schedules 2 and 3 to the Design and Development Overlay to enhance bayside and village and coast and landscape design.
- Apply Schedule 1 to the Vegetation Protection Overlay to protect township vegetation.

Reference
Recognising the Heritage of Ranelagh; Conservation Management Plan for the Ranelagh Estate, Mt Eliza (Context Pty Ltd; Blair, S; Helms, D & Dyson, C; 2009)
Hastings Activity Centre

VISION
By 2030, Hastings will be the ‘gateway to Western Port’ and a bustling ‘country town on the coast’ – the hub of the eastern section of the Peninsula.

Hastings’ unique character, designed around and focused on High Street, will reflect its history as a coastal settlement. It will have a strong functional and visual connection to Western Port, be accessible to its catchment, offer attractive opportunities for walking and cycling, good public transport services and well-integrated railway station precinct.

The vision for the Hastings Activity Centre is that it will be:

- An attractive place for both social and commercial activity, supported by strategically located major retail stores at the rear of High Street, with an outlook to the Foreshore and Western Port; a street that fosters both street-life/community interaction and economic development/employment opportunities.

- A centre that people in the district identify with. It gives them a sense of place and belonging. It is their favourite destination to meet, shop, be entertained, work and do business.

- An exciting place to live, well integrated with surrounding residential areas.

- A reflection of ongoing community consultation and sustainability principles.

- A 'main street based' Town Centre that is focused on High Street and supported by strategically located major retail stores at the rear of High Street.

OBJECTIVES
- Strengthen Hastings’ roles as a major activity centre and regional visitor destination and facilitate additional retail and commercial developments, as well as a range of other activities that support these roles.
- Broaden the diversity of land uses in the centre and facilitate additional residential development that contributes to housing diversity.
- Improve the linkages between the main commercial sections of the centre, the foreshore and the railway station.
- Redevelop the railway station precinct to have the railway station located closer to/better connected with High Street, in order for the station to be visibly and functionally a more integrated element of the centre.
- Facilitate a range of transport options to access the centre and an increase in the use of transport options other than private vehicles.
- Encourage High Street to become pedestrian-friendly.
- Promote links to recreational open space facilities at the foreshore and broaden the mix of land uses with active frontages in Marine Parade along the link to the foreshore.
- Protect views along High Street to the foreshore and Western Port.
- Balance the distribution of major retail facilities north and south of High Street, with the next stage of growth to take place on the north side, along King Street.
- Improve the environmental sustainability of the Hastings Town Centre in terms of building design, energy and water use, and impacts on the natural environment.
- Design buildings and spaces to improve the level of actual and perceived safety throughout the centre.
- Provide additional passive recreation areas in the Activity Core, in the form of well-designed and strategically located ‘micro-parks’ and landscaped pedestrian links, located along the pedestrian network.
- Enhance the attractiveness of the foreshore as public open space that supports the town centre.
- Establish Hastings as a walkable centre, with a high-quality pedestrian/bicycle network.
- Improve pedestrian amenity and safety in High Street and encourage cafés and al fresco dining along High Street and Marine Parade (south of Church Street).
- Support development at gateway sites through landmark urban design and architecture, signage, complementary landscaping and/or public art.
- Encourage civic, community and social services to locate within the Hastings Town Centre.
Rosebud Activity Centre

VISION
By year 2030, Rosebud Activity Centre will become a major activity centre distinctive for its special relationship to the coastal environment, its backdrop to Arthurs Seat and linear activity spine along Point Nepean Road. It will be the focal point for the Southern Peninsula region and one of its key seaside retreats, with distinctive coastal character and seaside atmosphere.

Rosebud Activity Centre will accommodate more integrated housing within the commercial areas and become an active, attractive, pedestrian friendly, highly accessible and well landscaped activity centre with a clearly identifiable ‘heart’ of the district located at Rosebud Central.

Rosebud Activity Centre will be an exciting place to live that is integrated with surrounding residential areas. The residential area called the Avenues will be sensitively consolidated within walking distance of the activity spine and adjacent to existing public open space in order to maintain its character.

OBJECTIVES
- Ensure that projected additional retail and office development is spread evenly between Rosebud’s precincts.
- Grow and consolidate office, employment, entertainment and accommodation uses in a mixed use form within and between existing retail nodes along Point Nepean Road.
- Promote housing consolidation and choice within the Rosebud Activity Centre.
- Design buildings for community use to be of a domestic form and modest scale consistent with existing residential character.
- Plan for hierarchy of building heights to maintain an appropriate human scale; recognise the activity centre’s interface with adjoining residential development and the importance of providing an adequate transition.
- Protect views to Arthurs Seat and Port Phillip from the activity spine and foreshore reserve.
- Promote the entrance to the Rosebud Town Centre at Boneo Road, Jetty Road and Adams Avenue through the provision of feature art and identifiable signage.
- Enhance the town centre entrance at Boneo Road through the provision of complementary landscape treatments and a well-defined pedestrian link between the activity centre, foreshore and Bay Trail.
- Enhance the extent, connectivity, amenity and safety of the pedestrian and open space networks in the centre.
- Establish Wannaeue Place as an attractive, well-landscaped and pedestrian-orientated shared plaza with active retail frontages that provides direct linkages to Rosebud Centro, the Foreshore and Bay Trail.
- Support Rosebud Plaza to grow into a well landscaped shared plaza with pedestrian priority, linkages with Point Nepean Road and the foreshore and active internal and external retail frontages.
- Promote the community focus of the ‘Heart’ through public realm improvements so that it evolves into an attractive and well-landscaped pedestrian focussed public space.
- Encourage mixed use development within ‘the Heart’ precinct, in conjunction with the strengthening of its major community focus and the provision of recreational opportunities.
- Promote retail consolidation within the ‘Boneo Junction’ precinct complemented by an active recreational open space focus.
- Promote ‘street life’ along Point Nepean Road with opportunities for meeting, gathering and kerbside dining.
- Facilitate a range of transport options to access the centre and an increase in the use of transport options other than private vehicles.

21.13-4
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Local area implementation

RANELAGH ESTATE, MOUNT ELIZA

- Apply Schedule 8 to the Special Use Zone to recognise privately owned land that was previously part of a reserve shown on the original Walter Burley Griffin plan of subdivision.
- Apply Heritage Overlays to conserve and enhance heritage places.
- Apply Local Policy Clause 22.04 – Heritage Places and Abutting Land to land within the Heritage Overlay and to land that abuts the Heritage Overlay within the Ranelagh Estate policy area.
- Apply Schedules 2 and 3 to the Design and Development Overlay to enhance bayside and village and coast and landscape design.
- Apply Schedule 1 to the Vegetation Protection Overlay to protect township vegetation.

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Reference

Recognising the Heritage of Ranelagh; Conservation Management Plan for the Ranelagh Estate, Mt Eliza (Context Pty Ltd; Blair, S; Helms, D & Dyson, C; 2009)

Hastings Town Centre Structure Plan - October 2017.

Rosebud Activity Centre Structure Plan - October 2017.
INDUSTRIAL AREAS

This policy applies to land in the Industrial 3 Zone.

Policy basis

The economic role of industrial areas within the Shire’s townships is recognised in the Municipal Strategic Statement. Many of the Shire’s townships have historically developed with industrial areas on one or more of the major access roads. Although more recent planning has sought to concentrate factory and industrial activity rather than continuing linear strips, many areas still retain very high exposure. Accordingly, in seeking to encourage the further development of manufacturing employment, it is also appropriate to set guidelines for the development of industrial land.

In addition, the range of opportunities for future development depends in part on the range of lot sizes that are available. Land that is suitably located for industrial use is a scarce resource, having regard to the separation of industrial and residential areas, including the separation of industrial and residential traffic, the costs of providing infrastructure and the environmental and landscape protection policies for the Peninsula. Land which has been identified for industrial development should therefore be retained for its long term strategic value, particularly in townships, such as Mornington, Rosebud, Hastings and Somerville which still have substantial residential growth potential, creating greater demand for service industries.

The Municipal Strategic Statement also aims to strengthen the hierarchy of activity centres. It seeks to promote the growth of major and township activity centres and avoid inappropriate out-of-centre commercial development that may undermine the activity centres policy. This is particularly the case for out-of-centre bulky goods retailing along main roads. Commercial development also has the potential to restrict the availability of land needed to facilitate industrial business and employment opportunities, as well as a range of service industries.

Many of the existing industrial areas consist of relatively small lots and small factory developments. Although this is consistent with the needs of smaller industries and may provide suitable “incubator” conditions, it is important that the remaining areas of land that are situated in areas appropriate for industrial development are not committed in advance to a limited range of use by premature subdivision.

Objectives

1. To ensure the subdivision of industrial land provides lots that are capable of accommodating a range of industrial uses and associated industrial storage and access requirements.

2. To achieve orderly design and development in industrial areas by maintaining consistent standards for buildings in relation to siting, height and building materials.

3. To prevent out-of-centre commercial developments in the industrial zones that undermine the activity centres policy at Clause 22.02, particularly along main roads.

4. To provide for the establishment of landscaping, using native vegetation of local provenance where appropriate, which contributes to the appearance of industrial development and provides screening where necessary.

5. To protect the amenity of residential and commercial areas in proximity to industrial land and the amenity, safety and efficiency of main roads.

Policy

Industrial development

It is policy that:
The design of new industrial development positively contributes to local urban character and enhances the public realm while minimising detrimental impact on neighbouring properties.

Development proposals include a site analysis and design response statement.

Recommended design standards to achieve the objectives of this policy are listed in the table to this policy. Alternative design approaches may be considered provided it is demonstrated that an equal or better design outcome in terms of the objectives of this policy is achieved, to the satisfaction of the responsible authority.

Proposals for industrial development must also have regard to any adopted design guidelines for specific industrial areas.

**Commercial development**

It is policy that:

- Proposals for out-of-centre commercial developments that undermine the activity centres policy at Clause 22.02 will not be supported.

**Subdivision**

It is policy that:

A development plan be required prior to the subdivision or development of large areas of industrial land. A development plan must ensure that proper design is not limited by inappropriate lot sizes or subdivisional layout. A development plan should provide for:

- Coordinated servicing of the land and the connection of all lots to reticulated sewerage, drainage, underground electricity supply and other infrastructure services.
- Control of access to main roads and the provision of any necessary road improvements.
- Protection of remnant areas of vegetation, streamlines, wetlands and other environmentally sensitive features.
- Creation of larger sites to accommodate greater building setbacks and landscaping adjoining main roads.

Subdivision of industrially zoned land should provide for a minimum lot size of 2000 square metres, unless it is demonstrated that there is a market demand for smaller lots. The market analysis should have regard to the impact on the available supply of lots capable of accommodating larger industrial developments.

Where it is proposed to create lots with an area of less than 2000 square metres, a site development plan may be required to indicate the proposed siting of buildings, carparking areas, accessways, landscaping and other design elements and to incorporate appropriate siting and building design guidelines.

**Interface with other uses**

It is policy that:

- Material recycling yards, including motor wrecking yards and demolition yards, and uses involving plant and equipment that are likely to be visually obtrusive, such as concrete batching plants, not be located on main roads or in proximity to residential or commercial areas.
- The design of new industrial areas incorporates buildings that front, rather than back onto, adjoining roads and other public areas.
- Building design demonstrates an orientation towards the adjoining roads and public spaces by:
  - Avoiding blank building facades and incorporating windows and other design elements.
  - Locating office components at the front of the building.
  - Incorporating facades that address both streets on corner buildings.
- Industrial use and development not have a detrimental effect on the safety, efficiency or visual amenity of adjoining roads. All vehicles be able to enter or leave an industrial site in a forward direction.

- Land that is developed as a landscaped median strip or as a nature strip separating car parking or display areas from main road reserves, be retained for landscaping and not be used for the display of advertising signs or other forms of use and development.

Other design features

It is policy that proposals for industrial development incorporate:

- Provision of screening for external storage areas.
- Provision of screening for all structures above the building roofline.
- Provision for waste material storage bins in locations that enable effective screening and the convenient collection or emptying of such bins.
- Provision for safe pedestrian movement between buildings and parking areas and provision for emergency access.
- The siting of security fencing behind landscaping to reduce visual impact.

Decision guidelines

Before deciding on an application the responsible authority will consider:

- The extent to which the application meets the objectives and directions of this policy.
- The extent to which the application responds to the provisions of Clause 19.03- Design and built form.
- The extent to which any commercial development would be better located in an existing activity centre.
- Whether it is reasonable and practical to meet the provisions of this policy, having regard to the objectives of this policy, the area of the site, the established pattern of development in the area and the proposed use of the building.
- The extent to which proposed industrial development meets the objectives of State Environment Protection Policies, best practice environmental management guidelines, provision of infrastructure (such as sewerage) and the preservation of air and noise buffers between incompatible uses.

Table 1 to Clause 22.01-3 – Industrial subdivision and design

<table>
<thead>
<tr>
<th>Design element</th>
<th>Recommended standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building setback from a road frontage</td>
<td>Buildings should be setback in accordance with the established building line for the road on which they are to be located. Where adjoining land is vacant a minimum setback of at least 15 metres, should be provided with the first 9 metres set aside for landscaping. The building setback may be reduced to 9 metres if the land does not adjoin a Road Zone and the maximum building height does not exceed 4.5 metres within 15 metres of the frontage.</td>
</tr>
<tr>
<td>Building setback from a side road</td>
<td>At least 5 metres, with the setback area set aside for landscaping.</td>
</tr>
<tr>
<td>Building setback from a residential zone boundary</td>
<td>At least 20 metres.</td>
</tr>
<tr>
<td>Minimum landscaped area</td>
<td>At least 20% of the site area, including the frontage setback landscape area and excluding any areas that have a dimension of less than 3 metres.</td>
</tr>
<tr>
<td>Design element</td>
<td>Recommended standard</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>A landscaped area with a minimum dimension of at least 10 metres should be provided adjacent to a residential zone boundary or any site occupied by a school or institutional use.</td>
<td></td>
</tr>
<tr>
<td>Maximum building height</td>
<td>10 metres.</td>
</tr>
<tr>
<td>Minimum lot size and frontage</td>
<td>At least 2000 square metres, with a minimum road frontage of at least 30 metres.</td>
</tr>
<tr>
<td>Building materials and elevations</td>
<td>The external walls of all buildings and pitched roofing to be constructed of concrete masonry, brick, colour treated steel cladding or other similar construction materials of a non reflective nature.</td>
</tr>
</tbody>
</table>
22.02 ACTIVITY CENTRES

This policy applies to all land within the Commercial 1 Zone, Commercial 2 Zone and Mixed Use Zone.

22.02-1 Policy basis


The map to Clause 21.07-3 shows the hierarchy of activity centres on the Mornington Peninsula. It also shows the boundaries of the Statistical Local Areas.

22.02-2 Objectives

Directions for commercial growth

- To ensure that the provision of additional commercial development strengthens the hierarchy of activity centres on the Mornington Peninsula shown on the map to Clause 21.07-3 and in Table 1 to Clause 21.07-3.

- To ensure any activity centre achieves the highest level of commercial and non-commercial services to the community in its catchment and to visitors and tourists, commensurate with the role and function of that activity centre in the activity centres hierarchy on the Mornington Peninsula.

- To facilitate the provision of additional retail (excluding restricted retail) and office floor space in major and township activity centres.

- To facilitate the provision of additional restricted retail floor space in bulky goods clusters on the edge of townships that have major activity centres.

- To optimise commercial business (including tourism) and employment opportunities in activity centres on the Mornington Peninsula.

Design and development of activity centres

- To ensure commercial development in activity centres achieves excellence in urban design and contributes to the identity and the sense-of-place of the localities served by these centres.

- To ensure commercial development achieves a balance between the need for additional commercial facilities and the valued character of activity centres.

- To ensure activity centres provide a broad range of uses, including retail and commercial services, leisure and hospitality/entertainment services, community facilities, residential development, open space and public infrastructure.

- To achieve orderly design and development in activity centres by maintaining consistent standards for commercial development in relation to siting, height and landscaping.

22.02-3 Policy

Where a permit is required it is policy to:

Directions for commercial growth

- Encourage retail premises (excluding restricted retail premises) in a Commercial 1 Zone in Major and Large Township Activity Centres that facilitate achieving the additional retail floor area envisaged by 2021.

- Encourage offices in a Commercial 1 Zone in Major and Large Township Activity Centres that facilitate achieving the additional office floor area envisaged by 2021.
- Encourage restricted retail premises in a Commercial 2 Zone on the edge of townships with a Major Activity Centre that facilitate achieving the additional restricted retail floor area envisaged by 2021.

- Oppose retail, restricted retail or office developments that would cause a change to the classification of any activity centre within the hierarchy of activity centres as shown on the map and in Table 1 to Clause 21.07-3.

- Strongly discourage retail, restricted retail or office developments that would cause the additional floor area envisaged by 2021 for identified centres or types of centres to be significantly exceeded.

**Design and development of activity centres**

- Encourage applications to give effect to any structure plan, urban design framework or streetscape guidelines for individual activity centres that are included as a Reference Document in Clause 21.12 and elsewhere in the planning scheme.

- Encourage applications to provide activity centres with a broad range of retail, commercial, community, recreational and tourism facilities, as well as a variety of housing opportunities, commensurate with the role and function of activity centres in the hierarchy of activity centres as shown on the map to Clause 21.07-3 and in Table 1 to Clause 21.07-3.

- Ensure that the use and development of land in activity centres contribute to the character, scale and urban design quality of those centres, enhances the public realm and respects heritage values.

- Ensure that development proposals accord with the recommended design standards listed in the table to this policy. Alternative design approaches may be considered provided it is demonstrated that an equal or better design outcome in terms of the objectives of this policy is achieved, to the satisfaction of the responsible authority.

- Encourage the use and development of land in activity centres with a foreshore reserve to contribute to the visual, recreational and environmental qualities of that reserve.

- Encourage commercial development to contribute to pedestrian amenity and safety by maintaining a continuous retail frontage and by providing continuous weather protection to streets in activity centres. Developments with crossovers or blank walls that detract from pedestrian routes should be avoided in the core of retail areas. Residential uses should not occupy ground floor street frontages in retail core areas, to prevent disruption to commercial activity.

- Support the provision of residential accommodation above commercial premises in activity centres.

- Facilitate good access to and parking in activity centres for all modes of transport. Encourage centres to be focal points for extended public transport services.

- Ensure that the design of community facilities and public infrastructure contributes to the character of each centre.

- Require a submission to be provided with any application for retail, restricted retail or office developments with (either individually or combined) a Leasable Floor Area in excess of 1,000 square metres that assesses the impact of such application on the basis of a range of criteria. These criteria must include: the strategic context of the location of the subject land, equitable access to a range of transport modes, public amenity, the character of the locality and economic, environmental, social and cultural sustainability.

- Require a development plan to be provided with an application for retail, restricted retail or office developments with (either individually or combined) a Leasable Floor Area in excess of 1,000 square metres or with an application for the subdivision of vacant commercial land.

A development plan should provide for:
The envisaged built form concept for the proposed development. The plans should be accompanied by sections and 3-dimensional drawings to effectively illustrate the scope, scale and massing of the proposed development. These should demonstrate the extent to which the proposed development is consistent with any structure plan for the affected activity centre.

- Landscape and urban design concept plans that protect remnant areas of vegetation, streamlines, wetlands and other environmentally sensitive features.

- The protection of vistas to historic or significant buildings forming part of the streetscape.

- The provision of safe and sheltered pedestrian routes through commercial centres, including access through buildings, arcades and plaza areas, pedestrian links to car parks, sheltered rest areas and the lighting of public areas and car parks.

- Control of access to main roads and the provision of any necessary road improvements.

- The integration of proposed car parking areas with existing and proposed car parking areas on other land, access roads, driveways and landscaped areas.

- The provision of convenient and safe access for people with disabilities.

- Intended access to or facilities for public transport services.

- Coordinated servicing of the land and the connection of all lots to reticulated sewerage, drainage, underground electricity supply and other infrastructure services.

- A subdivision development plan may be required to indicate the proposed siting of all buildings, car parking areas, access-ways, landscaping and other design elements and to incorporate appropriate siting and building design guidelines.

### Table to Clause 22.02-3: Recommended design standards

This table does not apply to land within the Commercial 1 Zone and Mixed Use Zone that are located within the Major Activity Centres of Mornington, Hastings and Rosebud as specified in Clause 22.18, 22.23 and 22.24.

<table>
<thead>
<tr>
<th>Design element</th>
<th>Recommended standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area provided as landscaped open space or pedestrian precinct area within the Commercial 1 Zones</td>
<td>At least 15% of the site area. An additional landscaped area with a minimum dimension of at least 3 metres should be provided adjacent to a residential zone boundary (not being a road). The width of the landscaped buffer strip should be increased to 5 metres where land is to be developed for factory purposes.</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>8 metres or as specified in an adopted local centre plan.</td>
</tr>
<tr>
<td>Building setbacks</td>
<td>Buildings should be setback from the property frontage in accordance with the existing building line, having regard to the provision of frontage car parking, landscaping and pedestrian areas. In the development of isolated sites, car parking should generally be located at the frontage of the property. A minimum setback of 15 metres is generally required on lots within the Commercial 1 Zone where land adjoins a Road Zone. A setback of 5 metres is generally required from a residential zone boundary.</td>
</tr>
</tbody>
</table>

### Decision guidelines

It is policy that the responsible authority considers as appropriate:
The extent to which the application meets the objectives and directions of this policy.

- The extent to which proposed commercial development meets the objectives of State Environment Protection Policies, best practice environmental management guidelines, provision of infrastructure (such as sewerage) and the preservation of air and noise buffers between incompatible uses.

Policy references

22.03

DWELLING DENSITY, EXCISIONS AND REALIGNMENTS IN RURAL AREAS

This policy applies to all land within the Green Wedge and Farming Zone.

Policy basis

Productive agricultural land is a scarce resource and the Mornington Peninsula rates highly in terms of both returns per hectare from agricultural use and inherent productivity factors. In addition, rural areas serve valuable environmental and recreational open space roles. However, the high amenity and relative accessibility of the Peninsula to Metropolitan Melbourne has led to the fragmentation of some rural land into relatively small parcels.

Land fragmentation is a key threat to continued agricultural use, inhibiting the ability to utilise economically efficient and sustainable farm practices. Fragmentation also increases the population density in rural areas, which often imposes constraints on farming operations due to concerns about the use of farm equipment, the use of fertilisers and the like and the introduction of dogs. In addition, the division of rural land holdings raises expectations of further residential encroachment, potentially increasing rural land prices and increasing pressures for further residential and rural residential sprawl – leading to further land fragmentation.

This cycle of fragmentation can only be broken by planning controls that stabilise both the development of housing in rural areas and subdivision expectations, combined with practical support for the sustainable management of land as farmland. In this context, excisions from rural properties should be seen as appropriate only in exceptional circumstances, linked to the expectations of long term farm owners, and provided they do not detract from the sustainable use of the land for farming or compromise environmental or landscape values associated with the land.

22.03-2

Objectives

- To support the objectives of the Green Wedge Zone and Farming Zone and to maintain farmland as a long-term resource.

- To prevent the fragmentation of rural land and avoid constraints on rural land use resulting from increasing development densities in rural areas.

- To maintain and enhance the landscape and environmental values of rural areas.

- To provide an equitable and sustainable basis for consideration of proposals for excisions, as exceptional variations to the Green Wedge and Farming Zone subdivision provisions.

- To provide for the continued occupation of rural land by long term farm owners.

- To ensure compliance with the State environment protection policies and to prevent encroachment of sensitive uses into recommended air or noise buffer distances from potentially offensive uses, such as intensive animal industries.

- To reduce the dispersal of population and infrastructure demands.

- To provide opportunity for efficient use of rural land by intensive agricultural uses.

22.03-3

Policy

Additional dwellings

It is policy that:

In the Green Wedge Zone and Farming Zone no more than one dwelling be constructed on a lot, unless an additional dwelling is required for any of the following purposes:

- It is proposed to replace an existing dwelling that is to be demolished.

- It is to accommodate a person working on the land or a member of the family owning the land.

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It is proposed to provide accommodation for visitors, aged relatives or persons working on the land.

Before deciding on an application, the responsible authority must be satisfied that:

- The additional accommodation is justified having regard to the intensity and nature of the agricultural activity on the land.
- The scale of the proposed dwelling is consistent with the intended use.
- The siting of the proposed dwelling is integrated with the existing dwelling. This includes ensuring:
  - The proposed dwelling is sited in close proximity to the existing dwelling, to the extent that this is reasonable and practical having regard to the size of the lot and the use of the land.
- The use of shared access and services.
- The proposed dwelling will comply with State environment protection policies regarding the retention of wastes on the site and will not affect ground water and natural drainage off the site.
- The proposed dwelling will not reduce the primary agricultural activity on the land.
- The proposed dwelling will not detrimentally affect the natural systems on the land.
- The proposed dwelling will complement and respect the landscape values of the area.

The excision of a dwelling approved under this policy will not be supported.

Excisions

House lot excisions

It is policy that, in considering applications for house lot excisions, the responsible authority will require that:

- Two dwellings existed on the land prior to the 14 May, 1975 and the proposed lot is to contain one of the existing dwellings, or
- All of the following requirements are met:
  - The land from which the lot is to be excised has been in the ownership of the same family since the 14 May 1975.
  - The land from which a lot is to be excised has an area at least equal to the minimum lot size specified in the schedule to clause 35-01.
  - At least one dwelling existed or was approved on the land prior to the 14 May 1975.
  - No previous approval has been granted to excise a lot from the land for any purpose since the 14 May, 1975; except where two dwellings existed on the land prior to the 14 May, 1975 and one of the dwellings has been previously excised.
  - The lot to be excised has an area of at least one hectare or such smaller area as the responsible authority considers adequate to absorb domestic sewage, sullage and effluent.

Before deciding on an application the responsible authority will consider:

- Whether the lot is capable of absorbing domestic sewage sullage and effluent.
- The future use of the balance of the land.
- The need for the excision of a larger lot having regard to the location of existing buildings.

As part of any approval of an excision the responsible authority will require an applicant to enter into agreement under Section 173 of the Act to ensure that no part of the land may be further subdivided.
House lot excisions from horticultural and broiler chicken farms

It is policy that:

The responsible authority may support an application for a house lot excision which does not meet the requirements of the previous section of this policy if it is proposed to excise a lot from either:

- A site containing an existing broiler chicken farm.
- Land used predominantly for horticulture of market gardening.

In considering applications the responsible authority will require that:

- The land exceeds 30 hectares in area.
- The land contains an operational broiler farm or is predominantly used for horticulture or market gardening, and has been utilised for such purpose to the extent that it is operating in a productive capacity to the satisfaction of the responsible authority
- The area remaining after the excision is capable of sustaining a viable agricultural enterprise to the satisfaction of the responsible authority. A report may be required from a suitably qualified agricultural consultant or authority, although such report shall not itself be conclusive.
- The balance of the land can continue to be used without detriment to the natural systems and landscape of the area, taking into account the likely construction and siting of buildings and works associated with the use of the land.
- An adequate buffer distance can be maintained between broiler sheds and the house on the lot that is to be created.
- An adequate water supply is available.
- No previous permission has been granted to excise a lot from the land since the 14 May 1975.

As part of any approval of an excision the responsible authority will require an applicant to enter into agreement under Section 173 of the Act to ensure that no part of the land may be further subdivided.

As part of any approval of an excision the responsible authority may require that an agreement be entered into under Section 173 of Act to prevent the construction of a dwelling on the balance of the land following the excision.

Realignments

It is policy that:

- A realignment of boundaries will only be supported where:
  - No additional lot is created.
  - No additional subdivision potential is created.
  - The ability of any allotment to retain waste water on-site is not adversely affected.
- The responsible authority must consider the effect of a proposed realignment on the existing or potential future rural use of the land, with a view to avoiding the fragmentation of larger lots into smaller parcels and to encouraging land consolidation.
- Where larger lots exist which are equal to or approach the minimum lot area specified in the local schedule to the Green Wedge Zone and Farming Zone, these should not be fragmented into smaller parcels through realignment. As a guide, there should be no more than a five percent reduction in the area of the larger lot unless the responsible authority is satisfied that a greater change is necessary to achieve more effective long-term land management.
- The responsible authority may require the submission of a whole farm plan to demonstrate the purpose of the proposed realignment in relation to improved land management.
Decision guidelines

Before deciding on an application the responsible authority must consider as appropriate:

- The extent to which the application meets the objectives and directions of this policy.
- The extent to which any proposed variation of this policy can be applied on a consistent basis without undermining the strategic directions of this scheme.
HERITAGE PLACES AND ABUTTING LAND

This policy applies to any application for use or development of land that is within, partly within or abutting a Heritage Overlay.

Policy basis

Many places of cultural heritage significance (heritage places) have been identified and documented through heritage studies, but planning regulation is needed to ensure that the management and development of these places is consistent with their identified heritage values.

This policy builds on the State Planning Policy Framework and the Local Planning Policy Framework, in particular:

- Clause 15.03-1 Heritage conservation
- Clause 15.01-2 Urban design principles
- Clause 21.07-2 Local area character

Objectives

- To conserve and appropriately manage identified heritage places.
- To ensure that development on land abutting a heritage place respects the heritage values of the place.
- To encourage the conservation of trees, gardens and landscaping associated with heritage places.
- To provide opportunities for the community to view, appreciate and learn about the significance of heritage places.

Policy

It is policy to:

- Assess and record the significance of a heritage place including its aesthetic, historic, scientific or social value to past, present and future generations.
- Recognise and apply the principles, processes and practices of the Burra Charter in the practice of local heritage protection.
- Support the conservation of heritage places.
- Discourage the total demolition of a heritage place.
- Discourage partial demolition of a heritage place unless it can be demonstrated that one of the following apply:
  - It will not adversely affect the significance of the place.
  - It will assist in the long-term conservation of the place.
  - It will support the viability of the existing use or will facilitate a new use that is compatible with ongoing conservation of the place.
  - It will remove non-contributory elements such as alterations or additions.
- Discourage any demolition within a Heritage Overlay in advance of a planning permit for replacement development.
- Encourage the removal of non-significant alterations or additions, particularly where this would assist in revealing the significance of the place.
- Support the restoration or reconstruction of fabric of heritage significance where opportunities arise.
- Support the replacement of non-contributory buildings with new development that responds positively to the historic context provided by any nearby heritage place.

- Require new development, including boundary fences, to retain the significance of a heritage place, such as through:
  - creatively interpreting and respecting identified heritage values and not simply copying or reproducing historic styles or detailing;
  - being visually recessive and compatible in terms of scale, siting, design, form and materials with the historic character and significance of the heritage place, and,
  - responding positively to special features such as views, vistas, mature vegetation and landmarks.

- Assess the impact of a proposed development on the heritage values of abutting land in a Heritage Overlay.

- Support landscaping that will enhance the historic cultural landscape character of a heritage place.

- Ensure advertising signs are appropriate to the period and style of the heritage place.

- For estates and subdivisions of heritage significance, have proper regard to the original subdivision pattern, street layout and landscape design.

- Require subdivision to:
  - have proper regard to the historic subdivision pattern in an area;
  - maintain the contributory elements associated with a heritage place on a single lot and where possible utilise the original boundaries; and,
  - maintain an appropriate setting for a heritage place.

- Provide opportunities for public access and on-site interpretation of heritage places, where feasible.

- Require the recording and documentation of heritage places, including through photographic records, if permission is granted for demolition of heritage places.

- Encourage the salvage, re-use, display and time capsuling of materials and artefacts of historic value from demolished heritage places.

- If there is more than one heritage citation (statement of significance) for a place (such as when there is an individual citation as well as a group or precinct citation), then consider all citations.

- Seek comments from the National Trust of Australia (Victoria) if an application would affect a listing with an International, National, State, Regional or Local level of significance classification on the National Trust Register or the National Trust’s Victorian Register of Significant Trees.

- To ensure that new development and subdivision proposals have proper regard to heritage values within the Ranelagh Estate.

**Application requirements**

**Land within a Heritage Overlay**

An application within a Heritage Overlay should be accompanied by the following information. If a requirement is considered to be unnecessary, it may be waived or reduced to the satisfaction of the responsible authority.

- A heritage impact assessment prepared by a suitably qualified heritage consultant, which assesses the impact of the application upon the significance of the heritage place. This report should:
describe the significant elements of the place having regard to the relevant citation and how these have been considered in the preparation of the application;

- include supporting documentation such as measured drawings and photographs as necessary;
- if the application includes any demolition, an assessment of whether the fabric is significant and if so, provides justification for why it is to be removed;
- assess how the application will affect the significance of the heritage place, and, identify and assess any fabric of heritage significance which has not been specifically identified by an existing heritage study.

- A heritage management plan prepared in accordance with the Burra Charter.
- A structural report prepared by a suitably qualified structural engineer with experience in heritage places that assesses the structural condition of a heritage place and whether or not any defects can be repaired or mitigated.
- An archaeological survey and assessment prepared by a suitably qualified professional, which assesses the impact of an application upon potential archaeological deposits on the site.
- A landscaping plan prepared by a suitably qualified professional which demonstrates how landscaping will respond to the landscape, character and setting of the heritage place.
- For removal of trees or plantings, a report by a suitably qualified arborist with experience in assessing the cultural significance of historic plantings, which assesses the significance and condition of plantings including alternatives to removal.

### Land abutting a Heritage Overlay

An application on land abutting a Heritage Overlay should be accompanied by the following information. If a requirement is considered unnecessary, it may be waived or reduced to the satisfaction of the responsible authority.

- An assessment of how the proposal will affect the heritage values on an abutting lot in terms of architectural form and layout including setbacks, size, height, materials, landscaping and colours.

### Decision guidelines

Before deciding on an application the responsible authority must consider as appropriate:

- The significance of the heritage place.
- Whether the proposed buildings or works will assist in the conservation of the heritage place by maintaining, protecting, restoring, repairing or stabilising significant fabric.
- Whether the proposed buildings or works will assist in the conservation of a heritage place by:
  - supporting the continued original use of a building by enabling it to be upgraded to meet present day requirements and standards; or,
  - allowing an alternative use when the original use is no longer viable or inconsistent with a heritage management plan.
- The impact upon any tree, garden or landscaping that contributes to the setting of a heritage place.
- The findings of any relevant heritage or conservation study listed in Clause 22.04-5.
- Any comments made by Heritage Victoria or the National Trust of Australia (Victoria).
- Whether the proposed development respects the heritage values on the abutting lot.
Policy reference

15 Finlayson, Mount Martha, Statement of Significance (MPSC, October 2011)

Citation for 818 The Esplanade, Mornington for Panel Hearing Amendment C90 (Heritage Intelligence, April 2008)

City of Frankston Heritage Study Volume One Recommendations and Guidelines (Graeme Butler & Associates; McConville, C; Gilfedder, F & Morrison, D; 1995)

City of Frankston Heritage Study Volume Two Environmental History (Graeme Butler & Associates; McConville, C; Gilfedder, F & Morrison, D; 1995)

City of Frankston Heritage Study Volume Three Significant Sites (Graeme Butler & Associates; McConville, C; Gilfedder, F & Morrison, D; 1995)

Hastings District Heritage Study, Volume 1, Heritage Place Reports, Project Methods, Recommendations and Volume 2, Environmental History (Graeme Butler & Associates 2002)

Heritage Assessment, 187 Mt Eliza Way, Mt Eliza (Heritage Intelligence, July 2009)

Heritage Report, Pentecost house, now Mornington Toy Library, 8 Albert Street, Mornington (Graeme Butler & Associates, November 2003)

Mornington Commercial Heritage Precinct and Individual Places (Heritage Intelligence, August 2011)

Mornington Peninsula Shire Heritage Review – Area 1, Mount Eliza, Mornington and Mount Martha: Background Report, (Mornington Peninsula Shire Council, December 2013)

Mornington Peninsula Shire Heritage Review – Area 1, Mount Eliza, Mornington and Mount Martha: Significant Place Citations, (Mornington Peninsula Shire Council, October 2014)

Mornington Peninsula Shire Thematic History, (Graeme Butler and Associates, edited by Context Pty Ltd, July 2013)

Recognising the Heritage of Ranelagh; Conservation Management Plan for the Ranelagh Estate, Mt Eliza (Context Pty Ltd; Blair, S; Helms, D & Dyson, C; July 2009)

Shire of Flinders Heritage Study History and Heritage (Context Pty Ltd; Kellaway, C & Lardner, H; 1992)

Shire of Flinders Heritage Study Caring for our Heritage (Context Pty Ltd; Kellaway, C & Lardner, H; 1992)

Shire of Flinders Heritage Study Inventory of Significant Places (Context Pty Ltd; Kellaway, C & Lardner, H; 1992 (Updated 1997))

Shire of Mornington Heritage Study Volume 1 Recommendations and Guidelines Volume 2 Environmental History and Volume 3 Significant Sites and Areas (Graeme Butler & Associates, 1994)

‘Spring Farm’ Moorooduc - Heritage Assessment, 245 Mornington-Tyabb Road, Moorooduc (Heritage Intelligence, July 2009)

Heritage Citation, 95 Salmon Street Hastings, Context Pty Ltd, February 2017

Heritage Citation, 118 Salmon Street Hastings, Context Pty Ltd, December 2018

Heritage Report, Hastings Uniting Church Chapel, 121 Marine Parade Hastings by Lorraine Huddle October 2015 (revised February 2017 by Context P/L)

Heritage Citation, 34 Back Beach Road, Portsea (MPSC, 2004)

Mornington Peninsula Shire Heritage Review, Area 2 Volume 2 - Place and Precinct Citations by Context Pty Ltd, December 2018.
ABORIGINAL CULTURAL HERITAGE

This policy applies to all land.

Policy basis

The Mornington Peninsula was mainly occupied by the Bunurong people prior to the arrival of European settlers. Places site and objects demonstrating former Aboriginal occupation of the land can be found throughout the Mornington Peninsula, particularly in coastal areas. These places site and objects have cultural educational and archaeological significance for the local Aboriginal community and the broader community. The identification, protection and management of identified sites and objects is provided for by the Archaeological and Aboriginal Relics Preservation Act 1972 and the Commonwealth and Torres Strait Islander Heritage Protection Act 1984.

Objectives

- To provide for the identification of sites of Aboriginal cultural significance and the appropriate level of management in consultation with the local Aboriginal community.
- To protect sites and features of aboriginal cultural heritage and archaeological significance.

Policy

It is policy that:

- Before deciding on an application to use or develop land, the responsible authority must consider, as appropriate:
  - The identification, protection and management of Aboriginal cultural heritage values.
  - The guidelines provided by Aboriginal Affairs Victoria and the Aboriginal cultural resource management grid map.
  - The need, in areas where there is a known site or the potential for Aboriginal archaeological sites to occur, to require a report from a suitably qualified archaeologist, approved by Aboriginal Affairs Victoria, demonstrating that the impact of proposed development on Aboriginal cultural heritage values has been addressed.

Decision guidelines

Before deciding on an application to use or develop land, the responsible authority must consider:

- The extent to which the application meets the objectives and directions of this policy.
- The recommendations of representatives of the local Aboriginal community for the management of sites of Aboriginal cultural significance.
DEVELOPMENT ON HIGHWAYS, MAIN ROADS AND TOURIST ROUTES

This policy applies to all land within the Green Wedge Zone and Farming Zone adjoining highways, main roads and tourist routes.

Policy basis

The Municipal Strategic Statement emphasises the importance of the landscape in the regional recreational role of the Peninsula. The network of highways, main roads and tourist routes serving the Peninsula provide the key point of contact between visitors and the landscape, and the visual sequences along main roads and tourist routes may be regarded as a key recreational asset. Equally, the distinctive character of the Peninsula is in part defined by a number of relatively vulnerable “strategic landscapes”. These are the rural and coastal areas between and around the edge of townships. These areas strongly contribute to the sense of place that distinguishes the Peninsula from Metropolitan Melbourne.

The Municipal Strategic Statement also aims to strengthen the hierarchy of activity centres. It seeks to promote the growth of major and township activity centres and avoid inappropriate out-of-centre commercial development. Commercial strip development along highways and main roads may undermine the activity centres policy.

In this context, the establishment of commercial or industrial developments, including service stations, convenience shops and restaurants/takeaway food shops, and associated advertising signs, along main roads and tourist routes in rural areas, may have a significant negative impact that is disproportionate to the improved level of community service.

Objectives

- To protect highways, main roads and access routes in rural areas from inappropriate commercial and visual intrusion, including advertising signs.
- To maintain the rural character of land adjoining main roads and tourist routes and the visual amenity of the outlook from these roads.
- To maintain the integrity of strategic landscapes between and around the Peninsula’s townships and the recreational value of visual sequences along main roads and tourist routes.
- To prevent commercial strip development along highways, main roads and tourist routes and avoid out-of-centre commercial developments along these roads that undermine the activity centres policy.
- To ensure the safe and efficient movement of traffic along highways, main roads and tourist routes in the municipality and to avoid a proliferation of access points.
- To ensure that facilities to meet the needs of people travelling along highways, main roads and tourist routes are provided through existing nodes to the maximum extent possible.
- To ensure a high standard of design associated with developments along highways, main roads and tourist routes.

Policy

It is policy that:

- Commercial developments that service the needs of people travelling along highways, main roads and tourist routes must as far as possible be limited to existing activity centres. Proposals for out-of-centre commercial developments that undermine the activity centres policy at Clause 22.02 will not be supported.
Commercial and industrial use and development which is not required to service the rural area or which is not associated with major recreational facilities, should be directed to locate in appropriate alternative locations, such as business areas or industrial areas within existing townships.

Decision guidelines

Before deciding on an application to use or develop land adjoining a highway, major road or tourist route, the responsible authority must consider, as appropriate:

- The extent to which the application meets the objectives and directions of this policy.
- The protection of arterial roads and access routes in rural areas from inappropriate commercial developments and visual intrusion, including advertising signs.
- The extent to which any commercial development would be better located in an existing activity centre.
- Protecting visual sequences along access routes.
- Preventing the development of commercial strips along major rural roads.
- The impact of the development on the outlook and visual amenity of the highway, major road or tourist route.
- The need to avoid a proliferation of access points along major roads that detract from their safety and efficiency.
- The need to limit access in some areas and to protect pedestrians and equestrians from vehicle traffic.
- The objectives and principles of the “Freeway Service Centre Design Guidelines”, May 1997.
COMMERCIAL AND INDUSTRIAL USES IN RURAL AREAS

This policy applies to all land in the Green Wedge Zone and Farming Zone.

Policy basis

A key objective of the Municipal Strategic Statement is to protect and conserve the rural landscape and character of the Peninsula as a major recreational resource for both the local and wider metropolitan community. This is combined with the objective of supporting the continued agricultural use of land by avoiding the establishment of uses that may exclude or limit legitimate rural activities and farm management practices. In addition, the relatively high density of occupation in some of the Peninsula’s rural areas, based on their high amenity value, should be recognised.

The Municipal Strategic Statement also aims to strengthen the hierarchy of activity centres. It seeks to promote the growth of major and township activity centres and to avoid inappropriate out-of-centre commercial development that may undermine the activity centres policy.

The statewide Green Wedge Zone and Farming Zone provides discretion to consider both industrial and restricted commercial uses. However, it is critical to the strategic directions outlined for the Peninsula that rural land is not regarded as cheap industrial land and that the main roads and tourist routes are not seen as an alternative to the existing township commercial areas or as opportunities to achieve high levels of commercial exposure.

The cumulative impact of such development would seriously undermine the Peninsula’s strategic role and would be disproportionate to any community benefit. In this context land within the rural zone should not be used for commercial or industrial activities that can be accommodated within the established township and village areas. This includes activities such as takeaway food premises, convenience shops and service stations.

The Municipal Strategic Statement does, however, recognise that the recreational role of the Peninsula requires the provision of supporting facilities, which add value to the region’s natural resources and assets, enriches the experience for visitors and provide benefits to the local economy. Accordingly, it is appropriate to encourage the provision of facilities and services that generally support the ability to experience the Peninsula’s natural and cultural recreational values, including the provision of short term and home hosted accommodation, host farms and similar facilities.

Objectives

- To maintain permanent non-urban areas of high landscape value for a variety of recreational activities and experiences and to support sustainable agricultural use of rural land.
- To prevent the establishment of use and development which would reduce the distinctive character of the Peninsula’s rural landscapes.
- To give emphasis to outdoor and unstructured recreation, especially recreational activities that promote understanding of, cultivate an interest in or are directly associated with rural pursuits the land or coastal environments in their natural state.
- To encourage tourism and recreation uses that minimise the adverse impacts on the amenity of local residents.
- To ensure that the roads of the Peninsula are protected from inappropriate development and are maintained as a major landscape and recreational resource.
- To encourage the provision of facilities which support the recreational role of the Peninsula.
- To prevent out-of-centre commercial developments in non-urban areas that undermine the activity centres policy.

Policy

It is policy that:
Applications for industrial uses in rural areas should be limited to those that demonstrate a direct link with rural activities, including the processing and packaging of agricultural products grown in the area and the servicing of rural equipment. Development proposals without an identified use will not be supported and the responsible authority will promote the utilisation or replacement of existing building in preference to the establishment of additional structures.

Applications for commercial uses in rural areas should be limited to those which demonstrate a direct link to rural activities or the provision of accommodation, services and facilities linked to the Peninsula’s role as an area providing opportunities for outdoor and unstructured recreation, associated with the Peninsula’s natural and cultural heritage values. Uses which may be considered include the provision for the sale of farm produce grown on the property and the provision of home hosted accommodation.

Proposals for out-of-centre commercial developments that undermine the activity centres policy at Clause 22.02 will not be supported.

Applications must be compatible and integrated with the primary land use on the site and that of surrounding land. Large scale proposals, including restaurants for 40 or more persons or galleries or similar uses with a floor area greater than 100 square metres must be supported by site analysis and design response plans. Restaurant proposals should demonstrate a clear link to the production of food or wine on the property, be associated with a significant recreational site or established tourism node or contribute to the conservation of buildings with heritage value.

Proposals for commercial and industrial development should be sited on lots with at least the minimum area required for the zone, unless it is clearly demonstrated that the proposed use will have no significant negative impact on the landscape character of the area, the amenity of adjoining land owners or on the agricultural use of rural land. The responsible authority must consider whether the site has sufficient area and dimensions to provide and maintain a suitable buffer area.

All buildings and works must be designed to contribute to the existing landscape character and should not seek to dominate, limit or reduce views available from public areas, including roadside.

Applicants for commercial development must demonstrate that their proposal addresses a need or gap in the tourist industry and is not dependent on the development of other residential or commercial activities on the site or in the locality.

Applications likely to generate significant traffic volumes must demonstrate that additional traffic can be accommodated by existing road infrastructure without detriment to existing road users or adjoining landowners. Where physical infrastructure works are required the costs of such works must be met by the applicant and must have special regard to the impact on roadside vegetation and the recreational value of scenic roads and tourist routes. Sites proposed for commercial or industrial activities should generally have access to a sealed road of a suitable standard and sites adjoining unsealed roads must include proposals for road maintenance and dust suppression.

All car parking required by commercial or industrial uses in the Green Wedge Zone and Farming Zone must be accommodated on the land and should be sited and constructed so as to minimise the impact on rural landscape character of the site and surrounding locality. Restaurant facilities in rural areas should generally avoid night time operation due to the potential impact on rural amenity from additional traffic, noise and light.

Proposals for commercial or industrial uses in the Green Wedge Zone and Farming Zone should be located at least five kilometres from land within a residential, business or industrial zone or must demonstrate that the proposed development will not generate expectations of linear strip development, particularly along main roads and tourist routes.
The siting and design of all buildings and works must have particular regard to the provisions of the Environmental Significance, Landscape Significance and Vegetation Protection overlays contained in this scheme.

Decision guidelines

Before deciding on an application the responsible authority must consider as appropriate:

- The extent to which the application meets the objectives and directions of this policy.
- The extent to which any commercial development would be better located in an existing activity centre.
- The extent to which any proposed variation of this policy can be applied on a consistent basis without undermining the strategic directions of this scheme.
INTEGRATED RECREATIONAL AND RESIDENTIAL DEVELOPMENT IN RURAL AREAS

This policy applies to all land in the Green Wedge Zone and Farming Zone and, where relevant, the Comprehensive Development Zone.

Policy basis

The Municipal Strategic Statement recognises a tension between the provisions for subdivision in rural areas, which aim to prevent further fragmentation of land in rural areas and the recreational role of the Peninsula, with the associated demand for recreational facilities and accommodation. Both of these roles are considered within a framework of environmental sustainability and the cultural values of the Peninsula’s landscapes. Balancing these competing claims and interests is a critical task of strategic planning.

It is considered that recreational demands on the Peninsula can be managed by emphasising the experience of outdoor and unstructured recreation and activities that promote an understanding of, cultivate an interest in or are directly associated with rural pursuits, the land or coastal environments in their natural state. Although the Peninsula attracts many millions of visitors and has extensive areas consisting substantially of seasonal holiday homes, these established patterns can be managed within the existing resource base. Similarly where new recreational facilities are proposed which are viable due on the basis of an existing recreational demand, then the provision of some visitor accommodation is seen to add value to the recreational function of the development. However, if residential development itself becomes the dominant element, with recreational facilities seen as dependent on the development of housing or as ancillary, incidental or separable from the accommodation, then the development moves from a recreational market base to a residential market base and there is little inherent distinction between such development and the establishment of new residential enclaves on an adhoc basis in the rural area.

Accordingly, it is considered appropriate to provide policy guidelines for the consideration of development proposals that include both recreational and residential components.

Objectives

- To maintain the long term recreational role of the Mornington Peninsula and to prevent defacto urban or rural residential encroachment into rural areas.
- To maintain permanent non-urban areas of high landscape value for a variety of recreational activities and experiences.
- To support sustainable agricultural use of rural land.
- To prevent the establishment of use and development which would reduce the distinctive character of the Peninsula’s rural landscapes.
- To support the establishment of facilities which emphasise outdoor and unstructured recreation, especially recreational activities that promote understanding of, cultivate an interest in or are directly associated with rural pursuits the land or coastal environments in their natural state.
- To recognise recreation and tourist facilities of State significance.
- To control building and subdivision densities in areas of scenic landscape value or environmental sensitivity.

Policy

It is policy that:
- Recreational developments that incorporate accommodation should be considered in terms of the policy on Commercial and Industrial Uses in Rural Areas and particularly should be established on lots of an adequate size to avoid apparent encroachment of buildings and works in the rural landscape. Generally this will require a lot of the minimum area specified for the zone.

- The area of the site occupied by buildings and works associated with a recreational use should generally not exceed ten percent of the site area, although this will depend on the nature of the facilities eg golf courses, recreational gardens or maze areas may be more extensive without adverse environmental or landscape impact.

- Where residential, commercial or subdivisional components are included in a recreational development, they will be required to demonstrate that:
  - The recreational elements are of overriding state significance.
  - The recreational component remains the dominant element of the project.
  - The development meets appropriate locational and development design criteria, including access to or the provision of infrastructure services to prevent adverse environmental impacts on surface waters and ground water.
  - Development will not result in apparent urban encroachment.

- In this context, a site development density of no more one dwelling for every 8 hectares of site area, and located so as to occupy no more than ten percent of the site, may be considered as an indicator of the residential lot density that may be considered by the responsible authority, subject to the planning scheme amendment process.

- This is an indicative guideline only and a site analysis and design response, addressing the objectives of this policy, and including future management arrangements to ensure an ongoing relationship between the residential accommodation and the recreational facilities, will be required as part of any such proposal.
YARINGA AREA

This policy applies to land within that part of the Special Use Zone, Schedule 1- Port Related Uses bounded by Bungower Road, Tyabb Tooradin Road, Whitneys Road, Pikes Road, Tyabb.

Policy basis

The Hastings Port Land Industrial Area Land Use Structure Plan (1996) notes that the northern section of the Yaringa area, generally consisting of land adjoining Lumeah Road, Katandra Road Yaringa Road and a section of Pikes Road, Tyabb should be made available for low density residential use, subject to controls that:

- Limit development to the construction of no more than one dwelling on each exiting lot.
- Restrict tree and vegetation clearing.
- Ensure that houses are set back at least 100 metres from the boundary of any Special Use Zone, Schedule 1- Port Related Uses area.

The southern section of the original subdivision is to be retained in public ownership as a coastal conservation reserve, given its identified high conservation values.

The Westernport Coastal Villages Strategy (1994) also comments that this area has the potential to function as a quality settlement in a bushland setting but recommended no further subdivision of existing lots. The strategy notes that:

“Yaringa is one of a number of small isolated subdivisions within bushland or areas of landscape sensitivity or immediately abut sensitive shoreline sectors. The development of such settlements will not be encouraged, nor will they be extended in area. No additional services or commercial facilities nor tourist accommodation or public access points will be provided- rather emphasis will be given to providing alternative residential accommodation in a manner that overcomes the poor location as effectively as possible.”

A broader “Yaringa area”, incorporating land bounded by Bungower Road, Tyabb Tooradin Road, Whitneys Road, Pikes Road also displays a relatively high housing/ population density, consistent with a Rural Living area, despite the recommendation of the Port Structure Plan to retain the land in the Port Related Uses Zone. On this basis it is considered appropriate to indicate that broiler farms, cattle feed lot farms, piggeries and other intensive animal industries are considered to be an inappropriate land use in the area south of Bungower Road and east of Tyabb Tooradin Road / Whitneys Road and that other forms of intensive rural industry would require careful consideration.

Objectives

- To recognise the existing subdivision and development pattern of the Yaringa area, including both the core area and the surrounding rural living area.
- To require the retention of remnant vegetation as far as possible.
- To prevent loss of amenity from the establishment of broiler farm development and other forms of intensive animal husbandry in areas with a relatively high housing and population density.

Policy

It is policy that:

- No more than a one dwelling, excluding a dependent relative unit, will be permitted on the existing lots in the Yaringa area.
- Proposals for broiler farm development, or other forms of intensive animal husbandry at a similar scale, are not supported in the Yaringa area, being generally south of Bungower Road, east of Tyabb Tooradin Road and north of Pikes Road.
- An application for permit must be accompanied by:
- A site layout plan, showing existing and proposed buildings and outbuildings with overall dimensions, setbacks, easements and vehicular access ways clearly marked.

- A landscape plan clearly indicating existing vegetation on the site, the extent of proposed vegetation removal and the type, density and location of trees and other vegetation to be planted.

### Decision guidelines

Before deciding on an application the responsible authority must consider, as appropriate:

- The extent to which the application meets the objectives and directions of this policy.

- The effect of any proposed subdivision or development on the environmental and landscape values of site and of the local area, including the effect on foreshores and areas of remnant vegetation.

- The ability to treat and contain all effluent onsite and without contamination of ground water.

- The comments of any coastal management or soil conservation authority.

- The provision of an appropriate separation between housing and areas that may be developed for Port Related Uses.
22.10 ADVERTISING SIGNS
This policy applies to all land.

22.10-1 Policy basis
Advertising Signs are necessary to provide effective identification of businesses and can add. However the proliferation of advertising signs and poorly designed and located signs can significantly detract from visual amenity and character of an area. Sign clutter can also reduce the effectiveness of individual signs, as individual signs can become lost.
Inappropriately located and designed signs can also have adverse effects on road safety by obscuring or reducing the clarity of traffic control sign or signals, by being confused with such signs or by distracting motorists in areas where driver attention to road conditions may be critical.
There is a need for appropriate control of advertising signs to:

- Ensure they are compatible with the areas in which they are to be located and the building or site on which they are to be displayed.
- Avoid the creation of visual disorder and sign clutter.
- Ensure that road safety is not adversely affected.

22.10-2 Objectives
- To ensure that advertising signs provide appropriate and effective identification of businesses and other land uses requiring identification.
- To ensure that advertising signs do not detract from the amenity and streetscape/landscape character of the surrounding area, particularly in sensitive and strategic landscape areas, residential areas and along main roads.
- To ensure that advertising signs do not detract from the appearance of the building on which they are displayed. Signs should fit the building rather than be attached by ad hoc structures. Freestanding pole signs may be preferable to signs attached to buildings.
- To ensure that advertising signs complement rather than dominate streetscapes.
- To ensure that the size and height of advertising sign is compatible with the scale of the building or the site on which they are displayed, the surrounding streetscape and the size and scale of other signs in the area.
- To encourage the use of sign themes in commercial areas and to ensure that advertising signs are compatible with any advertising theme or pattern that has been developed for the area.
- To ensure that sign clutter is avoided or reduced, so that equitable exposure for each site can be achieved and the effectiveness of individual advertising signs is maintained.
- To ensure that sign clutter is avoided or reduced in order to maintain or enhance the built and natural environment. Unnecessary duplication of signage should be avoided.
- To maintain the clarity and effectiveness of traffic management signs and signals, to avoid distraction at points where driver attention to road conditions may be critical and to maintain driver sight distances at intersections and other critical locations.
- To ensure that advertising signs are well designed and well maintained to contribute to the appearance of buildings and streetscapes.

22.10-3 Policy
It is policy that:
Advertising signs should generally relate to the address, business name or type of business conducted on the premises. Signs advertising products that are sold or serviced on the premises, including dealership signs may be approved.

Advertising signs should generally be fixed i.e. non-rotating and non-animated i.e. avoiding the use of flashing or moving lights.

Signs may be illuminated by either internal illumination or external baffled lighting, provided no direct light or glare is emitted onto adjoining land or roadways.

Bunting, banners, streamers, flags, balloons, or similar devices are considered to be a form of advertising. The use of such signage will generally be supported for temporary promotions only but more permanent sign displays may be permitted in association with display yards, subject to an appropriate standard of design, sign materials and maintenance.

The use of fluorescent or reflective paints to create obtrusive advertising effects will not be supported. The use of corporate colours or striping as part of company identification should be compatible with the approved colour scheme of the building.

Due to their visual prominence, the display of multiple freestanding signs, including A frame signs and signs attached to motor vehicles are not supported as they rapidly create visual clutter.

Where new signage is proposed, all existing signs will be taken into consideration and the consolidation of sign displays will be encouraged.

**Decision guidelines**

Before deciding on an application the responsible authority must consider, as appropriate:

- The extent to which the application meets the objectives and directions of this policy.
- The type of land use and its need for identification.
- The need for the applicant to provide a site analysis, demonstrating a response to the objectives of this policy. This may include the proposed integration of building design, landscaping and advertising sign proposals.
MORNINGTON PENINSULA FIRE PROTECTION POLICY

This policy applies to all land.

Policy basis

Due to the size and diversity of the Mornington Peninsula, the Shire faces a number of complex fire risks including those in residential areas, industrial and commercial parts of the townships, the agricultural and farming areas, the coastal areas and in the townships and rural residential areas containing substantial remnant vegetation. It is important that development include fire protection measures that relate to the level of fire risk in these areas.

It is important that fire management issues are considered in the assessment of land use and development proposals, which by their design, location or operation place the community at risk from uncontrolled fire or other emergency disasters.

Fire management solutions include land use and development planning and the implementation of this policy should consider the priority risk environments identified in the Municipal Fire Prevention Plan.

Objectives

To assist efforts to mitigate the risk to life, property and the environment for uncontrolled fire.

To ensure that land use and development does not increase the level of fire risk.

To ensure that land use and development includes adequate fire protection measures.

Policy

It is policy that all proposals for land use and development should comply with the following criteria:

Residential, industrial and business areas

- Road access to and within the site should be designed to provide safe access to both fire fighting vehicles and other vehicles at all times.

- Adequate water supplies should be readily available for a reticulated water supply with a hydrant located not more than 200 metres, via road travel, from the next available hydrant. Where a hydrant is located at the end of a main it should be located no more 130 metres from any building envelope. In existing areas without reticulated water supply alternative water supply arrangements providing an adequate supply of water with suitable flow rates and appropriate couplings for Country Fire Authority equipment may be considered.

- Land use or development associated with residential or public use should incorporate fire protection measures in accordance with the relevant fire management guidelines.

Rural living and rural areas

- Road access to and within the site should be designed to provide safe access to both fire fighting and other vehicles at all times.

- An adequate supply of water with suitable flow rates and appropriate couplings for Country Fire Authority equipment should be readily available to landowners or emergency services.

- The design siting and layout of any development should improve protection for life and minimise the level of fire risk.

- access, fencing and the location of dams should maximise fire-fighting potential and minimise interference with fire fighting measures.
Decision guidelines

Before deciding an application for land use and development the responsible authority must consider, as appropriate:

- The extent to which the application meets the objectives and directions of this policy.
- Building in Bushfire Prone Areas (SAA BB36 -1993) CSIRO and Standards Australia.
- The Municipal Fire Prevention Plan.

- Whether a Section 173 Agreement under the Planning and Environment Act 1987 is necessary and appropriate to meet any of the above requirements.

- An assessment plan, which incorporates a detailed analysis of the fire risk factors affecting a site and the design response to these factors, may be required to accompany a planning permit application for subdivision or development.

Policy references


Building in Bushfire Prone Areas (SAA BB36 -1993) CSIRO and Standards Australia.

The Municipal Fire Prevention Plan.
22.12 NON-RESIDENTIAL USES IN RESIDENTIAL ZONES

This policy applies to all land in the Residential 1 Zone and Low Density Residential Zone.

22.12-1 Policy basis

Non-residential uses in residential areas have the potential to:

- Have a detrimental impact on the amenity of nearby dwellings.
- Cause additional through traffic and car parking demand in residential streets.
- Develop into de facto commercial areas in residential zones.
- Undermine the functioning of activity centres.

This policy is based on an understanding that it is essential for non-residential uses in residential areas to be carefully assessed and regulated so that they will not prejudice, either by themselves or through incremental change, the implementation of the following policies.

This policy builds on the State Planning Policy Framework and the Local Planning Policy Framework, in particular:

- Clause 21.07 - Guiding future township development.

22.12-2 Objectives

- To prevent out-of-centre commercial developments in residential areas that undermine the activity centres policy.
- To ensure that non-residential uses are appropriately located having regard to:
  - The policy of primarily providing commercial uses in activity centres.
  - The intensity and hours of operation of the proposed activity.
  - The siting and design of proposed buildings and works, including car parking areas and advertising signs and telecommunication facilities.
  - The location of access points.
- To ensure that the scale of development is consistent with nearby housing.
- To reduce the potential adverse impacts on the amenity of residential properties.
- To avoid the development of de facto commercial strips along main roads in residential areas.

22.12-3 Policy

Where a permit is required it is policy to:

General

- Encourage non-residential uses to be located:
  - Adjacent or close to business zones in a way that complements the relevant activity centre. Major non-residential uses serving catchments beyond the local level should be located in commercial zones.
  - In areas that are appropriate to the intensity and scale of the proposed use and in locations that will have minimal impact on the amenity of the local area and nearby residential properties.
  - Close to public transport stops.
  - In locations that avoid the generation of additional through traffic on residential streets.
Where they provide a focal point for community services, e.g. adjoining existing or planned community or public facilities.
- Where they are readily and safely accessible by road and non-vehicular routes.

- Discourage proposals for out-of-centre commercial developments that undermine the activity centres policy at Clause 22.02.
- Encourage medical and veterinary centres to be located close to other health services or, if a small medical centre, integrated with a nursing home or retirement village.
- Strongly discourage free-standing out-of-centre service stations.
- Strongly discourage free-standing out-of-centre food and drink premises.
- Encourage the built form of development intended to accommodate non-residential uses:
  - To be of a scale and architectural style compatible with a residential area, including low key advertising signage.
  - To include features to reduce the noise, loss of privacy and to enhance the appearance of the development, including landscaping, screening, acoustic fencing.
  - To have a buffer to adjoining residential development (e.g. a road).

- Encourage the siting and design of buildings and works including car parking areas to respond to the surrounding housing and streetscape.

**Decision guidelines**

- Before deciding on an application the responsible authority must consider, as appropriate:
  - The extent to which the application meets the objectives and directions of this policy.
  - The strategy of consolidating non-residential activities in and around business zones for established activity centres.
  - The need for the proposed premises to meet demand in the local area.
  - The impact on the proposed use and development on the amenity of surrounding residential land and on the safety and efficiency of main roads.
  - The need to avoid commercial strip development along main roads on the edge of residential areas.
TOWNSHIP ENVIRONMENT

This policy applies to all land within the Residential 1 Zone, Low Density Residential Zone, Business 1,4 and 5 Zones and Industrial 1 and 3 Zones, and to all other land within the township areas of the Mornington Peninsula.

Policy basis

Both within existing townships and in new growth areas, the Municipal Strategic Statement emphasises environmental sustainability as a guiding principle. This involves a need to balance and integrate social needs, ecological care and economic development. Many of these themes are addressed in the strategic framework plan and other strategies. However, the goal of sustainability requires attention to decisions in detailed design as well as in broad principle. The purpose of this policy is to highlight a number of areas where attention is necessary to support the major strategic directions.

Objectives

- To ensure that infill development proposals, which will result in new or increased waste water discharge, will meet State environmental standards and will not add to the pollution of groundwater or surface waters.
- To ensure that proposals for new development provide appropriate stormwater treatment measures in accordance with relevant best practice environmental management guidelines, including Draft Best Practice Guidelines for Stormwater Management (Melbourne Water, 1999).
- To ensure that construction activities do not adversely impact on the regional drainage function of waterways, drains, retarding basins and floodplains.
- To ensure that all development, including drainage, roads and sewerage systems are designed to protect the air environment, land, waterways and ground water resources from polluting discharges and activities in accordance with State environment protection policies and relevant best practice environmental management guidelines.
- To ensure that development does not reduce the extent or integrity of areas of remnant indigenous vegetation within township areas and provides for the reinstatement of native vegetation and the protection and enhancement of habitat corridors.
- To promote energy efficiency in the design of new development.
- To ensure that where land that has been previously used for non-residential purposes, including orcharding or other forms of intensive agriculture, is proposed to be developed for residential or community purposes, proper consideration is given to assessing potential contamination and necessary remedial measures in accordance with the Minister’s Direction No 1.

Policy

It is policy that:

- New development areas will be connected to reticulated sewerage.
- Applications for infill development in unsewered areas will be required to demonstrate that proposals for wastewater treatment and disposal comply with State environment protection policies and will not add to the pollution of groundwater or surface waters.
- Existing premises within unsewered areas may be required to improve inadequate treatment and disposal systems where wastewater discharges do not meet the required standards and are contributing to the pollution of groundwater or surface waters.
Best practice environmental management, which has regard to the whole water cycle, must be used in the design, construction and operation of drainage systems to reduce impacts on surface waters, coastal areas and ground water, including the provision, where appropriate, of litter control devices and sediment traps.

New developments and redevelopment must be designed and managed to minimise the impact of stormwater run off on waterways, in accordance with best practice environmental management guidelines including Construction Techniques for Sediment Pollution Control (Environment Protection Authority (EPA, May 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995).

The subdivision of land that includes or adjoins a streamline must have regard to the effect of development on the environmental, landscape and open space values of the streamline and the potential effect of streamside erosion on future development. Where reasonable and practical a reserve with a minimum width of 30 metres should be maintained on both sides of a streamline.

### Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- The need for a report, from a suitably qualified person, to ensure that all waste water and effluent generated by a proposed use or development will be treated and retained onsite, and will not pollute surface or groundwaters, in accordance with State environment protection policies and best practice environmental management guidelines.

- The need for a report, from a suitably qualified person, to ensure that drainage and stormwater disposal from a proposed use or development will meet State environment protection policies and best practice environmental management guidelines and will not adversely affect the environmental values or the regional drainage function of waterways, drains, retarding basins and floodplains.

- The extent to which development proposals provide for the retention of remnant native vegetation and established areas of introduced vegetation with significant environmental, streetscape and township character values. This may include:
  - Limiting vegetation removal to the maximum extent that is reasonable and practical.
  - Provision for the retention of native vegetation and habitat corridors.
  - Provision for the revegetation and protection of streamlines, wetlands and other sensitive areas, having regard to the benefit of using locally indigenous species and the need to avoid the introduction and spread of environmental weeds.
  - Appropriate management of fire regimes and bushfire prone areas.

- The need for a report, from a suitably qualified person, assessing impact of a proposed use or development on the quality and habitat value of vegetation and, where necessary, detailing recommended modifications to the proposal or remedial works to achieve the objectives of this policy.

- The need, where it is proposed to use or develop land that has been previously used for non-residential purposes, including intensive forms of horticulture and agriculture, for a report, by a properly qualified person, assessing potential contamination and necessary remedial measures in accordance with best practice environmental management guidelines.

- The extent to which proposed development meets energy efficiency principles in relation to providing for solar access and energy efficient house design.

### Policy references

Construction techniques for Sediment Pollution Control (Environment Protection Authority, May 1999).

Environmental Guidelines for Major Construction Sites (Environment Protection Authority, 1995).
MORNINGTON PENINSULA LAND UNITS

This policy applies to all land shown on the planning scheme maps as being within the Environmental Significance Overlay (Schedules 1 – 16 inclusive).

<table>
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<tr>
<th>ESO1</th>
<th>Moorooduc Plain and Balcombe Valley</th>
<th>ESO 9</th>
<th>Arthurs Seat Southern Slopes</th>
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<td>ESO2</td>
<td>Northern Mosaic.</td>
<td>ESO 10</td>
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<td>ESO3</td>
<td>Central Peninsula</td>
<td>ESO11</td>
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<tr>
<td>ESO4</td>
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<td>ESO5</td>
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<td>ESO13</td>
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<td>ESO8</td>
<td>Arthurs Seat Escarpment</td>
<td>ESO16</td>
<td>Cape Schanck Hinterland</td>
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</table>

Policy basis

In developing the Conservation Plan for the Southern Mornington Peninsula (1979), the Western Port Regional Planning Authority (WPRPA) applied a land capability approach to land use planning. In this context, the Mornington Peninsula was described in terms of a number of distinct “land units”.

The land units were established through a number of studies commissioned by the WPRPA in the early 1970’s, including:

- A Natural Systems Study of the Southern Mornington Peninsula, Victoria (Environment Resources Australia, January 1974).
- A Landscape Assessment of the Southern Mornington Peninsula (Centre for Environmental Studies – University of Melbourne, May 1974).
- Westernport Region Conservation Survey (Conservation Council of Victoria, August 1974).

Land Units identify areas with reasonably consistent:

- Environmental characteristics including land form, soils and geology.
- Landscape and capacity to absorb further development without detriment to landscape qualities.
- Land use patterns.

A number of smaller scale studies have applied a similar approach to the issue of multi dimensional land capability assessment including: Somerville Guidelines For Growth 1977, Frankston Baxter Corridor Study (Centre for Environmental Studies 1978), Warrengine Creek Catchment and Estuary - A Landscape Assessment Study (University of Melbourne, 1979).

The land unit approach, which reflects the environmental and landscape capability of different areas to support land use and absorb further development without loss of value, has been used as the basis for local schedules 1 to 16 to the Environmental Significance Overlay. This applies a holistic understanding of the term “environmental significance”, rather than focussing exclusively on ecological aspects or physical processes, and is intended to assist the implementation of the principle of sustainability. The land units also provide a framework for the further development of integrated catchment management.

The purpose of this policy is to support the Environmental Significance Overlays and to provide decision guidelines for consideration of both land use and development proposals.
**Objectives**

- To promote sustainable use and development of rural land, sustainable land use practices and integrated land management, including the retention and enhancement of habitat corridors along streamlines and the protection of wetlands.
- To maintain and conserve the environmental systems, habitat areas, soil stability, drainage patterns and stream quality of the Mornington Peninsula.
- To conserve areas of native vegetation, including native grasses and ground flora.
- To support effective catchment and land protection, including the management of salinity.
- To promote the siting and design of buildings, including the choice of building materials that is responsive to landscape character.
- To maintain the scenic value of roads and recreational routes.
- To promote use and development which is compatible with the maintenance of long term natural, agricultural, landscape and recreational values of the Mornington Peninsula.

**Policy**

It is policy that:

- Environmental sustainability will be applied as a guiding principle.
- A best practice environmental management and risk management approach will be required as part of use and development proposals.
- Areas and sites with significant historic, landscape and cultural values will be protected.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider, as appropriate:

**Sustainable land use and development**

- Whether the proposed use or development, including any subdivision, is appropriate to the site and will not be detrimental to environmental values, the landscape or to the continuation of established rural activities in the area.
- The need for a land capability assessment, by a suitably qualified person or persons, to ensure that a proposed use or development will not have an immediate or cumulative adverse impact on environmental stability or values.
- The integration of sustainable rural production with the environmental values of the land, through mechanisms such as whole farm planning.
- The benefit of permit conditions requiring the preparation of a management plan providing an assessment of environmental values and land capability, and demonstrating best practice environmental management.
- The need to maintain established separation distances between intensive rural activities and potentially sensitive uses, including dwellings.
- Any relevant regional catchment strategy, development plan, code or policy relating to the protection and development of land in the area.

**Stream protection; storm water management and effluent disposal**

- The capacity of the land to accommodate the proposed development, having regard to the disposal of sewage, sullage and effluent on site. Where it is proposed to locate sewage, sullage or effluent within 60 metres of a streamline wetland the responsible authority must be satisfied that no reasonable alternative site is available and that the requirements of State environment protection policies will be met.
The need for a report, by a suitably qualified person, to ensure that all waste water and effluent generated by a proposed use or development will be properly treated and retained on site, with no significant effect on surface or ground water quality.

- The need for a report, by a suitably qualified person, to ensure that all waste water and effluent generated by a proposed use or development will be properly treated and retained on site, with no significant effect on surface or ground water quality.

- The effect of dams on the flow regime of rivers, streams and wetlands and the need to maintain environmental flows.

- The works necessary to control drainage and stormwater runoff from all buildings and works.

- The ability to control sediment and nutrient input to streams and wetlands as part of the development of the land.

- Measures to avoid land erosion, changes to the natural hydrology of the area and increased salinity and acidification.

- The location and extent of any alterations to the natural topography, including details of works to stabilise areas of fill or excavation.

Protection of vegetation

- The value of any vegetation which is proposed to be removed in terms of physical condition, rarity, diversity, age, habitat value and the viability of habitat corridors, landscape significance and the type, extent and location of proposed replanting.

- The effect of proposed use and development on the habitat values of resident and migratory fauna.

- The extent to which development proposals and applications for the removal of native vegetation provide for integrated land management. This may include:
  - Limiting vegetation removal to the maximum extent that is reasonable and practical.
  - Provision for the retention of native vegetation and habitat corridors.
  - Provision for the revegetation and protection of streamlines wetlands and other sensitive areas, having regard to the benefit of using locally indigenous species and the need to avoid the introduction and spread of environmental weeds.

- Appropriate management of fire regimes and bushfire prone areas.

- The need for a report, by a suitably qualified person, assessing impact of a proposed use or development on the quality and habitat value of vegetation and, where necessary, detailing modifications to the proposal or remedial works to achieve the objectives of this policy.

Maintaining landscape and recreational values

- The likely impact of development on the landscape of the area, and the benefit of conditions relating to the colour, and reflectivity of building materials or requiring the landscaping of buildings and works, having regard to the maintenance of existing views.

- Promoting a low intensity of development within significant landscape areas.

- The need for a report, by a suitably qualified person, assessing the landscape impact of a proposed use or development.

- The impact of the proposed development on the safety, efficiency and amenity of roads.

Policy references

Conservation Plan for the Southern Mornington Peninsula (1979)

A Natural Systems Study of the Southern Mornington Peninsula, Victoria (Environment Resources Australia, January 1974).

A Landscape Assessment of the Southern Mornington Peninsula
Westernport Region Conservation Survey

(Conservation Council of Victoria, August 1974).

Somerville Guidelines For Growth 1977, Frankston Baxter Corridor Study (Centre for Environmental Studies 1978), Warrengine Creek Catchment and Estuary - A Landscape Assessment Study (University of Melbourne, 1979).
LANDSCAPE PROTECTION AND BROILER FARMS

This policy applies to all land within the Green Wedge Zone and Farming Zone.

Policy basis

Broiler farming is a significant land use on the Mornington Peninsula with over 90 established broiler farms. There is a continuing demand for farm expansion and new farm development on the Peninsula, due to established patterns of production between farmer/growers and processing companies and the relatively mild climate. The Victorian Code for Broiler Farms provides a framework for the assessment of new farm proposals and the expansion of existing farms and addresses the major issues associated with the potential offsite impacts.

However, further critical considerations regarding broiler farming development on the Peninsula relate to landscape protection objectives. Many areas on the Peninsula have significant landscape values that would be undermined by the establishment of broiler sheds. Even with extensive landscaping, the scale of broiler sheds is inevitably intrusive, particularly in open rural and coastal landscapes, and in areas of high exposure, such as the Arthurs Seat escarpment and southern slopes.

The strategy that was implemented by the Western Port Regional Planning Authority (WPRPA) through the Conservation Plan for the Southern Mornington Peninsula, was to exclude broiler farm development from certain critical landscape areas, while allowing applications for the establishment of new broiler farms elsewhere on the Peninsula.

The WPRPA recognised that some sites for broiler farms could be found in most land units, but that in practice it is almost impossible to achieve an adequate degree of control over the establishment of broiler farms through the exercise of discretion on a site by site basis. In position papers, the Authority noted that:

“Each individual development generally has only minor adverse impact. Since incremental disamenity is small it is difficult to substantiate why any particular operation should be refused. A refusal is additionally difficult to defend because of comparisons. This leads to accusations of favouritism and arbitrariness. The practical difficulties are compounded because the environmental factors may take on different weights in different but similar decisions regarding development. In view of these difficulties and the opportunities that are provided for future poultry development it is felt that a real measure of landscape protection will be possible only by the exercise of prohibition in certain land units.”

The landscapes of the Peninsula are a valuable recreational and economic resource and the potential impact of broiler farming is such that a precautionary approach is warranted – in this case through the exclusion of this form development from a number of land units. This approach is also relevant to other forms of intensive agriculture, egg production farms and rural industry, that involve buildings of a similar scale.

Objectives

- To implement a strategic approach to the location of new broiler farms which includes appropriate recognition of the landscape and recreational values of the Mornington Peninsula.
- To protect sensitive landscape areas from intrusive development.
- To ensure that proposed broiler farms produce no adverse impact on landscape values.

Policy

- A landscape plan, prepared by a properly qualified person, must accompany any application for a broiler farm and must provide for adequate screening of the development and the enhancement of the landscape of the area.

- The site of a proposed broiler farm should not be located on land shown on the planning scheme maps as being within any of the following schedules to the Environmental Significance Overlay:
- Northern Mosaic – in the area between Golf Links Road and Baxter Tooradin Road, Baxter, north of the Baxter Tooradin Road, Baxter or west of the Moorooduc Road, Baxter.
- Moorooduc Plain and Balcombe Valley – in the area west of Moorooduc Road, Moorooduc or north of the Baxter Tooradin Road, Baxter.
- South East Peninsula.
- South East Basalt Slopes.
- Southern Basalt Slopes.
- Kangerong Basin.
- Arthurs Seat Escarpment.
- Arthurs Seat Southern Slopes.

In the case of an application to extend an existing broiler farm, a variation to the above requirements may be approved provided the responsible authority is satisfied that:

- There will be no significant effect on the landscape quality or environmental values of the area.
- The proposed extensions incorporate actions to address any outstanding concerns regarding the design, landscaping of the farm.

### Decision guidelines

Before deciding on an application for use or development of land for the purpose of broiler farming the responsible authority must consider, as appropriate:

- The proximity of other broiler farms or other poultry farms, the intensity of their development and the cumulative impact of these developments on the landscape of the area.
- The existing subdivision pattern in the vicinity of the proposed broiler farm site and the potential for additional housing.
- The effect on the landscape quality of the locality and the need for a landscape impact assessment by a properly qualified person.
- The ability to screen the development by means of landscaping and the proposals contained in the landscape plan.
- In the case of an existing broiler farm, the ability lessen visual impact by:
  - Upgrading the condition of existing buildings.
  - The provision of landscape screening.
  - Whether the buildings are capable of being operated in an efficient manner, which does not generate adverse off-site effects.
This policy applies to land along Ballar Creek, Mount Eliza that is within the Erosion Management Overlay. The boundaries of the Erosion Management Overlay are derived from the report: Mornington Peninsula Shire Council Landslide Zoning, Ballar Creek, Mt Eliza, Victoria dated 11 July 2000 (the Coffey report); in particular, zones II, III and IV shown on Figure 3 Mornington Peninsula Shire Council Ballar Creek, Mount Eliza Landslide Zone Plan dated 11 July 2000 (This figure of the report is an Incorporated Document.) This Policy and the Overlay for the Ballar Creek area cover zones II, III and IV plus a 10 metre wide strip of zone I at the edge of the other zones to allow for error margins in zone boundary definition.

Policy basis

The proper management of erosion prone and unstable slopes is critical to sustainable use and development and the maintenance of environmental values. Landslides and erosion can affect the structural stability of buildings and works, increase the siltation and turbidity of creeks, cause flooding, decrease the viability of vegetation communities and reduce habitat areas. Bed and bank erosion of Ballar Creek exacerbates landsliding problems along it particularly where there are Balcombe Clay outcrops in the creek. Land slopes along Ballar Creek are susceptible to instability if disturbed by earthworks for buildings, driveways, service lines or the like or changes in the water table through inappropriate drainage or other causes. Development needs to be carefully sited, designed and constructed to avoid exacerbating these problems.

This policy builds on Clause 21.07-1 Housing and Integrated Local Area Planning Objective 1.

Objectives

To ensure that:

- Land degradation processes are not worsened.
- Information about erosion and slope instability in the area is readily available.
- Environmental values are maintained and, if possible, enhanced.

Policy

It is policy that proposals are assessed against the following criteria:

- Before making any decision in respect to an application under this Scheme the responsible authority should have regard to the report titled:
  Mornington Peninsula Shire Council Landslide Zoning, Ballar Creek, Mt Eliza, Victoria and dated 11 July 2000 (the Coffey report).

- If buildings or works could potentially affect or be affected by landslip or erosion, that they should be, in order of preference, located:
  - Outside land affected by the Erosion Management Overlay.
  - On land within zone I as shown in Figure 3 Mornington Peninsula Shire Council Ballar Creek, Mount Eliza Landslide Zone Plan dated 11 July 2000.
  - On land within zone II as shown in Figure 3 Mornington Peninsula Shire Council Ballar Creek, Mount Eliza Landslide Zone Plan dated 11 July 2000.
  - On land within zone III as shown in Figure 3 Mornington Peninsula Shire Council Ballar Creek, Mount Eliza Landslide Zone Plan dated 11 July 2000.
  - On land within zone IV as shown in Figure 3 Mornington Peninsula Shire Council Ballar Creek, Mount Eliza Landslide Zone Plan dated 11 July 2000.

- Subdivisions, buildings and works should be designed and constructed or carried out in such a manner as to avoid any worsening of erosion or landslip problems.
Buildings and works should be sited in areas zoned III or IV as shown in Figure 3 Mornington Peninsula Shire Council Ballar Creek, Mount Eliza Landslide Zone Plan dated 11 July 2000. only if it can be shown that either:

- The zoning of the site is inappropriate and a zone I or II is justified.
- Engineering works can be put in place to ensure the long term slope stability risks are within normally acceptable limits.

The environs of Ballar Creek should be planted so as to form a corridor of indigenous riparian vegetation.

Proposals that do not meet these criteria may still meet the objectives of this policy.

**Decision guidelines**

Before deciding on an application, the responsible authority will consider, as appropriate:

- Whether any geotechnical engineering report, including Parts One and Two as may be required under the Erosion Management Overlay Schedule, has been adequately reviewed by an independent and suitably qualified geotechnical engineer with experience in slope stability.

- The existing use of the land and the purpose of the proposed buildings and works in relation to the existing use.

- The views of Melbourne Water.

**Policy References**

*Mornington Peninsula Shire Council Landslide Zoning, Ballar Creek, Mt Eliza, Victoria, (11 July 2000)* Coffey Geosciences Pty. Ltd.
SORRENTO HISTORIC PRECINCT POLICY

This policy applies to all land designated HO1 (Sorrento Historic Precinct) on the planning scheme maps, with the exception of the area between Ocean Beach Road and Bass Strait. The land is within the Heritage Overlay and is also affected by a Vegetation Protection Overlay and an Environment Significance Overlay which further recognise and protect the character and the natural and vegetation values of the area. Design and Development Overlays which specify design and development objectives also affect the land. In particular, the Design and Development Overlay maximum height of eight metres applies in the areas included in the Design and Development Overlays.

This policy is structured with a general heritage policy and sub-policies. The general policy deals with broader issues which relate to all sites included in the Sorrento Historic Precinct (the Precinct) policy area while the sub-policies are precinct/area based and deal with a collective of buildings and sites. The policy also identifies places within the Precinct which are of individual heritage significance to the Mornington Peninsula.

Sorrento’s character is based on its heritage values which are represented by its rich history as a settlement as far back as 1803 and by a number of buildings of individual heritage significance which contributed to the economic development of the town. More specifically, Sorrento’s character is explained in terms of its historical development, seaside environment and urban scale with its low rise commercial development, low density housing, historic buildings and a wide main street allowing generous pedestrian circulation in a relaxed atmosphere. Sorrento retains a rich legacy of limestone buildings recognised for their heritage and landmark values while its tourism role goes back to the days of fast passenger steamers and a steam tramway, with this role being reinforced by a range of accommodation and entertainment facilities. In vegetation terms the combination of natural and exotic species has produced an urban landscape of high value. These elements contribute to the ambience of Sorrento which is highly valued both by residents and visitors and which this policy is designed to conserve and enhance.

Policy basis

This policy and the following sub-policies:

- apply the heritage objectives of the State Planning Policy Framework in Clause 15.11 to local circumstances;
- apply the design and built form State Planning Policy Framework objective in Clause 19.03 to local circumstances;
- apply the objectives and strategies of the Municipal Strategic Statement;
- develop the heritage objectives of the Local Planning Policy Framework in Clause 22.04-2 to the Sorrento circumstances;
- guide the exercise of discretion under the Heritage Overlay, Vegetation Protection Overlay, Environment Significance Overlay and the Design and Development Overlays;
- give expression to the findings of the Shire of Flinders Heritage Study 1992; and
- have regard to:
  - Sorrento Streetscape Guidelines (Jacobs Lewis Vines 1981)
  - Sorrento Townscape Study (Centre for Environmental Studies – University of Melbourne/Shire of Flinders 1979)

Definitions

Heritage place is a place that has identified heritage value and could include a site, area, building, group of buildings, structure, archaeological site, tree, garden, geological formation, fossil site, habitat or other place of natural or cultural significance and its associated land.

Significant heritage places are places that are of individual heritage significance to the Mornington Peninsula, to the State or to the Nation.
Objectives

Landscape, views and vistas

- To protect and enhance vistas of both natural and man made historical significance, views (in particular of the dunes at the back beach and of the sea at the front beach and along Ocean Beach Road)) and landmarks and, where possible and appropriate, to create new vistas and views.

- To protect and enhance native roadside vegetation.

The built environment

- To ensure that new development is complementary to the significance and character of the Precinct.

- To conserve and enhance the significant heritage places in the Precinct.

- To conserve and enhance the streetscapes of the Precinct and in particular Ocean Beach Road.

- To ensure that significant evidence of Sorrento’s history is not prejudiced by new development.

- To ensure that new development is compatible with the height, scale and siting of existing development in the various parts of the Precinct.

Policy

Exercising discretion

Where a permit is required for the use or development of land it is policy to:
encourage development to be compatible with the scientific, aesthetic, architectural, historic and cultural significance of the Precinct;

require infill buildings to complement the existing streetscape;

ensure that new development does not have an adverse impact on existing vistas, views and landmarks;

ensure that new development responds positively to the location, height, mass, materials and external appearance of existing development in the Precinct;

encourage the enhancement of the cultural significance of the Precinct and of significant heritage places within the Precinct in the assessment of planning applications;

require a heritage impact assessment for significant development proposals in the Precinct detailing how the proposed development will affect the cultural significance of the Precinct or any significant heritage place within the Precinct;

require that new development respects the height, scale and siting of existing development in the various parts of the Precinct;

discourage the erection in residential areas of new buildings closer than 10 metres to the street or closer to the street than existing buildings;

discourage the demolition of a significant heritage place unless the place is structurally unsound or cannot be feasibly reused and any replacement building and/or works display design excellence which clearly and positively supports the ongoing heritage significance of the sub-precinct;

consider the cultural significance of a heritage place, including any statement of significance, when assessing proposals to develop or demolish the heritage place; and

encourage the retention of native roadside vegetation and off-road vegetation.

Ocean Beach Road Area
This sub-policy applies to all that land described as Ocean Beach Road Area in this Policy.

Policy basis
Ocean Beach Road developed rapidly as the main commercial area of Sorrento from the late 19th century. At the northern end of the street there is an important concentration of commercial premises which are of high historical significance while buildings such as the Continental Hotel and Stringers Stores have landmark qualities. As a sub-precinct this section of Ocean Beach Road is aesthetically and architecturally significant in so far as it represents a number of changing methods of construction and design over the years, including many buildings of limestone construction. Another interesting element in the area closer to Melbourne Road is the conversion of earlier residences, such as Carmel and Gannawarra, to commercial use. These earlier residences have historical associations with previous trades and services. To the west of Melbourne Road the character of Ocean Beach Road is substantially residential, with many relatively prestigious residences dating from the 1870's. There are generally uniform lot sizes along the street, with variations in building styles and periods.

In heritage and environmental terms the eastern entrance to the main commercial area from the corner of Point Nepean Road and Esplanade is highly significant, with the entrance also providing the introduction to the character of Ocean beach Road. This character is that of an historic seaside village with a wide promenade type indigenous tree lined main street with clear views to both the Bay and the back beach sand dunes and comprising mainly low rise commercial development and low density housing. There is land in the Ocean Beach Road Area with the potential for commercial development where siting and design issues are most important.

In terms of the heritage elements of the Ocean Beach Road Area the following are significant heritage places:
- 1-5 Esplanade, Sorrento
- 7 Esplanade, Sorrento
- 827 Melbourne Road, Sorrento
- 849-853 Melbourne Road, Sorrento
- 1-21 Ocean Beach Road, Sorrento
- 2-8 Ocean Beach Road, Sorrento
- 10-16 Ocean Beach Road, Sorrento (Sorrento Post Office)
- 18-24 Ocean Beach Road, Sorrento
- 26-36 Ocean Beach Road, Sorrento
- 120 Ocean Beach Road, Sorrento
- 142 Ocean Beach Road, Sorrento
- 165-173 Ocean Beach Road, Sorrento
- 231-237 Ocean Beach Road, Sorrento

**Objectives**

**Landscape, vistas and views**
- To retain the historical integrity of the Continental Hotel and Stringers Stores as landmark features at the entry to the main commercial area.
- To ensure the retention of the visual links between the Mechanics Institute, the Memorial Garden and Watts Cottage.
- To ensure that public services and works, including street furniture, plantings and signs, do not detract from the historical main street layout.

**The built environment**
- To retain the diversity of building styles as evidence of the different periods of development along the street and within individual buildings.
- To maintain the commercial focus in the section of Ocean Beach Road east of Melbourne Road.
- To integrate in functional and visual terms development in the area of the Morce Avenue extension with the Ocean Beach Road development.
- To provide pedestrian linkages between Ocean Beach Road and the Morce Avenue extension.
- To conserve and enhance the character and ambience of the section of Ocean Beach Road east of Melbourne Road in terms of its scale, building height and setback, verandahs, wide footpaths, converted residential premises and variety of building style and design.
- To conserve and enhance the character and ambience of converted residential premises through the retention of the existing building fabric, single storey development and gardens.
- To ensure that the section west of Melbourne Road retains its substantially residential character in terms of scale, form and setback and building height, in particular when viewed from the street.
- To create an entrance to Sorrento’s main street at the corner of Point Nepean Road and Esplanade which recognises the heritage values of the Precinct.

**Policy**

**Exercising discretion**
Where a permit is required for use or development of land, it is policy to:
restrict commercial development to the section of Ocean Beach Road east of Melbourne Road;

- encourage new development, in particular in the area between Ocean Beach Road and the Morce Avenue extension, to relate to form, scale, setback and materials to the existing built form, although new buildings may be contemporary in design;

- encourage pedestrian linkages between Ocean Beach Road and the Morce Avenue extension;

- encourage new development to reinforce the promenade and streetscape character of the commercial area;

- require new development in the area west of Melbourne Road to retain the scale, form, height and setback of the dominant building stock as viewed from the street;

- require new development in the area west of Melbourne Road to be constructed behind existing significant buildings on the very deep parcels of land;

- ensure that new development does not have an adverse impact on the vistas in the area of the Mechanics Institute, Watts Cottage and the Memorial Garden;

- ensure that the uniformity of subdivision as viewed from Ocean Beach Road west of Melbourne Road is retained;

- discourage the spread of commercial development into the residential areas west of Melbourne Road;

- discourage the erection of buildings that exceed eight metres in height;

- encourage buildings which incorporate the following design characteristics:
  - Typical form and elements of a Victorian or Edwardian shopfront, where appropriate;
  - Original Victorian and Edwardian shopfronts;
  - Reinforcement of the existing built form;
  - Restorative alterations to significant heritage places;
  - Roof pitch of not less than 22 degrees; and

- require development at the corner of Point Nepean Road and Esplanade to recognise the special significance of the corner as an entrance to Sorrento’s main street and to complement the Koonya Hotel/Stringers Corner redevelopment, with special emphasis on building setbacks, landscaping, car parking away from Point Nepean Road and sight distances for traffic.
Hotham Road/Point Nepean Road Area

This sub-policy applies to all described as Hotham Road/Point Nepean Road Area in this policy.

Policy basis

The Hotham Road/Point Nepean Road Area is historically significant for its associations with the earliest limeburning practices in the area and with early commercial services. Key heritage elements in the area include the rural character of the low lying land between Ocean Beach Road and Hotham Road, the cluster of limestone buildings in Melbourne Road and Boroondara Road and the role of the Boroondara Road/Point Nepean Road area in the early development of Sorrento. The historical low rise character of this latter area remains in evidence today and the heritage significance of the area is enhanced by the landscaped setting of this section of Point Nepean Road.

In terms of the heritage elements of the Hotham Road/Point Nepean Road Area the following are significant heritage places:

- 8 Boroondara Road, Sorrento
- 44 Donalda Avenue, Sorrento
- 855-865 Melbourne Road, Sorrento
- 881-883 Melbourne Road, Sorrento
- 3385 Point Nepean Road, Sorrento
- 3399 Point Nepean Road, Sorrento
- 3405 Point Nepean Road, Sorrento
- 3421 Point Nepean Road, Sorrento
- 3425 Point Nepean Road, Sorrento

**Objectives**

**Landscape, vistas and views**

- To protect the rural character of the low lying land in the areas between and adjacent to Ocean Beach Road and Hotham Road.
- To protect and enhance the low rise and landscape character of the Point Nepean Road/Hotham Road/Boroondara Road/Sorrento Park area.
- To retain the existing vistas both to and from MacFarlan Reserve.

**The built environment**

- To ensure the retention of the cluster of limestone buildings on the west side of Melbourne Road as an historically significant and intact group of buildings with a traditional relationship to the streetscape.
- To ensure that new buildings are compatible with existing development in terms of height, scale, bulk and siting.
- To ensure the retention of the existing streetscape character of the area.
- To encourage the retention of the existing allotment configuration.

**Policy**

**Exercising discretion**

Where a permit is required for the use or development of land, it is policy to:

- encourage new development to respect the rural character of the low lying area in the vicinity of Ocean Beach Road and Hotham Road;
- encourage new development to be complementary to the cultural significance of the area and to individual heritage buildings;
- to ensure that new development requires the retention of the Melbourne Road streetscape in terms of scale and siting of the new development;
- encourage new development to respect the low rise and landscape character of Point Nepean Road, generally in the vicinity of Hotham Road and Boroondara Road;
- encourage the erection of buildings to be used for residential purposes which do not exceed six metres in height;
- ensure that new development does not have an adverse impact on the views both to and from MacFarlan Reserve;
- encourage low fencing between and in front of properties; and
- ensure that new development, including garages and carports, does not alter the relationship between the houses and the streetscape.
Cliff Top Area

This sub-policy applies to all land described as Cliff Top Area in this policy.

Policy basis

The Cliff Top Area extends generally from Watts Road to St Aubins Way. At the southern end there is the Sorrento Hotel with its landmark qualities. On the northern end of Hotham Road there is the former Sorrento police station, a good example of federation architecture, and Sorrento Park with its established planting of indigenous species, oaks and conifers, including a tree grown from seed collected at Lone Pine, Gallipoli. It is also the location of the emergency helicopter landing site for use by the Southern Peninsula Rescue Service. The importance of the Area lies in its collection of significant buildings and landscape quality.

In terms of the heritage elements of the Cliff Top Area the following are significant heritage places:

- 1 Cooper Grove, Sorrento
- 5-7 Hotham Road, Sorrento
- 12 Hotham Road, Sorrento
Objectives

Landscape and heritage character

- To ensure the retention of the heritage character of the Point Nepean Road frontage.
- To retain the landscape character of Sorrento Park.

Policy

Exercising discretion

Where a permit is required for the use or development of land, it is policy to:

- preserve the heritage character of Point Nepean Road by retaining boundary planting on properties and existing roadside plantings;
- preserve the landscape character of Sorrento Park by retaining historic plantings, the passive recreational use of the Park and limiting building development and clearing for car parks;
- ensure that new development does not have an adverse impact on existing vistas, views and landmarks, in particular at the southern section of the Area;
- encourage the erection of buildings to be used for residential purposes which have a roof pitch of not less than 22 degrees; and
- encourage the retention of existing vegetation.
Foreshore Area
This policy applies to all land described as Foreshore Area in this policy.

Policy basis
The foreshore area extends eastwards from the Sorrento Pier to just past Bowen Road. It represents a small area of significance where entertainment and boat related activities were traditionally located. Key heritage elements include the Sorrento Pier and the north eastern terminus of the former Sorrento Tramway. The area also includes the Bandstand, War Memorial, Tea Room and Jetty and Norfolk Island and other pine trees on the foreshore and a cluster of residences nestled below the cliff and which addresses the foreshore promenade. The area is one of considerable historical significance due to its early tourist and recreation association with the Sorrento Pier and Tramway which terminated at the Ocean Amphitheatre. The Pier and the Tramway and the entrepreneurial skill of George Coppin were critical in the transformation of Sorrento from a limeburning and fishing centre to a bustling seaside resort. Another historical feature was the intensity of development and subdivision relative to other sections of Sorrento. The foreshore assumes greater sensitivity as it is one of the significant entrances to the Sorrento township.

In terms of the heritage elements of the Foreshore Area the following are significant heritage places:

- 17 Esplanade, Sorrento
- Sorrento Bandstand, Sorrento Foreshore

Objectives

Linkages

- To ensure the retention of public pedestrian use and links to foreshore areas in keeping with the historical use of Esplanade.
- To maintain the intimate relationship of the houses, Esplanade and the beach.

Policy

Exercising discretion
Where a permit is required for the use or development of land it is policy to:

- ensure that car parking does not intrude into the foreshore reserve;
- retain public access to the whole Pier, the Bandstand, the Tea Room Jetty and the foreshore reserve;
- retain pedestrian access to the former Tramway platform and provide interpretative information;
- encourage the retention of the existing landscape of open lawn areas with pine plantings and shade/screen trees and encourage, where necessary, new plantings of indigenous species;
- require new development to respect the historical character of the Pier, the Bandstand, the War Memorial, the Tea Room Jetty and Tearooms;
- require new development to respect the historic values of the sub-precinct, while at the same time recognising the historic intensive land use pattern in some parts of the area;
- encourage the erection of buildings to be used for residential purposes which have a roof pitch of not less than 22 degrees;
- ensure that the frontage setback of new residential buildings is consistent with existing setbacks close to the road;
- give priority to pedestrian movement over vehicular traffic;
- encourage the retention of vegetation on the side of the road;
- encourage low fencing in front of properties; and
- ensure the preservation of views to and from the foreshore.

Darling Road/Bowen Road Area

This sub-policy applies to all land described as Darling Road/Bowen Road Area in this policy.

Policy basis

The Darling Road/Bowen Road Area extends from the rear of the Ocean Beach Road properties southerly towards St Pauls Road. The sub-precinct is of heritage significance mainly due to the aesthetic qualities of its houses, gardens and streetscapes which have been inherited from generations of town residents and holiday makers. In comparison with other sub-precincts the cliff top residences are more substantial and more diverse stylistically and have historical and social value due to their associations with well known Melbourne families, including many prominent politicians. In addition, the sub-precinct is significant as it includes the residences facing the main approach from the south along Point Nepean Road to the Sorrento township.

In terms of the heritage elements of the Darling Road/Bowen Road Area the following are significant heritage places:

- 36-38 Darling Road, Sorrento
- 41-43 Kerferd Road, Sorrento
- 3245 Point Nepean Road, Sorrento
- 3251 Point Nepean Road, Sorrento
- 3273 Point Nepean Road, Sorrento

Objectives

Landscape, views and vistas
- To protect and enhance vistas, views and the landmark heritage places in the sub-precinct.

The built environment
- To retain the original pattern, lot configuration and size of individual properties within the sub-precinct.
- To retain the residential character of the sub-precinct.
- To retain the scale and intensity of development in the area between Point Nepean Road, Coppin Road and Constitution Hill Road.

Policy

Exercising discretion
Where a permit is required for the use or development of land, it is policy to:
- discourage new non-residential development in the sub-precinct;
- encourage new development to recognise the scale and siting of neighbouring properties;
- encourage new development that opens up new vistas and does not inhibit existing views;
- ensure that new development in the area generally east of Constitution Hill Road and Newton Avenue is designed to a high level of sensitivity and in recognition of the existing residential character of the area;
- encourage the erection of buildings which do not exceed six metres in height and which have a roof pitch of not less than 22 degrees;
- encourage the retention of existing vegetation, including nature strip vegetation planting; and
- encourage low fencing in front of properties.
References
Shire of Flinders Heritage Study History and Heritage (Context Pty Ltd; Kellaway C & Lardner H 992)

Shire of Flinders Heritage Study Caring for our Heritage (Context Pty Ltd; Kellaway C & Lardner H 1992)

Shire of Flinders Heritage Study Inventory of Significant Places (Context Pty Ltd; Kellaway C & Lardner H 1992)

Sorrento Streetscape Guidelines (Jacobs Lewis Vines 1981)

Sorrento Townscape Study (Centre for Environmental Studies – University of Melbourne/Shire of Flinders 1979)
MORNINGTON ACTIVITY CENTRE POLICY

This policy applies to all land in the Mornington Activity Centre Policy Areas shown on Map 1 forming part of this clause.

Policy basis

This policy builds on the State Planning Policy Framework, in particular:

- Metropolitan development
- Settlement
- Business
- Design and built form

This policy further builds on Clause 21.07-3 of the Municipal Strategic Statement and on the "Mornington Activity Centre Structure Plan – A plan for a coastal town (MPSC July 2007)."

The vision for the Mornington Activity Centre is that by 2030 it will be:

- The heart of the district. A place that retains its distinct village ambience and seaside atmosphere.
- A centre that people in the district identify with. It gives them a sense of place and belonging. It is their favourite destination to meet, shop, be entertained, work and do business.
- An exciting place to live that is integrated with surrounding residential areas.
- A reflection of ongoing community consultation and sustainability principles.

Objectives

- To pursue the vision for the Mornington Activity Centre outlined in Clause 22.18-1 and to facilitate achievement of the objectives and the implementation of the policy directions of the "Mornington Activity Centre Structure Plan – A plan for a coastal town (MPSC July 2007)."
- To strengthen Mornington’s role as a major activity centre and facilitate additional retail and commercial developments, as well as a range of other activities that support this role.
- To broaden the diversity of land uses in the centre and facilitate additional residential development that contributes to housing diversity.
- To enhance the iconic sense of place of the centre, its low-scale village ambience and seaside atmosphere, its heritage values and its focus on Main Street.
- To improve the pedestrian and open space networks of the centre.
- To facilitate a range of transport options to access the centre and an increase in the use of transport options other than private vehicles.

Policy

Retail Core Policy Area

Exercising discretion

If a permit is required for the use or development of land in the policy area shown on Map 1, it is policy to:

- Ensure that the use and development of land is consistent with the Key Design Elements shown on Map 2 forming part of this policy.
- Ensure that the use and development of land is consistent with the Policies for Precincts shown in Table 1 forming part of this policy.
- Support uses that contribute to the role of the activity centre, that extend the range of services it offers and that enhance the focus on Main Street as the central spine for activity.
Encourage in the area within the ring road, mixed-use buildings that include retail/commercial uses at ground level, commercial/residential uses at the second storey and residential uses for upper storeys.

Ensure the use and development of land enhances the extent, connectivity, amenity and safety of the pedestrian and open space networks in the centre, including the provision of additional publicly accessible space, active frontages, passive surveillance opportunities, weather protection and access for people with disabilities.

Ensure the use and development of land includes or makes an adequate contribution to the provision of transport infrastructure and public transport facilities in the policy area.

**Professional Services Policy Area**

**Exercising discretion**

If a permit is required for the use or development of land in the policy area shown on Map 1, it is policy to:

- Support uses that extend the range of professional and other services this policy area offers.
- Discourage uses that do not contribute to the professional services land use character of this policy area.

**Reference**

MAP 1: Retail Core Policy Area and Professional Services Policy Area
MAP 2: Precincts and Key Design Elements within the Retail Core Policy Area

Legend
1. Main Street Precinct
2. Octavia Street Precinct
3. Main Street Central Precinct
4. West Central Precinct
5. South West Precinct
6. East Central Precinct
7. East Precinct
8. South East Precinct
9. Urban Square/Park

- Ring Road
- Distributor
- Key Pedestrian Link
- Off Street Parking
Table 1

<table>
<thead>
<tr>
<th>Precincts Shown on Map 2 Forming Part of This Policy</th>
<th>Policies for Precincts Within The Retail Core Policy Area</th>
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| 1 Main Street                                        | - Increase the space, priority, safety and amenity for pedestrians and cyclists, particularly between Barkly Street and Queen Street.  
- Reduce the level of through traffic, whilst maintaining a local traffic function.  
- Enhance Main Street as the central destination within the pedestrian network.  
- Maintain some short-term parking. |
| 2 Octavia Street                                     | - Establish a landscaped street between Albert Street and Barkly Street, with car parking on both sides.  
- Encourage active frontages to the rear of properties in Main Street. |
| 3 Main Street Central                                | - Enhance Main Street as the central activities spine of the activity centre, on which all other activity and development is focused.  
- Support the use and development of land that achieves additional retail, commercial and residential facilities.  
- Ensure uses along key pedestrian links have active retail and commercial frontages at ground level and passive frontages, such as offices and dwellings, at upper levels.  
- Support residential development, including shop-top housing, that contributes to housing diversity in the centre and that is compatible with retail, commercial and entertainment uses, having regard to location, design and on-going management issues. |
| 4 West Central                                       | - Facilitate predominantly apartment style residential development with basement parking, designed around new public squares, on land currently used for at-grade car parking.  
- Facilitate retail activity at ground level around a public square in Empire Street to extend and reinforce Empire Mall as part of an east-west pedestrian link.  
- Reinforce the east-west pedestrian link at Albert Street between Main Street and Waterloo Place, together with a public square surrounded by residential development.  
- Achieve a north-south pedestrian link, connecting Empire Street to the Esplanade via Tasma Lane.  
- Provide a gateway park.  
- Facilitate additional and replacement car parking in a multi-deck facility that is integrated in the overall design of a mixed-use development. |
| 5 South West                                         | - Facilitate a major extension to the retail floor space in the centre, including a major retail store, on land currently used for at-grade car parking.  
- Facilitate a layout for the precinct that comprises major retail attractors and smaller retailers, set around a ‘market square’.  
- Encourage the ‘market square’ to accommodate a wide range of retail, commercial and public activities.  
- Ensure a pedestrian link between the ‘market square’ and Main Street.  
- Facilitate additional and replacement car parking east of ring road in a multi-deck facility that is integrated in the overall design of a mixed-use development. |
| 6 East Central                                       | - Facilitate some retail development whilst making use of additional residential development opportunities, on land currently used for at-grade car parking.  
- Encourage a pedestrian connection between Mornington Centro and Main Street, with retail uses and active frontages on both sides.  
- Encourage a public square at Blake Street, surrounded by active retail frontages. |
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<tbody>
<tr>
<td></td>
<td>- Support retail and commercial development in and facing Barkly Street.</td>
</tr>
<tr>
<td></td>
<td>- Facilitate additional and replacement car parking in a multi-deck facility that is integrated in the overall design of a mixed-use development.</td>
</tr>
<tr>
<td>7 East</td>
<td>- Facilitate predominantly apartment style residential development with basement parking.</td>
</tr>
<tr>
<td></td>
<td>- Provide a gateway park.</td>
</tr>
<tr>
<td></td>
<td>- Provide pedestrian linkages to Main Street.</td>
</tr>
<tr>
<td></td>
<td>- Ensure development has appropriate interfaces with adjacent residential land and the Mornington Primary School.</td>
</tr>
<tr>
<td></td>
<td>- Ensure development includes a north-south shared pathway (Bay Trail).</td>
</tr>
<tr>
<td>8 South East</td>
<td>- Facilitate predominantly apartment style residential development with basement parking, on land currently used for at-grade car parking.</td>
</tr>
<tr>
<td></td>
<td>- Encourage residential development to face the ring road and provide a landscaped interface with Blamey Place.</td>
</tr>
<tr>
<td></td>
<td>- Support retail and commercial development in and facing Barkly Street.</td>
</tr>
<tr>
<td></td>
<td>- Provide pedestrian linkages to Main Street.</td>
</tr>
<tr>
<td></td>
<td>- Facilitate additional and replacement car parking in a multi-deck facility that is integrated in the overall design of a mixed-use development.</td>
</tr>
</tbody>
</table>
GREEN WEDGE CAMPING AND CARAVAN PARK

This policy applies to camping and caravan parks on any land outside the urban growth boundary.

Policy basis

The Mornington Peninsula Green Wedge is significant for its landscape, environmental and agricultural values. Camping and caravan parks may adversely affect these values and exclude or limit legitimate rural land uses, if not sensitively located and designed.

This policy builds on the State Planning Policy Framework and the Local Planning Policy Framework, in particular:

<table>
<thead>
<tr>
<th>Clause</th>
<th>Settlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 11</td>
<td>Settlement</td>
</tr>
<tr>
<td>Clause 12</td>
<td>Environmental and landscape values</td>
</tr>
<tr>
<td>Clause 15</td>
<td>Built environment and heritage</td>
</tr>
<tr>
<td>Clause 17.03</td>
<td>Tourism</td>
</tr>
<tr>
<td>Clause 18.01-1</td>
<td>Land use and transport planning</td>
</tr>
<tr>
<td>Clause 18.02-4</td>
<td>Management of the road system</td>
</tr>
<tr>
<td>Clause 21.04</td>
<td>Mornington Peninsula strategic framework plan</td>
</tr>
<tr>
<td>Clause 21.06</td>
<td>Strategic framework and the Peninsula’s settlement pattern</td>
</tr>
<tr>
<td>Clause 21.08</td>
<td>Foreshores and coastal areas</td>
</tr>
<tr>
<td>Clause 21.09</td>
<td>Planning for rural areas</td>
</tr>
<tr>
<td>Clause 22.07</td>
<td>Commercial and industrial uses in rural areas</td>
</tr>
</tbody>
</table>

Objectives

- To regulate the location, scale and design of camping and caravan parks so they do not have a significant adverse effect on the landscape, agricultural or environmental values of the green wedge area or the settlement pattern of the Peninsula.
- To maintain the distinct character and separation of townships, the integrity of an urban growth boundary and the landscape values of the green wedge urban interface.
- To provide for tourist accommodation that will enrich outdoor recreation and tourism activities in the green wedge areas of the Peninsula.
- To provide holiday accommodation, including a low-cost option, for tourists and visitors to green wedge areas.
- To encourage significant new outdoor recreation facilities by supporting them with integrated on-site camping and caravan parks.
- To ensure that location, siting and design of camping and caravan parks protects the amenity of park users from adverse impacts of neighbouring rural land uses.

Policy

It is policy:

- To ensure that a camping and caravan park in the green wedge does not significantly adversely affect the biodiversity, agricultural productivity, landscape, rural amenity or other environmental values of the area.
- To ensure that an application includes a site analysis and design response, including a landscape character assessment.
- To ensure that a camping and caravan park includes all of the following:
  - The containment of all camping and caravan park buildings and accommodation sites within a single area of the land.
- The clustering of all accommodation sites, whether or not they have individual facilities, around communal laundry, ablution, kitchen and recreation hubs that are reasonably accessible for all park users.

- Substantial landscaping to form an attractive rural setting that is consistent with the character of the local area and not reliant upon the amenity of the surrounding land.

- A mix of accommodation site types and visitor facilities that responds to the reasonable visitation expectations of nearby green wedge tourist and outdoor recreation attractions.

- Provision of a range of affordable tourist accommodation options that includes:
  - Powered vacant sites
  - Unpowered vacant sites
  - Sites for caravans or motor homes
  - Cabins or lodge accommodation

- Vehicular access to the land via a sealed road network and internal access roads that cater for vehicles that are towing caravans or trailers.

To locate a camping and caravan park amongst compatible land uses preferably with pedestrian access to on-site or off-site recreational facilities.

To site a camping and caravan park on a lot of at least 40 hectares. This does not apply to a lot in Green Wedge Zone Schedule 4; such lot must be at least 80 hectares.

To maintain the distinct character and separation of townships, the integrity of an urban growth boundary and the landscape values of the green wedge urban interface by locating a camping and caravan park at least 2 km from an urban growth boundary.

That the following standards should be met for any camping and caravan park:
  - The total number of accommodation sites should be 100 sites or less.
  - The percentage of accommodation sites for cabins, movable dwellings, permanent on-site caravans, or the like, should be 15% or less of the total number of accommodation sites.
  - The average gross floor area of all cabins, movable dwellings, permanent on-site caravans, or the like, should be 60 square metres or less.

### Decision guidelines

Before deciding on an application the responsible authority must consider as appropriate:

- The extent to which the proposal would contribute to tourism on the Mornington Peninsula.
- The need for measures to protect native vegetation and fauna.
- The visitor capacity of nearby tourist attractions as articulated in relevant management plans.

### Transitional provisions

The requirements of the planning scheme as in force immediately before 19 November 2009 continues to apply to a permit application made before that date to the extent that, but for this clause, Clauses 35.04 or 57.01 would apply to such an application.

### Expiry

This policy does not apply after 30 September 2011.

*For the avoidance of doubt, the provisions of this policy do not take precedence over the requirements of the Residential Tenancies Act 1997 and regulations there under as amended from time to time.*
LANDSLIDE SUSCEPTIBILITY

This policy applies to land that is affected by an Erosion Management Overlay Schedule 4 or Schedule 5.

Policy basis

The Mornington Peninsula contains places that are susceptible to landslide and these especially occur along the coastline and creeks as well as in the steeper sloped inland areas. These places have been identified by the studies cited in the references to this Policy.

Inappropriate use and development, including vegetation removal, can exacerbate the risks to life, property and environment associated with these areas. Problems may include restricted usability; structural stability, cracking and rising damp. Changes in drainage patterns or the water table could also contribute to further instability with associated risks to water quality and the protection of indigenous flora and fauna.

This policy is based on the understanding that planning controls on the use and development of land can supplement building regulations to help prevent such problems from arising.

This policy, including the terms used (i.e. landslide, landslide inventory, risk) in the policy and the Schedules to the Erosion Management Overlay, is based upon the recommendations of the Australian Geomechanics Society and other studies as set out in the Policy references of this clause.

The policy builds on the State Planning Policy Framework and the Municipal Strategic Statement, in particular:

- Clause 15.01 Protection of catchments, waterways and groundwater
- Clause 21.07-1 Housing and Integrated Local Area Planning Objective 1.

Objectives

- To ensure that the stability of the land does not deteriorate.
- To ensure that land in areas that are susceptible to landslide is only developed with proper regard to geotechnical hazard and risk assessment, including appropriate risk mitigation.

Policy

It is policy:

- To guide development to that part of the land that presents the least risk, whether or not that land is inside or outside an Erosion Management Overlay.
- To discourage development if a geotechnical hazard and risk assessment shows that it has a risk (i.e. Loss of Life Risk for the person most at risk) that exceeds ‘1 in 100,000’ per annum. This does not apply to a change to an existing structure that does not increase the building footprint or result in an overall change to footing loads but only if it has a risk that does not exceed ‘1 in 10,000’ per annum.
- To discourage development if a geotechnical hazard and risk assessment shows that it has a moderate or higher risk of loss to property as calculated in accordance with table 1 to this clause.

Table 1 to Clause 22.20

<table>
<thead>
<tr>
<th>Likelihood of risk</th>
<th>Consequences to property (with indicative approximate cost of damage as a percentage of the value of the property)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indicative value of approximate annual probability</td>
<td>Catastrophic 200%</td>
</tr>
</tbody>
</table>

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### Table 2 to Clause 22.20

<table>
<thead>
<tr>
<th>Likelihood of risk</th>
<th>Consequences to property (with indicative approximate cost of damage as a percentage of the value of the property)</th>
<th>Moderate (or Low if consequence &lt; 0.1%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Almost certain</td>
<td>1 in 10 Very high</td>
<td>High</td>
</tr>
<tr>
<td>Likely</td>
<td>1 in 100 Very high</td>
<td>High Moderate</td>
</tr>
<tr>
<td>Possible</td>
<td>1 in 1000 Very high</td>
<td>Moderate Low</td>
</tr>
<tr>
<td>Unlikely</td>
<td>1 in 10,000 High</td>
<td>Low Moderate</td>
</tr>
<tr>
<td>Rare</td>
<td>1 in 100,000 Moderate</td>
<td>Low Low</td>
</tr>
<tr>
<td>Barely credible</td>
<td>1 in a million Low</td>
<td>Very low Very low</td>
</tr>
</tbody>
</table>

- To ensure that pedestrian access to any accommodation and a reasonable amount of associated private open space is secured to the extent that loss of functionality is unlikely.
- To encourage all building and pavement stormwater runoff together with surface water and sub-surface groundwater, to be collected into flexible pipes, designed to prevent blockage, and connected to a stormwater pipe system.
- To ensure that all drainage infrastructure is designed by a qualified civil engineer.
- To ensure that all retaining structures are designed by a qualified structural engineer.
- To discourage soakage pits and absorption trenches.
- To discourage in-ground swimming pools and water tanks that are not appropriately engineered to mitigate risks.
- To discourage significant cut or fill of slopes.
- To discourage the removal of vegetation, including the removal of roots of any felled vegetation.
- To ensure that the geotechnical assessment that would normally be required by a Schedule to the Erosion Management Overlay is submitted prior to the granting of a planning permit.
- For the land specified in table 2 to this clause, to apply the additional policies specified opposite in the table.

**Table 2 to Clause 22.20**

<table>
<thead>
<tr>
<th>Land</th>
<th>Additional policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land in proximity of Tanti Creek.</td>
<td>- To encourage buildings to be setback at least 10 metres from the top of the creek bank.</td>
</tr>
<tr>
<td></td>
<td>- To encourage the creation of easements or reserves along each side of Tanti Creek to facilitate the maintenance of the creek banks.</td>
</tr>
<tr>
<td></td>
<td>- To encourage the development of a corridor of indigenous riparian vegetation along Tanti Creek.</td>
</tr>
<tr>
<td>Land situated east of The Esplanade, Flinders.</td>
<td>- To discourage the location of buildings on the public land is east of The Esplanade but west of the beach.</td>
</tr>
</tbody>
</table>

Proposals that do not meet these criteria may still meet the objective of this policy.

**Decision guidelines**

Before deciding on an application, the responsible authority will consider, as appropriate:

- The robustness of any risk assessment for the proposed development in relation to the particular geotechnical conditions.
The existing or proposed use of the land and the purpose of the proposed buildings and works in relation to that use, in particular whether those buildings and works are essential for the reasonable conduct of that use.

Whether any required site management plan or monitoring, inspection and maintenance regime should be brought to the attention of future owners through registration on the Certificate of Title.

The qualifications, depth and relevance of experience, professional recognition and level of professional indemnity insurance of any geotechnical practitioner who has made a report or Declaration, including whether the practitioner is also a registered building practitioner.

For complex cases, the need for a geotechnical practitioner to submit a Geotechnical Declaration Final Geotechnical Certificate that is generally consistent with Form G of Appendix D of the Australian Geomechanics Society, (2007c) Practice Note Guidelines for Landslide Risk Management, Vol. 42, No. 1, Australian Geomechanics, March 2007.

**Policy reference**


- Lane Piper (2008), Geotechnical Assessment of Landslip Susceptibility and Investigation Zoning, Flinders Foreshore, Mornington Peninsula (Ref No: 27005Report01.2.doc), Mornington Peninsula Shire Council

- Lane Piper, Geotechnical Assessment of Slope Stability, Tanti Creek, Mornington, (23019Report01.7), March 2010, Mornington Peninsula Shire Council
MORNINGTON NORTH POLICY

This policy applies to all land in the Mornington North Policy Area and to the precincts within that area shown on Map 1 forming part of this clause.

Policy basis

This policy builds on Clause 21.07-1 of the Municipal Strategic Statement.

The vision for Mornington North is that it will be an area that includes:

- A clearly defined low-density residential area and urban residential area, with Racecourse Road generally being the boundary between these two areas, as shown on Map 1 forming part of this clause.

- A low-density residential area generally east of Racecourse Road that provides:
  - A low-density and well-landscaped edge to Mornington that contributes to its sense-of-place as a township in a rural setting.
  - A contribution to housing diversity within the Township.
  - An interface to the east and north-east that is sensitive to the environmental and landscape values of the Green Wedge.
  - A ‘home with a country setting’ for the Mornington Racecourse.
  - Opportunities for land uses that are complementary to the racecourse.

- An urban residential area generally west of Racecourse Road that contributes to residential development opportunities that provide housing diversity and complement the existing urban residential area to the west.

Objectives

- To protect the low-density residential character of the area generally east of Racecourse Road as shown on Map 1 forming part of this clause, and to retain this area in the low-density section of the township as part of a low-density residential edge for Mornington.

- To ensure the siting and height of buildings in the area generally east of Racecourse Road reflects the low-density residential character of that area.

- To provide additional housing diversity for the Mornington Township - particularly housing opportunities that enable ageing-in-place – in the area generally west of Racecourse Road as shown on Map 1 forming part of this clause.

- To protect the Mornington Racecourse – as a venue for racecourse activities and non-race day activities - from encroachment by noise-sensitive uses or by uses that are otherwise incompatible with the racecourse.

- To support racehorse training opportunities and other activities complementary to the Mornington Racecourse, close to the racecourse.

- To encourage the design of all development to incorporate Environmentally Sustainable Design principles.

- To ensure that the roads cater adequately and safely for the increasing vehicular and non-vehicular traffic flows and complement the arterial road network of the Mornington Township.

- To promote the provision of public transport to the area.

- To ensure that new development adequately contributes to the appropriate upgrading of infrastructure to support the increased levels of development, using Environmentally Sustainable Design principles.
Policy

Exercising discretion

For the precincts shown in Map 1 to this clause, it is policy to:

Precinct 1A - Land north of Bungower Road, west of the Racecourse Road
  - Support the use and development of this area for an education centre and retirement village living.

Precinct 1B - Land north of Bungower Road, east of the Racecourse Road
  - Support low-density residential development.
  - Support the use and development of land that contributes to housing diversity and/or the services provided to the Mornington community and that complements the low-density residential character of the area. This includes recreational, health and education establishments that are prohibited in the Green Wedge Zone.
  - Discourage the use and development of land that detracts from the low-density character of the area and that does not provide adequate setbacks and landscaping.
  - Require the coordinated use and development of the area based on a comprehensive development plan.

Precinct 2 - Land on west side of Racecourse Road – south of Bungower Road
  - Support the use and development of the land along Racecourse Road for retirement village living.
  - Support the existing caravan park for the long term, acknowledging the importance of this tourism facility to the Mornington Township. In the event the caravan park use ceases, the site should convert to a residential area as an extension to the St Mitchell Circuit Estate.

Precinct 3 - Land on the east side of Racecourse Road – south of Bungower Road
  - Support non-residential uses that provide services to the Mornington community, in particular uses that provide health and other services to elderly residents, and uses that complement the racecourse.
  - Discourage the use and development of land that detracts from the low-density character of the area and that does not provide adequate setbacks and landscaping.

Precinct 4 - Roberts Road area
  - Support low-density residential development.
  - Support the use and development of land that contributes to racehorse-training opportunities, landscape qualities and the rural-residential landscape setting of the Mornington Racecourse.
  - Discourage the use and development of land that detracts from the low-density character of the area and that does not provide adequate setbacks and landscaping.
  - Ensure development enhances the environmental and landscape values of Balcombe Creek and environs.

Precinct 5 - Mornington Racecourse
  - Support the use and development of the land for racecourse and complementary (non-racecourse related) activities, subject to the consideration and management of impacts on the residential amenity of surrounding areas.
  - Require the use and development of land to provide adequate infrastructure to protect the safety and efficiency of adjoining roads.
Precinct 6 - Woodbyne Crescent/ Albany Way area

- Support low-density residential development that complements the housing diversity of the residential area to the west.

- Ensure new development maintains adequate setbacks to nearby non-residential uses and minimises potential conflicts between residential uses and nearby non-residential uses.

- Ensure new development enhances a well-landscaped low-density character for the precinct, including the provision of landscaped fringes along Watt Road and Racecourse Road.

Reference

- *Mornington North Outline Development Plan (Mornington Peninsula Shire, July 2013)*
MAP 1: Mornington North Policy Area and Precincts

Legend
- Mornington North Policy Area
- Precinct 1A
- Precinct 1B
- Precinct 2
- Precinct 3
- Precinct 4
- Precinct 5
- Precinct 6
- Boundary between the low density residential area (generally east of Racecourse Rd) and the urban residential area (generally west of Racecourse Rd)
GAMING PREMISES AND GAMING MACHINES

This local planning policy applies to applications under Clause 52.28 to install or use a gaming machine or to use land for gaming premises.

Policy basis

Gaming machine use for recreation can bring social and economic benefits to the local community. It also has the potential to cause harmful social and economic impacts through problem gambling. The location of gaming machines in the Shire should seek to balance competing social and economic issues to achieve a net community benefit on a Shire wide basis.

Objectives

To achieve a net community benefit in any change to the location of gaming premises and number of gaming machines throughout the Mornington Peninsula.

To discourage new gaming machines in relatively disadvantaged suburbs as defined by the Socio-Economic Indicators for Areas (SEIFA) Index of Relative Socio-Economic Disadvantage.

To encourage gaming machines only in locations where they are accessible but not convenient.

To ensure gaming machines are installed in venues that are designed and operated to minimise negative social and economic impacts, and adverse impacts on the amenity of the surrounding areas.

To ensure benefits associated with gaming machines accrue to the community in the local area.

Policy

It is policy to:

- Encourage a redistribution of gaming machines from places with higher risks of problem gambling to places with lower risks of problem gambling; including places that primarily cater for tourists.

- Discourage new gaming machines in the following locations:
  - Suburbs of relative socio-economic disadvantage as indicated by scores of less than 1000 in the SEIFA Index of Relative Socio-Economic Disadvantage.
  - Locations close to a strip shopping centre or shopping complex.

- Ensure new gaming machines are not installed in locations that are visible or within 400 metres from any of the following uses (core uses):
  - School, kindergarten or childcare centre.
  - A hospital, medical centre or other place providing a welfare service.
  - Supported accommodation.
  - Social (public and community) housing developments or clusters comprising 50 or more dwellings.
  - Library or community hall or facility.
  - Place of worship.
  - A shop or retail premises, that attracts daily or weekly custom.

- Encourage gaming machines in venues that offer all the following:
  - Management and mitigation measures to minimise problem gambling and apply responsible gaming practices.
- A choice of recreational activities as the primary purpose of the venue, where such activities are available at similar hours as the gaming.
- A gaming floor area that is less than 25 per cent of the total floor area of the venue.
- A design that gives the gaming area access to natural light.
- Physical and visual separation of the gaming area from other areas.
- Access to venue amenities including entrances and exits, toilets, meeting spaces and dining areas without traversing gaming areas.
- Gaming operation of 16 hours per day or less.
- Protect the amenity of the local area having regard to operating hours, traffic, noise, car parking, safety and security.
- Encourage any benefits associated with gaming machines to be directed to local organisations that offer non-gaming weekly activities.

**Application requirements**

An application to use land for gaming premises or to install or use a gaming machine should be accompanied, as appropriate, by the following information:

**Details of the proposal**

- Plans and elevations, drawn to scale and dimensioned, showing the proposed use, including the location and layout of the gaming machines, other non-gaming activities and car parking.
- Proposed operations, including staff and patron numbers, hours of operation and assessment of patronage numbers.
- Details of proposed gambling and non-gambling related entertainment and recreation facilities at the venue.

**Compliance with other legislation**

- Whether the design and layout of the premises has been assessed for compliance with any relevant gaming regulations requirements concerning layout, design and operation of premises.

**Impact assessment**

- A context plan showing any core uses within 400 metres of the venue.
- An impact assessment, prepared by a suitably qualified and experienced person to the satisfaction of the responsible authority, describing:
  - The social and economic impacts of the proposal and the net community benefit.
  - Anticipated gaming expenditure including:
    - Any expected transfer from other gaming venues (including how the level of transfer has been calculated), comparison of existing and projected expenditure per machine at the venue, current usage levels of machines at the venue, projected usage level of machines at the venue with the additional machines.
    - The resulting impact on revenue of the venue to where the expenditure is transferred.
    - 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).
    - The existing and proposed distribution of gaming machines across the Mornington Peninsula.
- The primary and secondary catchments of the venue, including an assessment of the demographics within each catchment. The primary catchment is radius of 2.5 kilometres; the secondary catchment is radius of 5 kilometres.

- Details of community benefits expected from the proposal, how and when the benefits are to be secured, and whether these will be distributed to the local community.

**Existing conditions**

- Details of any existing use of the land, including the range of activities, staff and patron numbers and hours of operation.

- Details of any historical gaming expenditure at the venue.

- Distance to the nearest core uses.

- Details of the relative socio-economic status of the suburb in which the gaming machines are to be located and the broader 5 kilometre catchment of the venue in comparison to other suburbs of the municipality and the Melbourne and regional Victoria averages as defined in the SEIFA Index of Relative Socio-Economic Disadvantage.

**Decision guidelines**

The responsible authority will consider, as appropriate:

- The net community benefit from the proposal.

- Whether the proposal is likely to increase social and economic disadvantage in the local community and the municipality.

- Whether the location of the gaming premises or gaming machines facilitates or discourages convenience gambling.

- Choice of entertainment in the local area and in the proposed gaming premises.

**Reference documents**

Responsible Electronic Gaming (EGM) Policy (Mornington Peninsula Shire Council, August 2016)

South East Region Gaming Policy Framework (Coomes, December 2007)
HASTING ACTIVITY CENTRE POLICY

This policy applies to all applications for use and development on land in the Hastings Activity Centre as shown on the map below.

22.24-1

Policy

It is policy to:

Support uses that contribute to the role of the activity centre, that extend the range of services it offers and that enhance the focus on High Street as the central spine for activity.

Retail and commercial use

Support redevelopment opportunities in commercially zoned land in the following ways:

- Multi-storey development in High Street, incorporating retail/commercial uses at ground level, commercial/residential uses at the second storey and residential uses for upper storeys.
- Dual frontage retail, with infill of vacant land to the rear of existing High Street shops.
- Retail development in High Street between Queen Street and the railway.

Support the staged extension of mixed use development inside the activity centre in the short to medium term:

- on land on either side of King Street, between High Street and Church Street, based on an Urban Design Framework for this area.
- on land on the east side of King Street, between High Street and Elizabeth Street.

Residential use

Support opportunities for higher density residential development in the town centre.

Encourage well–designed additional housing/accommodation including:

- Shop top housing along High Street over existing single storey retail.
Redevelopment of land at the western end of High Street (between Queen and Station Streets) for mixed use purposes, with retail at ground level and multi storey residential above.

Redevelopment of the areas on either side of King Street (between High Street and Church Street) as a mixed use development combining retail/commercial premises with medium density housing.

**Built form**

- Support development at the gateway sites through a landmark in the design and architecture.
- Require building frontages to have at least 75% active frontages to add to the activity and vitality of the streets.
- Discourage expanses of blank walls.
- Encourage the rear or side elevations of buildings that open onto laneways or public spaces to have an active frontage to these spaces.
- Require new development to provide continuous weather protection along High Street and key pedestrian links.
- Encourage opportunities for dual frontage development and activity for High Street properties.
- Ensure that buildings in the vicinity of the foreshore are orientated towards the foreshore environment to provide active frontages and maximise opportunities for views of the foreshore and water.
- Support development at the eastern and western end of High Street that provides active frontages and attractive links to the foreshore and the railway precinct.
- Encourage uses with active frontages in Marine Parade between Salmon Street and the foreshore.
- Design to encourage surveillance of public spaces.
- Plan the scale of development along High Street that will protect important vistas along High Street to the foreshore.

**Reference**

- *Hastings Town Centre Structure Plan – October 2017.*
ROSEBUD ACTIVITY CENTRE POLICY

This policy applies to all applications for use and development on land within the Rosebud Activity Centre as shown on the map below.

Objectives

- To strengthen Rosebud’s role as a major activity centre and regional visitor destination and facilitate additional retail and commercial developments, as well as a range of other supporting activities.
- To enhance the sense of place of the centre, its focus on Point Nepean Road, its low-scale coastal ambience, its integral connection with the foreshore and its backdrop of Arthurs Seat.
- To broaden the diversity of land uses in the centre and facilitate additional residential development that contributes to housing diversity.
- To improve the pedestrian and open space networks of the centre.

Policy

It is policy to:

*Land use and activity*

- Support uses that contribute to the role of the activity centre, that extend the range of services it offers and that enhance the focus on Point Nepean Road as the central spine for activity.
- Encourage commercial development at The Heart and Boneo Junction precincts with active retail and office development spread evenly between The Heart and Boneo Junction precincts, and a mix of elevated offices and residential apartments.
- Encourage uses with a commercial focus to locate at the entrances to the town centre to the east of Jetty Road and to the west of Boneo Road.
- Encourage restricted retailing at ground level, within Commercial 1 Zone of the Boneo Junction precinct, only between Rose Avenue and First Avenue.
- Promote housing consolidation and choice within the Rosebud Activity Centre by encouraging upper level residential apartment development, to be integrated with ground floor active uses.
- Promote the Jetty Road property frontages between Point Nepean Road and the foreshore of the Jetty Road café precinct as an appropriate location to establish food and drink premises associated with residential development.
. Encourage health services around the existing medical services cluster.

. Promote housing and community services for older people in close proximity to Point Nepean Road and Boneo Road and facilitate the expansion of community and health services along Boneo Road, from Point Nepean Road to Coorabong Avenue.

. Encourage ground floor level uses, such as restaurants, bars and tourism uses with upper level offices and residential apartments in the Avenues Activity Link precinct.

. Promote the redevelopment of existing car parking areas in The Heart precinct.

_Built form_

. Design buildings that respond to the existing scale and character of streetscapes when viewed from the pedestrian network.

. Encourage design excellence and contemporary built form which enhances the coastal character of the centre, sense of place and entry points to the area.

. Minimise visual bulk to the street, with adequate detailing and articulation of facades, as well as an adequate use of materials and colours.

. Promote visually interesting roof forms and encourage low roof pitches.

. Blank, inactive frontages should be avoided.

. In the area between Rose Avenue and First Avenue of the Boneo Junction precinct, encourage strong and consistent three storey scale to the Point Nepean Road frontage, with car parking to the side or rear.

. New development associated with the Jetty Road café precinct should be of a scale and height that responds to the surrounding residential development, adopts a coastal architectural style, implements a diverse materials palette and avoids unreasonable visual intrusiveness to the foreshore. Building setbacks to the foreshore reserve should respond to the need to protect foreshore vegetation and maintain any existing contributory vegetation.

. View lines to Arthurs Seat should be respected.

. Where canopies from buildings prevail, new development should continue this architectural element to provide a consistent streetscape and offer continued shelter to the public realm.

. Future car parking should be integrated with new buildings and contained within an underground and/or concealed format to minimise the visual exposure of car parking facilities to adjacent land, road reserves and open space.

22.23-3

22/11/2019
C20Wimorn

Background document

. _Rosebud Activity Centre Structure Plan - October 2017._
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. 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 32.03-2.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td>Must be the only dwelling on the lot. 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. 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>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>Dependent person’s unit – if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 32.03-2.</td>
</tr>
<tr>
<td>Domestic animal boarding</td>
<td></td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast) – if the Section 1 condition is not met</td>
<td>Must result in no more than two dwellings on the lot. Must meet the requirements of Clause 32.03-2.</td>
</tr>
<tr>
<td>Food and drink premises (other than Convenience restaurant)</td>
<td></td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus and Nightclub)</td>
<td></td>
</tr>
<tr>
<td>Plant nursery</td>
<td></td>
</tr>
<tr>
<td>Service station</td>
<td>The site must either:</td>
</tr>
<tr>
<td></td>
<td>Adjoin a commercial zone or industrial zone.</td>
</tr>
<tr>
<td></td>
<td>Adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td></td>
<td>The site must not exceed either:</td>
</tr>
<tr>
<td></td>
<td>3000 square metres.</td>
</tr>
<tr>
<td></td>
<td>3600 square metres if it adjoins on two boundaries a road in a Road Zone.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Store</td>
<td>Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.</td>
</tr>
<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>Amusement parlour</td>
</tr>
<tr>
<td>Animal production (other than Grazing animal production)</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
</tr>
<tr>
<td>Extractive industry</td>
</tr>
<tr>
<td>Industry (other than Car wash)</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
<tr>
<td>Nightclub</td>
</tr>
<tr>
<td>Office (other than Medical centre)</td>
</tr>
<tr>
<td>Retail premises (other than Convenience shop, Food and drink premises, Market and Plant nursery)</td>
</tr>
<tr>
<td>Saleyard</td>
</tr>
<tr>
<td>Transport terminal</td>
</tr>
<tr>
<td>Warehouse (other than Store)</td>
</tr>
</tbody>
</table>

**Use for one or two dwellings or a dependent person’s unit**

A lot may be used for one or two dwellings provided the following requirements are met:

- Each dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from each dwelling must be treated and retained within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

- Each dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity, to the satisfaction of the responsible authority.

- Each dwelling must be connected to a reticulated electricity supply or have an alternative energy supply to the satisfaction of the responsible authority.

These requirements also apply to a dependent person’s unit.

**Subdivision**

**Permit requirement**

A permit is required to subdivide land.
Each lot must be at least the area specified for the land in a schedule to this zone. Any area specified must be at least:

- 0.4 hectare for each lot where reticulated sewerage is not connected. If no area is specified each lot must be at least 0.4 hectare.
- 0.2 hectare for each lot with connected reticulated sewerage. If no area is specified each lot must be at least 0.2 hectare.

A permit may be granted to create lots smaller than 0.4 hectare if the subdivision:

- Excises land which is required for a road or a utility installation.
- Provides for the re-subdivision of existing lots and the number of lots is not increased.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
</tbody>
</table>

**Buildings and works**

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 32.03-1.
- An outbuilding which has dimensions greater than those specified in a schedule to this zone.

This does not apply to structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $100,000 where:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>- The building or works is not associated with a dwelling.</td>
<td></td>
</tr>
<tr>
<td>- The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:</td>
<td></td>
</tr>
<tr>
<td>- A10 Side and rear setbacks.</td>
<td></td>
</tr>
<tr>
<td>- A11 Walls on boundaries.</td>
<td></td>
</tr>
</tbody>
</table>
## Application requirements

### Subdivision

An application must be accompanied by a site analysis, documenting the site in terms of land form, vegetation coverage and the relationship with surrounding land, and a report explaining how the proposed subdivision has responded to the site analysis. The report must:

- In the absence of reticulated sewerage, include a land assessment which demonstrates that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.

- Show for each lot:
  - A building envelope and driveway to the envelope.
  - Existing vegetation.
  - In the absence of reticulated sewerage, an effluent disposal area.

- Show how the proposed subdivision relates to the existing or likely use and development of adjoining and nearby land.

- If a staged subdivision, show how the balance of the land may be subdivided.

## Decision guidelines

### General

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


### Subdivision

- The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.

- The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.

- In the absence of reticulated sewerage:
- The capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.

- The benefits of restricting the size of lots to the minimum required to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria).

- The benefits of restricting the size of lots to generally no more than 2 hectares to enable lots to be efficiently maintained without the need for agricultural techniques and equipment.

- The relevant standards of Clauses 56.07-1 to 56.07-4.

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 3.
SCHEDULE TO THE LOW DENSITY RESIDENTIAL ZONE

Shown on the planning scheme map as **LDRZ**.

<table>
<thead>
<tr>
<th>Land</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum subdivision area (hectares)</td>
<td>All green wedge land</td>
</tr>
</tbody>
</table>

**Dimensions above which a permit is required to construct an outbuilding**

None specified
MIXED USE ZONE

Shown on the planning scheme map as MUZ with a number (if shown).

Purpose

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

To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.

To provide for housing at higher densities.

To encourage development that responds to the existing or preferred neighbourhood character of the area.

To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

Objectives

A schedule to this zone may contain objectives to be achieved for the area.

Table of uses

Section 1 – Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art gallery</td>
<td></td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td></td>
<td>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Must meet the requirements of Clause 52.22-2.</td>
</tr>
<tr>
<td>Dependent person’s unit</td>
<td>Must be the only dependent person’s unit on the lot.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td></td>
</tr>
<tr>
<td>Food and drink premises</td>
<td>The leasable floor area must not exceed 150 square metres.</td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td>The gross floor area must not exceed 250 square metres.</td>
</tr>
<tr>
<td>Museum</td>
<td></td>
</tr>
<tr>
<td>Office (other than Medical centre)</td>
<td>The leasable floor area must not exceed 250 square metres.</td>
</tr>
<tr>
<td>Place of worship</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
</tbody>
</table>
### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Community care accommodation, 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>Domestic animal boarding</td>
<td></td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>– if the Section 1 condition is not met</td>
<td></td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Materials recycling and Transfer station)</td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation)</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Art gallery, Carnival, Circus, Museum and Place of worship)</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Food and drink premises and Shop)</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Warehouse</td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex product shop</td>
</tr>
<tr>
<td>Animal production (other than Grazing animal production)</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
</tbody>
</table>
Use

Extractive industry
Materials recycling
Transfer station

32.04-3
31/07/2018
VC148

Use for industry, service station and warehouse

Amenity of the neighbourhood

The use of land for an industry, service station or warehouse must not adversely affect the amenity of the neighbourhood, including through:

- The transport of materials or goods to or from the land.
- The appearance of any stored materials or goods.
- Traffic generated by the use.
- Emissions from the land.

32.04-4
31/07/2018
VC148

Subdivision

Permit requirement

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

<table>
<thead>
<tr>
<th>Class of subdivision</th>
<th>Objectives and standards to be met</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 or more lots</td>
<td>All except Clause 56.03-5.</td>
</tr>
<tr>
<td>16 – 59 lots</td>
<td>All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.</td>
</tr>
<tr>
<td>3 – 15 lots</td>
<td>All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.</td>
</tr>
<tr>
<td>2 lots</td>
<td>Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.</td>
</tr>
</tbody>
</table>

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
</tbody>
</table>
Table: 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>Clause 59.02 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>Clause 59.02 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:</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>

### 32.04-5

**Construction and extension of one dwelling on a lot**

**Permit requirement**

A permit is required to construct or extend one dwelling on a lot of less than 300 square metres. A development must meet the requirements of Clause 54.

**No permit required**

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Table: 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>Clause 59.14 Construct an outbuilding or extend a dwelling if the development:</td>
<td></td>
</tr>
<tr>
<td>- Does not exceed a building height of 5 metres.</td>
<td></td>
</tr>
<tr>
<td>- Is not visible from the street (other than a lane) or a public park.</td>
<td></td>
</tr>
</tbody>
</table>
Information requirements and decision guidelines

Class of application

<table>
<thead>
<tr>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Meets the requirements in the following standards of Clause 54:</td>
</tr>
<tr>
<td>- A10 Side and rear setbacks.</td>
</tr>
<tr>
<td>- A11 Walls on boundaries.</td>
</tr>
<tr>
<td>- A12 Daylight to existing windows.</td>
</tr>
<tr>
<td>- A13 North-facing windows.</td>
</tr>
<tr>
<td>- A14 Overshadowing open space.</td>
</tr>
<tr>
<td>- A15 Overlooking.</td>
</tr>
</tbody>
</table>

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

32.04-6
31/07/2018
VC148

Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

Permit requirement

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

A permit is not required to construct one dependent person’s unit on a lot.

Transitional provisions

Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 58 does not apply to:
- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

**VicSmart applications**
Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building.</td>
<td>Clause 59.03</td>
</tr>
</tbody>
</table>

**Requirements of Clause 54 and Clause 55**
A schedule to this zone may specify the requirements of:
- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.
If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

**Residential aged care facility**

**Permit requirements**
A permit is required to construct a building or construct or carry out works for a residential aged care facility.
A development must meet the requirements of Clause 53.17 - Residential aged care facility.

**Buildings and works associated with a Section 2 use**
A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2.

**VicSmart applications**
Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $100,000 where:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>- The building or works is not associated with a dwelling.</td>
<td></td>
</tr>
<tr>
<td>- The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:</td>
<td></td>
</tr>
<tr>
<td>- A10 Side and rear setbacks.</td>
<td></td>
</tr>
</tbody>
</table>
Buildings on lots that abut another residential zone

Any buildings or works constructed on a lot that abuts land which is in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone, or Township Zone must meet the requirements of Clauses 55.03-5, 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary.

This does not apply to a building or works for a residential aged care facility.

Maximum building height requirement

A building must not be constructed that exceeds the maximum building height specified in a schedule to this zone.

A building may exceed the maximum building height specified in a schedule to this zone if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height of the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.
- It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.
- It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.
- It is a residential aged care facility and the maximum building height in the schedule to the zone is less than 16 metres.

An extension to an existing building may exceed the maximum building height specified in a schedule to this zone if it does not exceed the building height of the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

The maximum building height requirement in this zone or a schedule to this zone applies whether or not a planning permit is required for the construction of a building.
Building height if land is subject to inundation

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Application requirements

General

Any application requirements specified in a schedule to this zone.

Use for industry and warehouse

Unless the circumstances do not require, an application to use land for an industry or warehouse must be accompanied by the following information:

- The purpose of the use and the types of activities to be carried out.
- The type and quantity of materials and goods to be stored, processed or produced.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
- How land not required for immediate use is to be maintained.
- The likely effects, if any, on the neighbourhood, including noise levels, traffic, air-borne emissions, emissions to land and water, light spill, glare, solar access and hours of operation (including the hours of delivery and dispatch of materials and goods).

Buildings and works associated with a Section 2 use

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A site analysis and descriptive statement explaining how the proposal responds to the site and its context.
- Plans drawn to scale and dimensioned which show:
  - The layout of proposed buildings and works.
  - An elevation of the building design and height.
  - Setbacks to property boundaries.
  - All proposed access and pedestrian areas.
  - All proposed driveway, car parking and loading areas.
  - Existing vegetation and proposed landscape areas.
  - The location of easements and services.

Exemption from notice and review

Subdivision

An application for subdivision is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.
Other applications

A schedule to this zone may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Decision guidelines

General

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

- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a Mixed Use Zone or Residential Growth Zone.

Use for industry, service station and warehouse

- The effect that existing uses on adjoining or nearby land may have on the proposed use.
- The design of buildings, including provision for solar access.
- The availability and provision of utility services.
- The effect of traffic to be generated by the use.
- The interim use of those parts of the land not required for the proposed use.
- Whether the use is compatible with adjoining and nearby land uses.
- For non-residential uses, the proposed hours of operation, noise and any other likely off-site amenity impacts.

Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

Construction and extension of one dwelling on a lot

- The objectives, standards and decision guidelines of Clause 54.

Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

- For two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.
- For an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.

Signs

Sign requirements are at Clause 52.05. This zone is in Category 3 unless a schedule to this zone specifies a different category.
SCHEDULE TO CLAUSE 32.04 MIXED USE ZONE

Shown on the planning scheme map as MUZ.

MORNINGTON PENINSULA MIXED USE AREAS

1.0

Objectives
None specified.

2.0

Clause 54 and Clause 55 requirements

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum street setback</td>
<td>A3 and B6</td>
<td>None specified</td>
</tr>
<tr>
<td>Site coverage</td>
<td>A5 and B8</td>
<td>None specified</td>
</tr>
<tr>
<td>Permeability</td>
<td>A6 and B9</td>
<td>None specified</td>
</tr>
<tr>
<td>Landscaping</td>
<td>B13</td>
<td>None specified</td>
</tr>
<tr>
<td>Side and rear setbacks</td>
<td>A10 and B17</td>
<td>None specified</td>
</tr>
<tr>
<td>Walls on boundaries</td>
<td>A11 and B18</td>
<td>None specified</td>
</tr>
<tr>
<td>Private open space</td>
<td>A17</td>
<td>None specified</td>
</tr>
<tr>
<td></td>
<td>B28</td>
<td>None specified</td>
</tr>
<tr>
<td>Front fence height</td>
<td>A20 and B32</td>
<td>None specified</td>
</tr>
</tbody>
</table>

3.0

Maximum building height requirement
None specified.

4.0

Exemption from notice and review
None specified.

5.0

Application requirements
None specified.

6.0

Decision guidelines
None specified.
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>Must meet the requirements of Clause 52.23-2.</td>
</tr>
<tr>
<td>Rooming house</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
<tr>
<td>Tramway</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>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 | Condition
---|---
| 3000 square metres.
| 3600 square metres if it adjoins on two boundaries a road in a Road Zone.

Store
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.

Take away food premises
The site must adjoin, or have access to, a road in a Road Zone.

Utility installation (other than Minor utility installation and Telecommunications facility)

Any other use not in Section 1 or 3

Section 3 – Prohibited

Use
Amusement parlour
Animal production (other than Grazing animal production)
Animal training
Brothel
Cinema based entertainment facility
Domestic animal boarding
Extractive industry
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
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:

- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.
- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.

Subdivide land into 2 lots if:

- The construction of a building or the construction or carrying out of works on the land:
  - Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.
  - Has started lawfully.
- The subdivision does not create a vacant lot.
Construction or extension of a dwelling or residential building

Minimum garden area requirement

An application to construct or extend a dwelling or residential building on a lot must provide a minimum garden area as set out in the following table:

<table>
<thead>
<tr>
<th>Lot size</th>
<th>Minimum percentage of a lot set aside as garden area</th>
</tr>
</thead>
<tbody>
<tr>
<td>400 - 500 sqm</td>
<td>25%</td>
</tr>
<tr>
<td>Above 500 - 650 sqm</td>
<td>30%</td>
</tr>
<tr>
<td>Above 650 sqm</td>
<td>35%</td>
</tr>
</tbody>
</table>

This does not apply to:

- An application to construct or extend a dwelling or residential building if specified in a schedule to this zone as exempt from the minimum garden area requirement;

- An application to construct or extend a dwelling or residential building on a lot if:
  - The lot is designated as a medium density housing site in an approved precinct structure plan or an approved equivalent strategic plan;
  - The lot is designated as a medium density housing site in an incorporated plan or approved development plan; or

- An application to alter or extend an existing building that did not comply with the minimum garden area requirement of Clause 32.08-4 on the approval date of Amendment VC110.

Construction and extension of one dwelling on a lot

Permit requirement

A permit is required to construct or extend one dwelling on:

- A lot of less than 300 square metres.
- A lot of between 300 square metres and 500 square metres if specified in a schedule to this zone.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with one dwelling on:
  - A lot of less than 300 square metres, or
  - A lot of between 300 and 500 square metres if specified in a schedule to this zone, and

- The fence exceeds the maximum height specified in Clause 54.06-2.

A development must meet the requirements of Clause 54.

No permit required

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.
VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

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<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct an outbuilding or extend a dwelling if the development:</td>
<td>Clause 59.14</td>
</tr>
<tr>
<td>Meets the minimum garden area requirement of Clause 32.08-4.</td>
<td></td>
</tr>
<tr>
<td>• Does not exceed a building height of 5 metres.</td>
<td></td>
</tr>
<tr>
<td>• Is not visible from the street (other than a lane) or a public park.</td>
<td></td>
</tr>
<tr>
<td>• Meets the requirements in the following standards of Clause 54:</td>
<td></td>
</tr>
<tr>
<td>- A10 Side and rear setbacks.</td>
<td></td>
</tr>
<tr>
<td>- A11 Walls on boundaries.</td>
<td></td>
</tr>
<tr>
<td>- A12 Daylight to existing windows.</td>
<td></td>
</tr>
<tr>
<td>- A13 North-facing windows.</td>
<td></td>
</tr>
<tr>
<td>- A14 Overshadowing open space.</td>
<td></td>
</tr>
<tr>
<td>- A15 Overlooking.</td>
<td></td>
</tr>
</tbody>
</table>

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

| Construct or extend a front fence within 3 metres of a street if the fence is        | Clause 59.03                                      |
| associated with one dwelling.                                                       |                                                  |

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**

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**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></td>
<td>- A10 Side and rear setbacks.</td>
</tr>
<tr>
<td></td>
<td>- A11 Walls on boundaries.</td>
</tr>
<tr>
<td></td>
<td>- A12 Daylight to existing windows.</td>
</tr>
<tr>
<td></td>
<td>- A13 North-facing windows.</td>
</tr>
<tr>
<td></td>
<td>- A14 Overshadowing open space.</td>
</tr>
<tr>
<td></td>
<td>- A15 Overlooking.</td>
</tr>
</tbody>
</table>

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

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

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 systems 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.

MORNINGTON PENINSULA TOWN AREAS

1.0

13/02/2014

C182

Permit requirement for the construction or extension of one dwelling on a lot

Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?

500 square metres

2.0

13/02/2014

C182

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>

3.0

13/02/2014

C182

Maximum building height requirement for a dwelling or residential building

None specified

4.0

13/02/2014

C182

Application requirements

None specified

5.0

13/02/2014

C182

Decision guidelines

None specified
SCHEDULE 3 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as GRZ3.

MORNINGTON PENINSULA TOWN CENTRE AREAS

1.0

Permit requirement for the construction or extension of one dwelling on a lot

Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?

500 square metres

2.0

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>

3.0

Maximum building height requirement for a dwelling or residential building

A building used as a dwelling or a residential building must not exceed a height of 14 metres.

4.0

Application requirements

None specified.

5.0

Decision guidelines

None specified.

6.0

Transitional Provisions

Schedule 3 to clause 32.08 to the General Residential Zone does not apply to an application to construct a dwelling or residential building made before the approval date of the planning scheme amendment that introduced this schedule into the planning scheme. The requirements of clause 54 as they apply to clause 54.03-2 or of clause 55 as they apply to clause 55.03-2 as in force immediately before the said approved date continue to apply.

Despite the provisions of Schedule 3 to clause 32.08, these do not apply to an application under section 69 of the Act to extend a permit to construct or extend a development.
NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as NRZ with a number (if shown).

Purpose
To implement the Municipal Planning Strategy and the Planning Policy Framework.
To recognise areas of predominantly single and double storey residential development.
To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.
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 must contain the neighbourhood, heritage, environment or landscape 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 be located in an existing building.</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>Must not require a permit under Clause 52.06-3.</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></td>
<td>Must not require a permit under Clause 52.06-3.</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Railway</td>
<td>Must meet the requirements of Clause 52.23-2.</td>
</tr>
<tr>
<td>Residential aged care facility</td>
<td>Must meet the requirements of Clause 52.23-2.</td>
</tr>
<tr>
<td>Rooming house</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
<tr>
<td>Tramway</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
<tr>
<td>Any use listed in clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>

**Section 2 - Permit required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Community care accommodation, Dependent person’s unit, Dwelling, Residential aged care facility and Rooming house)</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>Agriculture (other than Animal production, Animal training, Apiculture, Domestic animal husbandry, Horse 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>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>The leasable floor area must not exceed 80 square metres.</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>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Grazing animal production</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Market</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus, Nightclub and Place of worship)</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Plant nursery</td>
<td>Must be no more than 5 animals.</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>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>-----</td>
<td>-----------</td>
</tr>
<tr>
<td>The site must not exceed either:</td>
<td></td>
</tr>
<tr>
<td>• 3000 square metres.</td>
<td></td>
</tr>
<tr>
<td>• 3600 square metres if it adjoins on two boundaries a road in a Road Zone.</td>
<td></td>
</tr>
<tr>
<td>Store</td>
<td>Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.</td>
</tr>
<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

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement parlour</td>
</tr>
<tr>
<td>Animal production (other than Grazing animal production)</td>
</tr>
<tr>
<td>Animal training</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
</tr>
<tr>
<td>Domestic animal boarding</td>
</tr>
<tr>
<td>Extractive industry</td>
</tr>
<tr>
<td>Horse husbandry</td>
</tr>
<tr>
<td>Industry (other than Car wash)</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
<tr>
<td>Nightclub</td>
</tr>
<tr>
<td>Office (other than Medical centre)</td>
</tr>
<tr>
<td>Retail premises (other than, Convenience shop, Food and drink premises, Market and Plant nursery)</td>
</tr>
<tr>
<td>Saleyard</td>
</tr>
<tr>
<td>Transport terminal</td>
</tr>
<tr>
<td>Warehouse (other than Store)</td>
</tr>
</tbody>
</table>

### 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.

A schedule to this zone may specify a minimum lot size to subdivide land. Each lot must be at least the area specified for the land, except where an application to subdivide land is made to create lots each containing an existing dwelling or car parking space, where an application for the existing dwelling or car parking space was made or approved before the approval date of the planning scheme amendment that introduced this clause 32.09 into the planning scheme.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

<table>
<thead>
<tr>
<th>Class of subdivision</th>
<th>Objectives and standards to be met</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 or more lots</td>
<td>All except Clause 56.03-5.</td>
</tr>
<tr>
<td>16 – 59 lots</td>
<td>All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.</td>
</tr>
<tr>
<td>3 – 15 lots</td>
<td>All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.</td>
</tr>
<tr>
<td>2 lots</td>
<td>Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.</td>
</tr>
</tbody>
</table>

### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
<tr>
<td>- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</td>
<td></td>
</tr>
</tbody>
</table>
Information requirements and decision guidelines

Class of application

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.

Clause 59.02

---

### 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 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 32.09-4 on the approval date of Amendment VC110.

---

### Construction and extension of one dwelling on a lot

#### Permit requirement

A permit is required to construct or extend one dwelling on:

- A lot of less than 300 square metres.
- A lot of less than the lot size 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 less than the lot size specified in a schedule to this zone, and
- The fence exceeds the maximum height specified in Clause 54.06-2.
A development must meet the requirements of Clause 54.

### No permit required

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct an outbuilding or extend a dwelling if the development:</td>
<td>Clause 59.14</td>
</tr>
<tr>
<td>- Meets the minimum garden area requirement of Clause 32.09-4.</td>
<td></td>
</tr>
<tr>
<td>- Does not exceed a building height of 5 metres.</td>
<td></td>
</tr>
<tr>
<td>- Is not visible from the street (other than a lane) or a public park.</td>
<td></td>
</tr>
<tr>
<td>- Meets the requirements in the following standards of Clause 54:</td>
<td></td>
</tr>
<tr>
<td>- A10 Side and rear setbacks.</td>
<td></td>
</tr>
<tr>
<td>- A11 Walls on boundaries.</td>
<td></td>
</tr>
<tr>
<td>- A12 Daylight to existing windows.</td>
<td></td>
</tr>
<tr>
<td>- A13 North-facing windows.</td>
<td></td>
</tr>
<tr>
<td>- A14 Overshadowing open space.</td>
<td></td>
</tr>
<tr>
<td>- A15 Overlooking.</td>
<td></td>
</tr>
</tbody>
</table>

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

### 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.

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.

**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 32.09-2.
**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.

---

**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 9 metres; and
- the building must contain no more than 2 storeys at any point.

A building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height or contain a greater number of storeys than the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.
- It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.

- It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.

An extension to an existing building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if it does not exceed the building height of the existing building or contain a greater number of storeys than the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

A basement is not a storey for the purposes of calculating the number of storeys contained in a building.

The maximum building height and maximum number of storeys requirements in this zone or a schedule to this zone apply whether or not a planning permit is required for the construction of a building.

**Building height if land is subject to inundation**

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

### Application requirements

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

- For a residential development, the neighbourhood and site description and design response as required in Clause 54 and Clause 55.

- 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, including siting and dimensioned setbacks.
  - 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 the schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems 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.

**Non-residential use and development**

In the local neighbourhood context:

- 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 32.09-4 and the maximum building height and number of storeys requirements of Clause 32.09-9 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 32.09-3 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 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as NRZ1.

CRESWELL STREET EAST, CRIB POINT

1.0

Neighbourhood character objectives

To promote the preferred future character of the township as a low density country town on the coast with a low profile built form where housing is set within the landscape and canopy trees are retained and re-established.

To ensure the design of subdivision and housing is responsive to the environment, landform, site conditions and character of Crib Point's residential areas.

To ensure that the height, scale and siting of new development has proper regard for the established streetscape and development pattern.

To encourage building materials, forms, textures and colours that are compatible with the landscape setting.

To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line when viewed from surrounding streets and properties.

2.0

Minimum subdivision area

The minimum lot size for subdivision is 650 square metres.

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>Permit requirement</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit requirement for the construction or extension of one</td>
<td>650 square metres</td>
</tr>
<tr>
<td>dwelling on a lot</td>
<td></td>
</tr>
<tr>
<td>Permit requirement to construct or extend a front fence within</td>
<td>650 square metres</td>
</tr>
<tr>
<td>3 metres of a street associated with a dwelling on a lot</td>
<td></td>
</tr>
</tbody>
</table>

4.0

Requirements of Clause 54 and Clause 55

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum street setback</td>
<td>A3 and B6 Where there is an existing building on both the abutting allotments facing the same street, and the site is not a corner the front setback should be no less than the average setback of dwellings on adjoining lots or 7.5 metres, whichever is greater. Where 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, the front setback should be the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 7.5 metres, whichever is the greater. The setback from a Road Zone should be 10 metres or more. The setback from any side road boundary should be 3 metres or more.</td>
</tr>
<tr>
<td>Site coverage</td>
<td>A5 and B8 35%</td>
</tr>
<tr>
<td>Permeability</td>
<td>A6 and B9 60%</td>
</tr>
<tr>
<td>Landscaping</td>
<td>B13 Buildings and works should be sited and designed to:</td>
</tr>
</tbody>
</table>
### Standard and Requirement

- Retain large, established native trees and understorey.
- Incorporate space for the planting of substantial vegetation (with footings located outside of the root zone).
- Have boundary setbacks and open space sufficient to enable:
  - the retention of any significant existing vegetation.
  - the planting of one substantial tree in both the front setbacks and in the backyard.

<table>
<thead>
<tr>
<th>Side and rear setbacks</th>
<th>A10 and B17</th>
<th>None specified</th>
</tr>
</thead>
<tbody>
<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>Private open space should be provided with at least 90 square metres of private open space, with a minimum dimension of 5 metres.</td>
</tr>
<tr>
<td></td>
<td>B28</td>
<td>An area of 90 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 5 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 of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</td>
</tr>
<tr>
<td>Front fence height</td>
<td>A20 and B32</td>
<td>Fencing along a street frontage should have a maximum height of 1.5 metres. Any fencing that is 3 metres or more from a road should have a height of less than 1.8 metres.</td>
</tr>
</tbody>
</table>

### Maximum building height requirement for a dwelling or residential building

None specified.

### Application requirements

The following application requirements apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A landscape plan that includes substantial native trees and shrubs consistent with the composition of vegetation in the area.
- Before the construction or carrying out of buildings or works in association with a sensitive use commences, a soil assessment must be carried out to ascertain soil conditions prior to any development commencing.

### Decision guidelines

Where decision guidelines are specified insert “The following decision guidelines apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The effect on the preferred character of Crib Point.
- Whether any loss of amenity will result from a variation to the requirements of Clause 54 and 55 in this schedule.
- Whether it would be impractical to apply a requirement to a lot.
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>
</tbody>
</table>
| Service industry        | Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified. The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:  
  - The threshold distance, for a purpose listed in the table to Clause 53.10.
  - 30 metres, for a purpose not listed in the table to Clause 53.10. Must not:  
    - Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.
    - Require a notification under the Occupational Health and Safety Regulations 2017.
    - Require a licence under the Dangerous Goods (Explosives) Regulations 2011.
    - Require a licence under Dangerous Goods (HCDG) Regulations 2016. |
<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service station</td>
<td>The land must be at least 30 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.</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. The combined leasable floor area for all shops adjoined or on the same lot as the supermarket must not exceed 500 square metres. 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. 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>Take away food premises</td>
<td></td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
</tbody>
</table>
| Warehouse (other than Fuel depot, Mail centre or Shipping container storage) | Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified. The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:  
  - The threshold distance, for a purpose listed in the table to Clause 53.10.  
  - 30 metres, for a purpose not listed in the table to Clause 53.10. Must not:  
    - Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.  
    - Require a notification under the Occupational Health and Safety Regulations 2017.  
    - Require a licence under the Dangerous Goods (Explosives) Regulations 2011.  
    - Require a licence under the Dangerous Goods (HCDG) Regulations 2016. 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. |
<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use listed in Clause 62.01</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><strong>Use</strong></td>
<td><strong>Condition</strong></td>
</tr>
<tr>
<td>Adult sex product shop</td>
<td>Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.</td>
</tr>
<tr>
<td>Agriculture (other than Apiculture, Crop raising, Grazing animal production, Intensive animal production, Pig farm and Poultry farm)</td>
<td></td>
</tr>
<tr>
<td>Caretaker's house</td>
<td></td>
</tr>
<tr>
<td>Education centre</td>
<td>Must not be a primary or secondary school.</td>
</tr>
<tr>
<td>Industry (other than Service industry)</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility, and Motor racing track)</td>
<td></td>
</tr>
<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>
<tr>
<td><strong>Section 3 - Prohibited</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Use</strong></td>
<td></td>
</tr>
<tr>
<td>Accommodation (other than Caretaker’s house)</td>
<td></td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td></td>
</tr>
<tr>
<td>Hospital</td>
<td></td>
</tr>
<tr>
<td>Intensive animal production</td>
<td></td>
</tr>
<tr>
<td>Major sports and recreation facility</td>
<td></td>
</tr>
<tr>
<td>Motor racing track</td>
<td></td>
</tr>
</tbody>
</table>
Use

Pig farm

Poultry farm

Shop (other than Adult sex product shop, Convenience shop, Restricted retail premises and Supermarket) – if the Section 1 conditions are not met

Supermarket – if the section 1 conditions are not met

Use of land

Amenity of the neighbourhood

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

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

Application requirements

An application to use land for an industry or warehouse must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
- The likely effects, if any, on the neighbourhood, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water.
  - Traffic, including the hours of delivery and despatch.
  - Light spill or glare.

Decision guidelines

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

- The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.
- The effect that nearby industries may have on the proposed use.
- The drainage of the land.
The availability of and connection to services.

The effect of traffic to be generated on roads.

The interim use of those parts of the land not required for the proposed use.

The effect on nearby industries.

### Subdivision

#### Permit requirement

A permit is required to subdivide land.

#### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>where:</td>
<td></td>
</tr>
<tr>
<td>- The buildings or car parking spaces have been constructed in accordance</td>
<td></td>
</tr>
<tr>
<td>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</td>
<td></td>
</tr>
<tr>
<td>the Building Regulations in relation to the buildings within 5 years prior to the</td>
<td></td>
</tr>
<tr>
<td>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</td>
<td></td>
</tr>
<tr>
<td>the land:</td>
<td></td>
</tr>
<tr>
<td>- Has been approved under this scheme or by a permit issued under this scheme</td>
<td></td>
</tr>
<tr>
<td>- Has started lawfully.</td>
<td></td>
</tr>
<tr>
<td>- The subdivision does not create a vacant lot.</td>
<td></td>
</tr>
</tbody>
</table>

#### Exemption from notice and review

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres 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</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>to $1,000,000 where the land is not:</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>- 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

<table>
<thead>
<tr>
<th>Land</th>
<th>Maximum leasable floor area (m²) for office</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>
COMMERCIAL 1 ZONE
Showed 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. 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>
</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>Must not be a purpose listed in the table to Clause 53.10.</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>Animal production (other than Grazing animal production)</td>
</tr>
<tr>
<td>Corrective institution</td>
</tr>
<tr>
<td>Major sports and recreation facility</td>
</tr>
</tbody>
</table>
Use

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</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>where:</td>
<td></td>
</tr>
<tr>
<td>- The buildings or car parking spaces have been constructed in accordance</td>
<td></td>
</tr>
<tr>
<td>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</td>
<td></td>
</tr>
<tr>
<td>the Building Regulations in relation to the buildings within 5 years prior to the</td>
<td></td>
</tr>
<tr>
<td>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</td>
<td></td>
</tr>
<tr>
<td>the land:</td>
<td></td>
</tr>
<tr>
<td>- Has been approved under this scheme or by a permit issued under this scheme</td>
<td></td>
</tr>
<tr>
<td>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.

34.01-6
16/01/2018
VC142

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.

34.01-7
31/07/2018
VC148

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.

34.01-8
24/01/2020
VC160

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 systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

The availability of and connection to services.

The design of buildings to provide for solar access.

The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to an apartment development.

For an apartment development, the objectives, standards and decision guidelines of Clause 58.

**Transitional provisions**

The objectives, standards and decision guidelines of Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 1.
<table>
<thead>
<tr>
<th>Land</th>
<th>Maximum leasable floor area (m²) for office</th>
<th>Maximum leasable floor area (m²) for shop (other than restricted retail premises)</th>
</tr>
</thead>
<tbody>
<tr>
<td>70 Mountain View Road, Mount Eliza</td>
<td></td>
<td>270 m²</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>
<tr>
<td>Industry (other than Materials recycling and Transfer station)</td>
<td>Must not be a purpose listed in the table to Clause 53.10 with no threshold specified.</td>
</tr>
<tr>
<td></td>
<td>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:</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:</td>
</tr>
<tr>
<td></td>
<td>- Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.</td>
</tr>
<tr>
<td></td>
<td>- Require a notification under the Occupational Health and Safety Regulations 2017.</td>
</tr>
<tr>
<td></td>
<td>- Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</td>
</tr>
<tr>
<td></td>
<td>- Require a licence under the Dangerous Goods (HCDG) Regulations 2016.</td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Mail centre</td>
<td></td>
</tr>
<tr>
<td>Museum</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>---------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Postal agency</td>
<td>Must adjoin, or be on the same land as, a supermarket when the use commences.</td>
</tr>
<tr>
<td>Railway</td>
<td>The combined leasable floor area for all shops adjoining or on the same land as the supermarket must not exceed 500 square metres.</td>
</tr>
<tr>
<td>Restricted retail premises</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Shop (other than Adult sex product shop, Restricted retail premises and Supermarket)</td>
<td>Must not exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.</td>
</tr>
<tr>
<td>Supermarket</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Trade supplies</td>
<td>Must be on land within the City of Greater Geelong or within an urban growth boundary in metropolitan Melbourne.</td>
</tr>
<tr>
<td>Tramway</td>
<td>Must not:</td>
</tr>
<tr>
<td>Warehouse (other than Mail centre)</td>
<td>- Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.</td>
</tr>
<tr>
<td></td>
<td>- Require a notification under the Occupational Health and Safety Regulations 2017.</td>
</tr>
<tr>
<td></td>
<td>- Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</td>
</tr>
<tr>
<td></td>
<td>- Require a licence under the Dangerous Goods (HCDG) Regulations 2016.</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, 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>Caretaker's house</td>
<td></td>
</tr>
<tr>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Materials recycling</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Art gallery, Carnival, Cinema, Cinema based entertainment facility, Circus and Museum)</td>
<td></td>
</tr>
<tr>
<td>Residential hotel</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Food and drink premises, Postal agency, Restricted retail premises, Supermarket and Trade supplies)</td>
<td></td>
</tr>
<tr>
<td><strong>Supermarket – if the Section 1 conditions are not met</strong></td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td><strong>Transfer station</strong></td>
<td>The land must be at least 30 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.</td>
</tr>
<tr>
<td><strong>Utility installation (other than Minor utility installation and Telecommunications facility)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Any other use not in Section 1 or 3</strong></td>
<td></td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Caretaker’s house and Residential hotel)</td>
</tr>
</tbody>
</table>
Use

Animal production (other than Grazing animal production)
Hospital
Major sports and recreation facility
Motor racing track

34.02-2
15/07/2013
VC100

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.

34.02-3
31/07/2018
VC148

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 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.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
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</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>

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.
GREEN WEDGE ZONE

Shown on the planning scheme map as GWZ 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 recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.

To encourage use and development that is consistent with sustainable land management practices.

To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.

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

To protect and enhance the biodiversity of the area.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
</table>
| Agriculture (other than Animal production, Apiculture, Domestic animal husbandry, Racing dog husbandry, Rice growing and Timber production) | No more than 10 persons may be accommodated away from their normal place of residence.  
At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence. |
| Bed and breakfast                                                   | Must be no more than 5 animals.                                                                                                                                                                   |
| Domestic animal husbandry (other than Domestic animal boarding)     | Must be no more than 5 animals.                                                                                                                                                                   |
| Grazing animal production                                           | Must be no more than 100 poultry (not including emus or ostriches).  
Must be no more than 10 emus and ostriches.                                                                                  |
| Home based business                                                 | Must not be within 100 metres of a dwelling in separate ownership.  
The area used for the display and sale of primary produce must not exceed 50 square metres.                                     |
<p>| Informal outdoor recreation                                         | Must be no more than 5 animals.                                                                                                                                                                   |
| Railway                                                             |                                                                                                                                                                                               |</p>
<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural store</td>
<td>Must be used in conjunction with Agriculture. Must be in a building, not a dwelling and have a gross floor area of less than 100 square metres. Must be the only Rural store on the lot.</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 production (other than Broiler farm, Cattle feedlot and Grazing animal production)</td>
<td></td>
</tr>
<tr>
<td>Broiler farm - if the Section 1 condition to Poultry farm is not met</td>
<td>Must meet the requirements of Clause 53.09.</td>
</tr>
<tr>
<td>Camping and caravan park</td>
<td></td>
</tr>
<tr>
<td>Car park</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>Cattle feedlot</td>
<td>Must meet the requirements of Clause 53.08. The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.</td>
</tr>
<tr>
<td>Dependent person’s unit</td>
<td>Must be the only dependent person’s unit on the lot. Must meet the requirements of Clause 35.04-2.</td>
</tr>
<tr>
<td>Domestic animal boarding</td>
<td></td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td>Must be the only dwelling on the lot. This does not apply to the replacement of an existing dwelling if the existing dwelling is removed or altered (so it can no longer be used as a dwelling) within one month of the occupation of the replacement dwelling. Must meet the requirements of Clause 35.04-2.</td>
</tr>
<tr>
<td>Exhibition centre</td>
<td></td>
</tr>
<tr>
<td>Freezing and cool storage</td>
<td>The goods stored must be agricultural produce, or products used in agriculture.</td>
</tr>
<tr>
<td>Function centre</td>
<td>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery. The number of patrons present at any time must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser. The lot on which the use is conducted must be at least the minimum subdivision 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><strong>Group accommodation</strong></td>
<td>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry, or Winery.</td>
</tr>
<tr>
<td></td>
<td>The number of dwellings must not exceed the number specified in a schedule to the zone or 40 dwellings, whichever is the lesser.</td>
</tr>
<tr>
<td></td>
<td>The lot on which the use is conducted must be at least the minimum subdivision 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><strong>Hall</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Host farm</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Indoor recreation facility</strong></td>
<td>Must be for equestrian based leisure, recreation or sport.</td>
</tr>
<tr>
<td><strong>Leisure and recreation (other than</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Indoor recreation facility, Informal</strong></td>
<td></td>
</tr>
<tr>
<td><strong>outdoor recreation, Major sports</strong></td>
<td></td>
</tr>
<tr>
<td><strong>and recreation facility and Motor</strong></td>
<td></td>
</tr>
<tr>
<td><strong>racing track)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Major sports and recreation facility</strong></td>
<td>Must be for outdoor leisure, recreation or sport.</td>
</tr>
<tr>
<td><strong>Manufacturing sales</strong></td>
<td>Must be an incidental part of Rural industry.</td>
</tr>
<tr>
<td><strong>Market</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Materials recycling</strong></td>
<td>Must be used in conjunction with Refuse disposal or Transfer station.</td>
</tr>
<tr>
<td></td>
<td>Must not include the collecting, dismantling, storing, recycling or selling of used or scrap construction and demolition materials.</td>
</tr>
<tr>
<td><strong>Milk depot</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Place of assembly (other than</strong></td>
<td>Must not be used for more than 10 days in a calendar year.</td>
</tr>
<tr>
<td><strong>Carnival, Cinema based entertainment</strong></td>
<td></td>
</tr>
<tr>
<td><strong>facility, Circus, Exhibition centre,</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Function centre, Hall, Nightclub and</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Place of worship)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Place of worship</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Plant nursery</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Primary school</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Racing dog husbandry – if the</strong></td>
<td>Must meet the requirements of Clause 53.12.</td>
</tr>
<tr>
<td><strong>Section 1 condition is not met</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Refuse disposal</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Research and development centre</strong></td>
<td>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.</td>
</tr>
<tr>
<td><strong>Research centre</strong></td>
<td>The lot on which the use is conducted must be at least the minimum subdivision 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>Residential building (other than Residential hotel)</td>
<td>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery. Must be used to provide accommodation for persons away from their normal place of residence. The lot on which the use is conducted must be at least the minimum subdivision 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>Residential hotel</td>
<td>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery. The number of bedrooms must not exceed the number specified in a schedule to the zone or 80 bedrooms, whichever is the lesser. The lot on which the use is conducted must be at least the minimum subdivision 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>Restaurant</td>
<td>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery. The number of patrons present must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser. If used in conjunction with Function centre, the total number of patrons present at any time must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser. The lot on which the use is conducted must be at least the minimum subdivision 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>Restricted place of assembly</td>
<td>Must not be used for more than 30 days in a calendar year.</td>
</tr>
<tr>
<td>Rice growing</td>
<td></td>
</tr>
<tr>
<td>Rural industry</td>
<td></td>
</tr>
<tr>
<td>Secondary school</td>
<td></td>
</tr>
<tr>
<td>Solid fuel depot</td>
<td></td>
</tr>
<tr>
<td>Timber production</td>
<td>Must meet the requirements of Clause 53.11.</td>
</tr>
<tr>
<td>Transfer station</td>
<td>Must not include the collecting, storing or processing of used or scrap construction and demolition materials.</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Vehicle store</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 Camping and caravan park, Dependent person’s unit, Dwelling, Group accommodation, Host farm and Residential building)

Brothel

Cinema based entertainment facility

Display home centre

Education centre (other than Primary school and Secondary school)

Freeway service centre

Funeral parlour

Hospital

Industry (other than Materials recycling, Refuse disposal, Transfer station, Research and development centre and Rural industry)

Motor racing track

Office

Nightclub

Retail premises (other than Manufacturing sales, Market, Plant nursery, Primary produce sales and Restaurant)

Service station

Warehouse (other than Freezing and cool storage, Milk depot, Rural store, Solid fuel depot and Vehicle 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 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.

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<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>

### 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 minimum subdivision area specified 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.

### 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 35.04-1. This does not apply to:
  - An alteration or extension to an existing dwelling with a floor area of no more than the area specified in a schedule to this zone or, if no area is specified, 50 square metres.
  - An alteration or extension to an existing building used for agriculture with a floor area of no more than the area specified in a schedule to this zone or, if no area is specified, 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.
- Permanent or fixed feeding infrastructure for season or supplementary feeding for grazing animal production constructed within 100 metres of:
  - A waterway, wetland or designated floor plain.
  - A dwelling not in the same ownership.
  - A residential or urban growth zone.

**VicSmart applications**

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<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, Intensive animal production, Pig farm, Poultry farm, Poultry hatchery, Racing dog husbandry or Rural industry.</td>
<td></td>
</tr>
<tr>
<td>Within 30 metres of land (not a road) which is in a residential zone.</td>
<td></td>
</tr>
<tr>
<td>Any works must not be earthworks specified in the schedule to the zone.</td>
<td></td>
</tr>
</tbody>
</table>

**Decision guidelines**

Before deciding on an application to use or subdivide land, 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 relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism.
- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.
- Whether the use or development is essential to the health, safety or well-being of the State or area but is not appropriate to locate in an urban area because of the effect it may have on existing or proposed urban areas or the effect that existing or proposed urban areas may have on the proposed use or development.
- The need to minimise adverse impacts on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or of natural scenic beauty.
Rural issues
- The maintenance of agricultural production and the impact on the rural economy.
- 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 rural infrastructure.
- The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agriculture and other land uses.
- The protection and retention of land for future sustainable agricultural activities.

Environmental issues
- 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.
- How the use or development relates to sustainable land management and the need to prepare an integrated land management plan.
- The location of on site effluent disposal areas to minimise impact of nutrient loads on waterways and native vegetation.

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.

Primary school or secondary school issues
- Access being provided via an all-weather road with dimensions adequate to accommodate emergency vehicles and not rely on local residential streets for access.
- Access by public transport, or if public transport is not available or adequate, transport may be provided by the school. Where transport is provided by the school the parking of buses should be accommodated on site.
- Connection 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.
- Connection to a reticulated potable water supply or an alternative potable water supply with adequate storage for school use as well as for fire fighting purposes.
- Connection to a reticulated electricity supply or an alternative energy source.

Signs
Sign requirements are at Clause 52.05. This zone is in Category 3.
SCHEDULE 1 TO THE GREEN WEDGE ZONE

Shown on the planning scheme map as **GWZ1**.

<table>
<thead>
<tr>
<th>Land</th>
<th>Area/Dimensions/ Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum subdivision area (hectares).</td>
<td>All land. 40 hectares</td>
</tr>
<tr>
<td>Function centre (number of patrons).</td>
<td>None specified</td>
</tr>
<tr>
<td>Group accommodation (number of dwellings).</td>
<td>None specified</td>
</tr>
<tr>
<td>Residential hotel (number of bedrooms).</td>
<td>None specified</td>
</tr>
<tr>
<td>Restaurant (number of patrons).</td>
<td>None specified</td>
</tr>
<tr>
<td>Minimum area for which no permit is required to alter or extend an existing dwelling (square metres).</td>
<td>None specified</td>
</tr>
<tr>
<td>Minimum area for which no permit is required to alter or extend an existing building used for agriculture (square metres).</td>
<td>None specified</td>
</tr>
</tbody>
</table>

**Permit requirement for earthworks**

<table>
<thead>
<tr>
<th>Land</th>
<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>
**SCHEDULE 2 TO THE GREEN WEDGE ZONE**

Shown on the planning scheme map as **GWZ2**.

<table>
<thead>
<tr>
<th>Land</th>
<th>Area/Dimensions / Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum subdivision area (hectares).</td>
<td>All land. 40 hectares</td>
</tr>
<tr>
<td>Function centre (number of patrons).</td>
<td>None specified</td>
</tr>
<tr>
<td>Group accommodation (number of dwellings).</td>
<td>None specified</td>
</tr>
<tr>
<td>Residential hotel (number of bedrooms).</td>
<td>None specified</td>
</tr>
<tr>
<td>Restaurant (number of patrons).</td>
<td>None specified</td>
</tr>
<tr>
<td>Minimum area for which no permit is required to alter or extend an existing dwelling (square metres).</td>
<td>None specified</td>
</tr>
<tr>
<td>Minimum area for which no permit is required to alter or extend an existing building used for agriculture (square metres).</td>
<td>None specified</td>
</tr>
</tbody>
</table>

**Permit requirement for earthworks**

<table>
<thead>
<tr>
<th>Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Earthworks which change the rate of flow or the discharge point of water across a property boundary.</td>
</tr>
<tr>
<td>Earthworks which increase the discharge of saline groundwater.</td>
</tr>
</tbody>
</table>
**SCHEDULE 3 TO THE GREEN WEDGE ZONE**

Shown on the planning scheme map as **GWZ3**.

<table>
<thead>
<tr>
<th>Land</th>
<th>Area/Dimensions / Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum subdivision area (hectares).</td>
<td>1 hectare</td>
</tr>
</tbody>
</table>

Land subject to Environmental Significance Overlay Schedule 28 (Mornington Peninsula Bushland) which meets the following requirements:

- The lot to be subdivided has remained in the same ownership since 14 May 1975.
- The lot to be subdivided has a minimum area of 10 hectares.
- No less than 75 percent of the lot to be subdivided is affected by the schedule.
- The applicant is able to demonstrate, by independent valuation, that the limitation on the removal of vegetation has resulted in a loss of value of more than 20 percent of the site value by comparison with the value of comparable cleared land in the vicinity.
- The total value of lots to be created by the proposed subdivision is demonstrated, by independent valuation, to not exceed the value of comparable unsubdivided cleared land in the vicinity by more than 20 percent.
- A Section 173 Agreement of the Act providing for a conservation covenant is established over the land as a condition of approval.
- The size, shape and location of the proposed lots are designed to minimise environmental impact and bushfire risk.
- No previous permission has been granted under this provision.

| All other land. | 40 hectares |

**Permit requirement for earthworks**

<table>
<thead>
<tr>
<th>Land</th>
<th>Area/Dimensions / Number</th>
</tr>
</thead>
</table>

Earthworks which change the rate of flow or the discharge point of water across a property boundary. All land.

Earthworks which increase the discharge of saline groundwater. All land.
**SCHEDULE 4 TO THE GREEN WEDGE ZONE**

Shown on the planning scheme map as **GWZ4**.

<table>
<thead>
<tr>
<th>Land</th>
<th>Area/Dimensions / Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum subdivision area (hectares)</td>
<td>1 hectare</td>
</tr>
<tr>
<td>Land subject to Environmental Significance Overlay Schedule 28 (Mornington Peninsula Bushland) which meets the following requirements:</td>
<td></td>
</tr>
<tr>
<td>- The lot to be subdivided has remained in the same ownership since 14 May 1975.</td>
<td></td>
</tr>
<tr>
<td>- The lot to be subdivided has a minimum area of 10 hectares.</td>
<td></td>
</tr>
<tr>
<td>- No less than 75 percent of the lot to be subdivided is affected by the schedule.</td>
<td></td>
</tr>
<tr>
<td>- The applicant is able to demonstrate, by independent valuation, that the limitation on the removal of vegetation has resulted in a loss of value of more than 20 percent of the site value by comparison with the value of comparable cleared land in the vicinity.</td>
<td></td>
</tr>
<tr>
<td>- The total value of lots to be created by the proposed subdivision is demonstrated, by independent valuation, to not exceed the value of comparable unsubdivided cleared land in the vicinity by more than 20 percent.</td>
<td></td>
</tr>
<tr>
<td>- A Section 173 Agreement of the Act providing for a conservation covenant is established over the land as a condition of approval.</td>
<td></td>
</tr>
<tr>
<td>- The size, shape and location of the proposed lots are designed to minimise environmental impact and bushfire risk.</td>
<td></td>
</tr>
<tr>
<td>- No previous permission has been granted under this provision.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Land</th>
<th>Area/Dimensions / Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>All other land.</td>
<td>80 hectares</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Land</th>
<th>Area/Dimensions / Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Function centre (number of patrons).</td>
<td>None specified</td>
</tr>
<tr>
<td>Group accommodation (number of dwellings).</td>
<td>None specified</td>
</tr>
<tr>
<td>Residential hotel (number of bedrooms).</td>
<td>None specified</td>
</tr>
<tr>
<td>Restaurant (number of patrons).</td>
<td>None specified</td>
</tr>
<tr>
<td>Minimum area for which no permit is required to alter or extend an existing dwelling (square metres).</td>
<td>None specified</td>
</tr>
<tr>
<td>Minimum area for which no permit is required to alter or extend an existing building used for agriculture (square metres).</td>
<td>None specified</td>
</tr>
</tbody>
</table>

<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.</td>
</tr>
<tr>
<td>Earthworks which increase the discharge of saline groundwater.</td>
<td>All land.</td>
</tr>
</tbody>
</table>
FARMING ZONE

Shown on the planning scheme map as FZ with a number (if shown).

Purpose

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

To provide for the use of land for agriculture.

To encourage the retention of productive agricultural land.

To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

To encourage the retention of employment and population to support rural communities.

To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

Table of uses

Section 1 – Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture (other than Animal production, Apiculture, Domestic animal husbandry, Racing dog husbandry, Rice growing and Timber production)</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence.</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>Bed and breakfast</td>
<td>Must meet the requirements of Clause 53.08.</td>
</tr>
<tr>
<td></td>
<td>The total number of cattle to be housed in the cattle feedlot must be 1000 or less.</td>
</tr>
<tr>
<td></td>
<td>The site must be located outside a special water supply catchment under the Catchment and Land Protection Act 1994.</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</td>
<td>Must be the only dependent person’s unit on the lot.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 35.07-2.</td>
</tr>
<tr>
<td>Dependent person’s unit</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must be the only dwelling on the lot.</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 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 listed in the table to Clause 53.10 with no threshold distance specified.</td>
</tr>
<tr>
<td></td>
<td>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:</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:</td>
</tr>
<tr>
<td></td>
<td>* Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.</td>
</tr>
<tr>
<td></td>
<td>* Require a notification under the Occupational Health and Safety Regulations 2017.</td>
</tr>
<tr>
<td></td>
<td>* Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</td>
</tr>
<tr>
<td></td>
<td>* Require a licence under the Dangerous Goods (HCDG) Regulations 2016.</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>
</tbody>
</table>
The plantation area must not exceed any area specified in a schedule to this zone. Any area specified must be at least 40 hectares.

The total plantation area (existing and proposed) on contiguous land which was in the same ownership on or after 28 October 1993 must not exceed any scheduled area.

The plantation must not be within 100 metres of:
- Any dwelling in separate ownership.
- Any land zoned for residential, commercial or industrial use.
- Any site specified on a permit which is in force which permits a dwelling to be constructed.

The plantation must not be within 20 metres of a powerline whether on private or public land, except with the consent of the relevant electricity supply or distribution authority.

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet 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>Abattoir</td>
<td></td>
</tr>
<tr>
<td>Animal production (other than Broiler farm, Cattle feedlot and Grazing animal production)</td>
<td></td>
</tr>
<tr>
<td>Broiler farm - if the Section 1 condition to Poultry farm is not met</td>
<td>Must meet the requirements of Clause 53.09.</td>
</tr>
<tr>
<td>Camping and caravan park</td>
<td></td>
</tr>
<tr>
<td>Car park</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>Cattle feedlot – if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 53.08.</td>
</tr>
<tr>
<td></td>
<td>The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.</td>
</tr>
<tr>
<td>Cemetery</td>
<td></td>
</tr>
<tr>
<td>Crematorium</td>
<td></td>
</tr>
<tr>
<td>Dependent person’s unit – if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 35.07-2.</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 35.07-2.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</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>Group accommodation</td>
<td></td>
</tr>
<tr>
<td>Host farm</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Rural industry)</td>
<td></td>
</tr>
<tr>
<td>Landscape gardening supplies</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation)</td>
<td></td>
</tr>
<tr>
<td>Manufacturing sales</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus and Nightclub)</td>
<td></td>
</tr>
<tr>
<td>Primary school</td>
<td></td>
</tr>
<tr>
<td>Racing dog husbandry – if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 53.12.</td>
</tr>
<tr>
<td>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)

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35.07-2

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.

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35.07-3

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.
### Class of application

<table>
<thead>
<tr>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where: 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>
</tr>
<tr>
<td>• The area of either lot is reduced by less than 15 percent.</td>
</tr>
<tr>
<td>• The general direction of the common boundary does not change.</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. Clause 59.12</td>
</tr>
</tbody>
</table>

### Buildings and works

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 35.07-1. This does not apply to:
  - An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.
  - An out-building associated with an existing dwelling provided the floor area of the out-building is not more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.
  - An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 200 square metres. Any area specified must be more than 200 square metres. The building must not be used to keep, board, breed or train animals.
  - A rainwater tank.

- Earthworks specified in a schedule to this zone, if on land specified in a schedule.

- A building which is within any of the following setbacks:
  - The setback from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1 specified in a schedule to this zone or, if no setback is specified, 50 metres.
  - The setback from any other road or boundary specified in a schedule to this zone.
  - The setback from a dwelling not in the same ownership specified in a schedule to this zone.
  - 100 metres from a waterway, wetlands or designated flood plain.

- Permanent or fixed feeding infrastructure for seasonal or supplementary feeding for grazing animal production constructed within 100 metres of:
  - A waterway, wetland or designated flood plain.
  - A dwelling not in the same ownership.
  - A residential or urban growth zone.
VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works associated with a Section 1 use in the Table of uses of the zone with an estimated cost of up to $500,000. Any works must not be earthworks specified in the schedule to the zone.</td>
<td>Clause 59.13</td>
</tr>
<tr>
<td>Construct a building or construct or carry out works associated with a Section 2 use in the Table of uses of the zone with an estimated cost of up to $500,000 where the land is not:</td>
<td>Clause 59.13</td>
</tr>
<tr>
<td>• Used for Domestic animal husbandry, Intensive animal production, Pig farm, Poultry farm, Poultry hatchery, Racing dog husbandry or Rural industry.</td>
<td></td>
</tr>
<tr>
<td>• Within 30 metres of land (not a road) which is in a residential zone. Any works must not be earthworks specified in the schedule to the zone.</td>
<td></td>
</tr>
</tbody>
</table>

Application requirements for dwellings

An application to use a lot for a dwelling must be accompanied by a written statement which explains how the proposed dwelling responds to the decision guidelines for dwellings in the zone.

Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

• The Municipal Planning Strategy and the Planning Policy Framework.
• Any Regional Catchment Strategy and associated plan applying to the land.
• The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
• How the use or development relates to sustainable land management.
• Whether the site is suitable for the use 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>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.</td>
</tr>
<tr>
<td>Earthworks which increase the discharge of saline groundwater.</td>
<td>All land.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum subdivision area (hectares).</th>
<th>All land.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum area for which no permit is required to use land for a dwelling (hectares).</td>
<td>All land.</td>
</tr>
<tr>
<td>Maximum area for which no permit is required to use land for timber production (hectares).</td>
<td>All land.</td>
</tr>
<tr>
<td>Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres).</td>
<td>None specified</td>
</tr>
<tr>
<td>Maximum floor area for which no permit is required to construct an out-building associated with a dwelling (square metres)</td>
<td>None specified</td>
</tr>
<tr>
<td>Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres).</td>
<td>None specified</td>
</tr>
<tr>
<td>Minimum setback from a road (metres).</td>
<td>A Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1 100 metres</td>
</tr>
<tr>
<td></td>
<td>A Road Zone Category 2 or land in a Public Acquisition Overlay to be acquired for a road, Category 2 40 metres</td>
</tr>
<tr>
<td></td>
<td>Any other road      20 metres</td>
</tr>
<tr>
<td>Minimum setback from a boundary (metres).</td>
<td>Any other boundary  5 metres</td>
</tr>
<tr>
<td>Minimum setback from a dwelling not in the same ownership (metres).</td>
<td>Any dwelling not in the same ownership 100 metres</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Land</th>
<th>Area/Dimensions/Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum subdivision area (hectares).</td>
<td>All land. 40 hectares</td>
</tr>
<tr>
<td>Minimum area for which no permit is required to use land for a dwelling (hectares).</td>
<td>All land. 0.4 hectare</td>
</tr>
<tr>
<td>Maximum area for which no permit is required to use land for timber production (hectares).</td>
<td>All land. 40 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>
</tr>
<tr>
<td>Maximum floor area for which no permit is required to construct an out-building associated with a dwelling (square metres)</td>
<td>None specified</td>
</tr>
<tr>
<td>Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres).</td>
<td>None specified</td>
</tr>
<tr>
<td>Minimum setback from a road (metres).</td>
<td>A Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1 100 metres</td>
</tr>
<tr>
<td></td>
<td>A Road Zone Category 2 or land in a Public Acquisition Overlay to be acquired for a road, Category 2 40 metres</td>
</tr>
<tr>
<td></td>
<td>Any other road      20 metres</td>
</tr>
<tr>
<td>Minimum setback from a boundary (metres).</td>
<td>Any other boundary  5 metres</td>
</tr>
<tr>
<td>Minimum setback from a dwelling not in the same ownership (metres).</td>
<td>Any dwelling not in the same ownership 100 metres</td>
</tr>
</tbody>
</table>
PUBLIC LAND ZONES
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

Use

| Condition |

Section 3 - Prohibited

Use

Nil

Permit requirement
A permit is required to:

- Construct a building or construct or carry out works for any use in Section 2 of Clause 36.01-1. This does not apply to navigational beacons and aids.
- Subdivide land.

Application requirements
An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:

- To the application for permit being made.
To the application for permit being made and to the proposed use or development.

**Decision guidelines**

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The comments of any Minister or public land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

**Permit not required**

A permit is not required to use land, or to construct a building or construct or carry out works on land, listed in a schedule to this zone, provided any condition in the schedule is complied with.

**Table of public land use**

<table>
<thead>
<tr>
<th>Shown on the planning scheme map</th>
<th>Purpose of public land use</th>
</tr>
</thead>
<tbody>
<tr>
<td>PUZ1</td>
<td>Service &amp; Utility</td>
</tr>
<tr>
<td>PUZ2</td>
<td>Education</td>
</tr>
<tr>
<td>PUZ3</td>
<td>Health &amp; Community</td>
</tr>
<tr>
<td>PUZ4</td>
<td>Transport</td>
</tr>
<tr>
<td>PUZ5</td>
<td>Cemetery/Crematorium</td>
</tr>
<tr>
<td>PUZ6</td>
<td>Local Government</td>
</tr>
<tr>
<td>PUZ7</td>
<td>Other public use</td>
</tr>
</tbody>
</table>

**Signs**

Sign requirements are at Clause 52.05. This zone, except for the PUZ4 (Transport), is in Category 4 unless a different requirement is specified in the schedule to this zone.

For land within the PUZ4 (Transport), the sign category which applies is the category which applies to the adjoining zone nearest to the land. If land is equidistant from two or more adjoining zones, the least restrictive category applies.

Where the Road Zone is the nearest adjoining zone, a permit is required to display a sign.
## SCHEDULE TO THE PUBLIC USE ZONE

<table>
<thead>
<tr>
<th>Public land</th>
<th>Use or development</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Land</th>
<th>Advertising Sign Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified.</td>
<td></td>
</tr>
</tbody>
</table>
PUBLIC PARK AND RECREATION ZONE

Shown on the planning scheme map as PPRZ.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To recognise areas for public recreation and open space.
To protect and conserve areas of significance where appropriate.
To provide for commercial uses where appropriate.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Informal outdoor recreation</td>
<td>Must be conducted by or on behalf of the public land manager.</td>
</tr>
<tr>
<td></td>
<td>Must not be on coastal Crown land under the <em>Coastal Management Act 1995</em>.</td>
</tr>
<tr>
<td></td>
<td>Must not be costeaming or bulk sampling.</td>
</tr>
</tbody>
</table>

Any use listed in Clause 62.01 Must meet the requirements of Clause 62.01.

Contractor’s depot Must be either of the following:


Office Must be associated with the public land use.

Retail premises Must be associated with the public land use.

Store Must be associated with the public land use.

Any other use not in Section 3 A use specified in an incorporated plan in a schedule to this zone.

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)

36.02-2
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.

36.02-3
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 THE PUBLIC PARK AND RECREATION ZONE

<table>
<thead>
<tr>
<th>Public land</th>
<th>Use or development</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Land</th>
<th>Advertising Sign Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified.</td>
<td></td>
</tr>
</tbody>
</table>

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>Apiculture</td>
<td>Must meet the requirements of the Apiary Code of Practice, May 2011.</td>
</tr>
<tr>
<td>Boat launching facility</td>
<td>Must be either of the following:</td>
</tr>
<tr>
<td>Camping and caravan park</td>
<td>- A use conducted by or on behalf of a public land manager or Parks Victoria under the relevant provisions of the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forests Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988, the Port of Melbourne Authority Act 1958 or the Crown Land (Reserves) Act 1978.</td>
</tr>
<tr>
<td>Caretaker’s house</td>
<td></td>
</tr>
<tr>
<td>Car park</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Interpretation centre</td>
<td></td>
</tr>
<tr>
<td>Jetty</td>
<td>Specified in an Incorporated plan in a schedule to this zone.</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 (other</td>
<td></td>
</tr>
<tr>
<td>than Apiculture)</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 2 or 3</td>
<td>Must be a use conducted by or on behalf of a public land manager or Parks Victoria under the relevant provisions of the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forests Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988, the Port of Melbourne Authority Act 1958 or the Crown Land (Reserves) Act 1978.</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 <em>National Parks Act 1975</em>. Must meet the requirements of Clause 53.13.</td>
</tr>
<tr>
<td>Renewable energy facility (other than Wind energy facility)</td>
<td>Must not be located on land reserved under the <em>National Parks Act 1975</em>. Must meet the requirements of Clause 53.13.  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>
<tr>
<td>Wind energy facility</td>
<td>Must not be located on land described in a schedule to the <em>National Parks Act 1975</em>. 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>

36.03-2

16/01/2018

VC142

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*.

- Subdivide land.

36.03-3

19/09/2017

VC132

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 THE PUBLIC CONSERVATION AND RESOURCE ZONE

<table>
<thead>
<tr>
<th>Public land</th>
<th>Use or development</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Land</th>
<th>Advertising Sign Category</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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 PURPOSE ZONES
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>
<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 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 Municipal Planning Strategy and the Planning Policy Framework.

• 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:

- 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.
PORT RELATED USES

Purpose
To provide a location for selected port and industrial uses which depend upon or gain significant economic advantages from the natural deep water channels in Westernport.

To enable the effective implementation of the Hastings Port Industrial Area Land Use Structure Plan (Department of Planning and Development 1996).

To protect the environmental values of the waters, coastline and intertidal areas of Westernport and adjoining land.

To provide for the interim rural use of land to the extent consistent with maintaining land resources for future port and port related development.

To protect the towns of Tyabb, Hastings, Crib Point and Bittern by ensuring that no port industrial development which may have an adverse effect on the amenity or safety of residents occurs in proximity to residential areas.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apiculture</td>
<td>Must meet the requirements of the Apiary Code of Practice, May 1997.</td>
</tr>
<tr>
<td>Crop raising (other than Timber production)</td>
<td></td>
</tr>
<tr>
<td>Extensive animal husbandry</td>
<td></td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Horse stables</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Mineral exploration</td>
<td></td>
</tr>
<tr>
<td>Mining</td>
<td>Must meet the requirements of Clause 52.08-2.</td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Natural systems</td>
<td></td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>Search for stone</td>
<td>Must not be costeaming or bulk sampling.</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
</tbody>
</table>
## Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture (other than Apiculture, Animal keeping, Crop raising, Extensive animal husbandry, and Horse stables).</td>
<td></td>
</tr>
<tr>
<td>Animal keeping</td>
<td>The premises must be located at least 1 kilometre from the nearest residential zone if more than four animals are kept.</td>
</tr>
<tr>
<td>Boat and caravan storage</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>Caretaker’s house</td>
<td></td>
</tr>
<tr>
<td>Community market</td>
<td></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>Dwelling (other than Caretaker’s house)</td>
<td>Must meet the requirements under the heading Dwellings of Clause 2 to this schedule.</td>
</tr>
<tr>
<td>Education centre (other than Primary School and Secondary School).</td>
<td>Must not be located in the Restricted Occupancy Area.</td>
</tr>
<tr>
<td>Industry (except Rural industry)</td>
<td>Must be dependent on or gain significant economic advantage from proximity to deep water port facilities, be directly associated with such a use or be a marine service industry.</td>
</tr>
<tr>
<td>Leisure and recreation (other than Indoor recreation facility and Informal outdoor recreation)</td>
<td></td>
</tr>
<tr>
<td>Mineral, stone, or soil extraction (other than Mineral exploration, Mining, and Search for stone)</td>
<td></td>
</tr>
<tr>
<td>Plant nursery</td>
<td></td>
</tr>
<tr>
<td>Primary produce sales</td>
<td></td>
</tr>
<tr>
<td>Rural store</td>
<td></td>
</tr>
<tr>
<td>Store (other than Boat and caravan storage, Rural store and Vehicle 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</td>
<td>Must meet the requirements of Clause 52.18.</td>
</tr>
<tr>
<td>Transport terminal</td>
<td>Must be dependent on or gain significant economic advantage from proximity to deep water port facilities or be directly associated with such a use.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>-------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation)</td>
<td></td>
</tr>
<tr>
<td>Vehicle store</td>
<td></td>
</tr>
<tr>
<td>Warehouse (other than Store)</td>
<td>Must be dependent on or gain significant economic advantage from proximity to deep water port facilities or be directly associated with such a use or a marine service industry.</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 Dependent person’s unit and Dwelling).</td>
</tr>
<tr>
<td>Art and craft centre</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Childcare centre</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
</tr>
<tr>
<td>Display home</td>
</tr>
<tr>
<td>Hospital</td>
</tr>
<tr>
<td>Indoor recreation facility</td>
</tr>
<tr>
<td>Office</td>
</tr>
<tr>
<td>Place of assembly</td>
</tr>
<tr>
<td>Primary school</td>
</tr>
<tr>
<td>Retail premises (other than Community market, Plant nursery and Primary produce sales)</td>
</tr>
<tr>
<td>Secondary school</td>
</tr>
<tr>
<td>Service station</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.

Access for industry must not be made through a residential area. This does not apply to emergency access.
Application requirements
An application to use land for a port related use must be accompanied by the following information, as appropriate:

- A report which demonstrates a need or significant benefit for the use to establish close to port facilities or associated uses.
- An assessment of the environmental significance the site and proposals relating to the maintenance of significant conservation values.
- 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 the 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 licence under the Dangerous Goods Act 1985 is required.
- The likely effects, if any, on adjoining land, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water.
  - Traffic, including the hours of delivery and dispatch.
  - Light spill or glare.

Decision guidelines
Before deciding on an application to use land, the responsible authority must consider, as appropriate:

- The effect that the use may have in terms the proper future use and development of the land and adjoining areas for port and port related purposes.
- The effect that the use may have on the waters and intertidal areas of Westernport and the environmental values of adjoining land and the need for appropriate environmental assessment studies.
- The need for and adequacy of risk assessment and environmental response plans.
- 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 Clause 52.10 and any comments or directions of referral authorities.
- The effect that nearby industries and other forms of activity may have on the proposed use.
- Whether there is a demonstrated need or significant benefit associated with any proposed industrial or warehouse use being located near port facilities or associated uses.
- The drainage of the land.
- The availability of and connection to services.
- Provision for fire protection and other emergency services.
- The effect of traffic likely to be generated on roads including the need for and provision of traffic management plans and works to the satisfaction of the responsible authority to minimise the adverse impact of major developments on urban communities.
- The intended interim use of those parts of the land not required for the proposed use.
Any State or local policy guidelines relating to the protection, use or development of port facilities and associated areas, including the Hastings Port Industrial Area Land Use Structure Plan (Department of Development 1996).

Dwellings

No more than one dwelling on a lot

No more than one dwelling may be permitted on a lot, except as provided under the heading Additional dwelling.

Minimum site area for a dwelling

A site for a dwelling must have a minimum area of at least 1 hectare, except that a permit may be granted for lesser area if the responsible authority is satisfied that:

- Approval will not prejudice the future development of the area for port and port related uses.
- The site can absorb all domestic sewage, sullage and effluent.
- The dwelling would be compatible with adjoining uses and would not be situated in a dangerous location or where a nuisance to the occupants of the dwelling would or is likely to arise.

Where a site is subject to Clause 45.05 Restructure Overlay the site must comply with the restructure plan.

Restricted occupation area – Long Island Point

The purpose of this provision is to prevent human habitation on the land surrounding the Long Island Fractionation Plant and Crude Oil Storage Tanks. The land south of Bayview Road and east of Jeremiahs Road, Tyabb (Long Island Point) must not be used for a dwelling other than a Caretaker’s house.

Before deciding on an application for any other use the responsible authority must refer the application to the Minister administering the Dangerous Goods Act 1989.

Availability of services

A lot may only be used for a dwelling if the following requirements are met:

- Access must be provided via an all-weather road to the satisfaction of the responsible authority.
- The dwelling must be connected to a reticulated sewerage system or if not available, all wastewater must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environmental 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 to the satisfaction of the responsible authority.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source to the satisfaction of the responsible authority.

These requirements also apply to a dependent person’s unit.

Additional dwelling

A permit may be granted for an additional dwelling if:

- It is proposed to replace an existing dwelling to be demolished; or
- The dwelling is required to accommodate a person working on the land or a member of the family owning the land.

Before deciding on an application the responsible authority must be satisfied that the additional accommodation is justified due to the intensity and nature of the farming activity on the land.
Subdivision

A permit is required to subdivide land.

Lots may only be created if the land is:

- To be used for an approved port related use, or
- Used as an existing lawful poultry farm, with the minimum lot area for each new lot to be no less than 8 hectares, or
- To be re-subdivided in accordance with any Restructure Plan under Clause 45.05, or
- At least 40 hectares in area and has been continuously owned by the same family since the 23rd September 1981. A permit may be granted to subdivide the land into 2 lots each of which is at least 20 hectares. If a permit is granted further subdivision is prohibited under this provision.

Guidelines for permit

Before deciding on an application to subdivide land the responsible authority must consider as appropriate:

- The ability of the land as subdivided to accommodate future port related uses.
- The ability of the land to be combined with other lots for use as a port related use.
- The suitability of the subdivision having regard to:
  - Any natural and cultural values on or near the land.
  - The purpose of the zone.
  - The use intended.
  - The extent of any existing or proposed reclamation works.
  - The topography of the land.
  - The availability and standard of road access, drainage, sewerage and other infrastructure available to the site.
- Whether the frontage is adequate to provide for industrial traffic requirements.
- Any easement or rights of way which may be required to convey public or private goods or services to or across the land.
- Any other matters which the responsible authority considers relevant to the management of the land resources adjacent to the deep channel in the northern arm of Western Port for selected port and industrial development.

Buildings and works

Setbacks for buildings and works

Setbacks for buildings and works related to specific uses

Buildings and works associated with the uses described in the Buffer Area Table below must be constructed or carried out in accordance with the Table and land within 50 metres of a Residential Zone or Low Density Residential Zone or abutting road must be planted with trees and shrubs to the satisfaction of the responsible authority.
### Buffer Area Table

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2 Minimum distance from Residential Zone</th>
<th>Column 3 Minimum distance from Green Wedge Zone, Farming Zone or Low Density Residential Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building &amp; works related to a specific form of port related use</td>
<td>400 metres</td>
<td>200 metres</td>
</tr>
<tr>
<td>Building &amp; works related to the processing of chemical and petro-chemical products.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The bulk storage of flammable products.</td>
<td>400 metres</td>
<td>200 metres</td>
</tr>
<tr>
<td>The bulk storage of non-flammable products.</td>
<td>200 metres</td>
<td>100 metres</td>
</tr>
<tr>
<td>Buildings &amp; works related to the processing of other products.</td>
<td>200 metres</td>
<td>100 metres</td>
</tr>
<tr>
<td>Other buildings &amp; works</td>
<td>100 metres</td>
<td>60 metres</td>
</tr>
<tr>
<td>Car parks &amp; internal access roads.</td>
<td>60 metres</td>
<td>30 metres</td>
</tr>
</tbody>
</table>

These requirements do not apply to any of the following buildings or works:

- Existing approved port related developments.
- Landscaping.
- Pipelines.
- Minor farm structures, fences or works related to farming.
- Sewerage, drainage, water and gas mains.
- Power lines.
- Telephone lines.
- Buildings or works constructed or carried out by the Council or a public authority.

### Setbacks - Non Restricted Uses.

A permit is required to construct or carry out any of the following:

- Any building or works associated with a port related use which is within any of the following setbacks:
  - 100 metres from a Road Zone or land in Public Acquisition Overlay to be acquired for a road.
  - 40 metres from any other road or land within Public Acquisition Overlay 4 – Port service and access corridor.
  - 15 metres from any other boundary.
  - 60 metres from any house on adjoining land.

- A building or works not associated with a port related use which is within any of the following setbacks:
  - 100 metres from a Road Zone or land in Public Acquisition Overlay to be acquired for a road.
  - 20 metres from any other road or land within Public Acquisition Overlay 4 – Port service and access corridor.
3 metres for every metre of building height from any other boundary.

A permit may be granted to reduce setbacks in any of the following circumstances:

- The responsible authority is satisfied no loss of amenity would be caused to the landscape or to ecologically significant areas.
- The building to be constructed is any of the following:
  - A house extension.
  - A farm building extension.
  - A farm out-building.
- The responsible authority is satisfied that compliance would be unreasonable or impractical and the building would not prejudice the amenity of the area.

The minimum setback from land within a Road Zone, including any associated Public Acquisition Overlay to be acquired for a road, must be no less than 30 metres, other than for extensions to houses and farm buildings.

The setback requirements do not apply to any of the following buildings or works:

- Landscaping including vehicular and pedestrian access.
- Gatehouses or weighbridges.
- Pipelines or conveyors.
- Minor farm structures and also pumps, bores, windmills, troughs, stock loading yards and the like.

**Industrial Development - Application Requirements**

The following information must be submitted with any application for the development of land for the purpose of industry:

- A plan drawn to scale which shows the locations and proposed use of all existing and proposed buildings, the provision of on-site parking, loading and unloading areas, internal vehicle movement, material stockpiles, landscaping, site entrance and exit points, proposed advertising signs and such other information as may be relevant to assessment of the development.
- Details of any proposed removal of native vegetation.
- Plans and information indicating the profile and maximum heights of proposed buildings and equipment installations.
- Details concerning the provision of services including water supply, sewerage, gas and electricity and the provision of the disposal of waste materials, effluent and other pollutants.
- Details relating to the staging of development and an appropriate time scale in which each stage of development should be completed.
- Where the development involves reclamation, specific information concerning the type and amount of material used to carry out the reclamation works and the most appropriate uses to which reclaimed land can be put.
- Details relating to the establishment of buffer areas particularly in those areas adjacent to residential areas and the landscaping of buffer areas so created.
- An assessment and proposals relating to the visual integration of proposed buildings and works with the character, landscape and seascape of the area including the colour and finishes to be used in the external faces and coverings of buildings.
Where a proposed development is located within Design and Development Overlay 8 (Pipeline Policy Area), consent to the development by the Minister for Energy and Minerals must be obtained by the applicant and submitted with the application.

Control over the removal of native vegetation
Except with a permit, native vegetation must not be removed, destroyed or lopped. This control includes natural swamp vegetation or vegetation forming part of the natural plant association along the shoreline of Western Port Bay.

Further exemptions are as listed at Clause 52.17.

Before deciding on an application the responsible authority must consider:

- The value of the native vegetation to be removed in terms of its physical condition, rarity or variety.
- Any alternative means of locating buildings or works to conserve the native vegetation of the area.
- The stability of the soil or surface subsoil after the removal of the native vegetation.
- The effect on the fauna of the area after the removal of the native vegetation.
- The maintenance of the ecological balance of the area.

Decision guidelines
Before deciding on an application to construct a building or construct or carry out works, the responsible authority must consider, as appropriate:

- Any natural and cultural values on or near the land.
- The effect of the proposed development on the future development of the land and adjoining area for port and port related uses.
- The effect of the development on adjoining areas outside of the Special Use Zone.
- Traffic generation and traffic management proposals.
- The adequacy of provision for parking and site access.
- The location and extent of loading, storage and service areas.
- The adequacy of existing roads and infrastructure to support the proposed development.
- The built form and visual impact of the proposed development, including signage.
- The objectives and likely effectiveness of the proposed landscaping treatment and the extent of indigenous planting.

Advertising signs
Advertising sign requirements are at Clause 52.05. This zone is in Category 3, except that a permit may be granted for signs not complying with the requirements of Clause 52.05 in conjunction with the approval of a port related use.

Before deciding on an application the responsible authority must consider as appropriate:

- The total area, height and number of signs proposed.
- The possible effect of the sign on the amenity and efficiency of a road, particularly a road in Road Zone 1 or 2, and the safety of all road users.
SCHEDULE 2 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as SUZ2.

PRIVATE SPORTSGROUNDS, RELIGIOUS, HEALTH AND EDUCATIONAL ESTABLISHMENTS

Purpose
To recognise strategic sites that contain recreational, religious, health or educational facilities that performs a significant community function.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apiculture</td>
<td>Must meet the requirements of the Apiary Code of Practice, May 1997.</td>
</tr>
<tr>
<td>Mineral exploration</td>
<td></td>
</tr>
<tr>
<td>Mining</td>
<td>Must meet the requirements of clause 52.08-2.</td>
</tr>
<tr>
<td>Place of worship</td>
<td></td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>Search for stone</td>
<td>Must not be costeanning or bulk sampling.</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, Animal keeping and Intensive animal husbandry)</td>
<td>Must be used in association with an Education centre, Minor sports and recreation facility or Place of worship.</td>
</tr>
<tr>
<td>Caretaker’s house</td>
<td></td>
</tr>
<tr>
<td>Community market</td>
<td></td>
</tr>
<tr>
<td>Convenience shop</td>
<td></td>
</tr>
<tr>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation facility (other than Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td></td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Office (other than a Medical Centre)</td>
<td>The leasable floor area must not exceed 500 square metres.</td>
</tr>
</tbody>
</table>
## Use Conditions

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Place of assembly (other than Amusement parlour and Night club)</td>
<td></td>
</tr>
<tr>
<td>Plant nursery</td>
<td></td>
</tr>
<tr>
<td>Residential aged care facility</td>
<td>Must be used in association with an Education centre, Minor sports and recreation facility or Place of worship.</td>
</tr>
<tr>
<td>Residential building</td>
<td>Must be used in association with an Education centre, Minor sports and recreation facility or Place of worship.</td>
</tr>
<tr>
<td>Retirement village</td>
<td>Must be used in association with a Place of worship.</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, Residential aged care facility, Residential building and Retirement village)</td>
</tr>
<tr>
<td>Amusement parlour</td>
</tr>
<tr>
<td>Animal keeping</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Cemetery</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
</tr>
<tr>
<td>Crematorium</td>
</tr>
<tr>
<td>Display home</td>
</tr>
<tr>
<td>Extractive industry</td>
</tr>
<tr>
<td>Industry (other than Car wash)</td>
</tr>
<tr>
<td>Intensive animal husbandry</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
<tr>
<td>Night club</td>
</tr>
<tr>
<td>Retail premises (other than Community market, Convenience shop, Food and drink premises and Plant nursery)</td>
</tr>
<tr>
<td>Service station</td>
</tr>
<tr>
<td>Transport terminal</td>
</tr>
<tr>
<td>Utility installation</td>
</tr>
<tr>
<td>Warehouse</td>
</tr>
</tbody>
</table>
2.0 Use of land

Amenity of the neighbourhood
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, dust, waste water, or waste products.

Application requirements
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, hours of operation and light spill, affect on the privacy of adjoining properties, solar access and glare.
- Maintenance of areas not required for immediate use.

Decision guidelines
Before deciding on an application to use land, the responsible authority must consider, as appropriate:
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- 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.

3.0 Subdivision

Permit requirement
A permit is required to subdivide land.

Decision guidelines
Before deciding on an application to subdivide land, the responsible authority must consider, as appropriate:
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The interface with adjoining zones especially the relationship with residential areas.
- The effect the subdivision will have on the potential of the land to accommodate existing and potential future uses in accordance with the purpose of this zone.

4.0 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:
- 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.

**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.
  - 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.

**Decision guidelines**

Before deciding on an application to construct a building or construct or carry out works, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

- The effect of the proposed buildings and works on the amenity of the neighbouring properties.

- The provision of landscaping.

- The provision of access and car parking, including pick up and drop off areas where appropriate.

- The interface with adjoining zones especially the relationship with residential areas.

- The streetscape, access from the street front, 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.

- The storage of rubbish and materials for recycling.

- Defining the 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.

**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 3.
SCHEDULE 3 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ3.

AIRFIELD DEVELOPMENT

Purpose

To provide for the coordinated use and development of land in the vicinity of the Tyabb Airfield.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apiculture</td>
<td>Must meet the requirements of the Apiary Code of Practice, May 1997.</td>
</tr>
<tr>
<td>Crop raising</td>
<td></td>
</tr>
<tr>
<td>Extensive animal husbandry</td>
<td></td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Mail centre</td>
<td></td>
</tr>
<tr>
<td>Mineral exploration</td>
<td></td>
</tr>
<tr>
<td>Mining</td>
<td>Must meet the requirements of Clause 52.08-2.</td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Natural systems</td>
<td></td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>Search for stone</td>
<td>Must not be costeaming or bulk sampling.</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture (other than Apiculture, Crop raising, Extensive animal husbandry, and Intensive animal husbandry)</td>
<td></td>
</tr>
<tr>
<td>Caretaker's house</td>
<td></td>
</tr>
<tr>
<td>Convenience shop</td>
<td></td>
</tr>
<tr>
<td>Community market</td>
<td></td>
</tr>
<tr>
<td>Dwelling</td>
<td>Must be the only one dwelling on the lot.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>------------------------------------------------------------------</td>
</tr>
<tr>
<td>Education centre</td>
<td>Must not be a primary or secondary school.</td>
</tr>
<tr>
<td>Food and drink premises</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Materials recycling)</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Mineral, stone, or soil extraction (other than Extractive industry,</td>
<td></td>
</tr>
<tr>
<td>Mineral exploration, Mining, and Search for stone</td>
<td></td>
</tr>
<tr>
<td>Motel</td>
<td></td>
</tr>
<tr>
<td>Place of assembly</td>
<td></td>
</tr>
<tr>
<td>Restricted retail premises</td>
<td></td>
</tr>
<tr>
<td>Transport terminal</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation)</td>
<td></td>
</tr>
<tr>
<td>Warehouse (other than Mail centre)</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 and Motel)</td>
</tr>
<tr>
<td>Extractive industry</td>
</tr>
<tr>
<td>Hospital</td>
</tr>
<tr>
<td>Intensive animal husbandry</td>
</tr>
<tr>
<td>Materials recycling</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
<tr>
<td>Retail premises (other than Community market, Convenience shop, Food</td>
</tr>
<tr>
<td>and drink premises and Restricted retail premises)</td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</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, dust, waste water, waste products, oil or otherwise.
Application requirements

An application to use land for a use associated with the airfield, 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 licence under the Dangerous Goods Act 1985 is required.
- The likely effects, if any, on the neighbourhood, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water.
  - Traffic, including the hours of delivery and dispatch.
  - Light spill or glare.

Decision guidelines

Before deciding on an application to use land, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The effect that the use may have on nearby existing or proposed residential areas, having regard to any comments or directions of the referral authorities.
- The effect existing activities 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.

Decision guidelines

Before deciding on an application to subdivide land, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The interface with residential areas.
- The effect the subdivision will have on the potential of the land to accommodate existing and potential future uses in accordance with the purpose of this zone.
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, renew or maintain plant if the area or height of the plant is not increased.
- Comply with a direction or licence under the Dangerous Goods Act 1985 or a Waste Discharge Licence, Works Approval or Pollution Abatement Notice under the Environment Protection Act 1970.

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.
- 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 to construct a building or construct or carry out works, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Whether the proposed development will prejudice the future use of the land as an airfield.
- Streetscape character and built form.
- Landscape treatment.
- Interface with residential 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.

**Advertising signs**

Advertising sign requirements are at Clause 52.05. This zone is in Category 2.
SCHEDULE 4 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ4.

RECREATIONAL DEVELOPMENT

Purpose
To provide for integrated recreational and residential development in appropriate locations.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apiculture</td>
<td>Must meet the requirements of the Apiary Code of Practice, May 1997.</td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td>No more than 6 persons may be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td></td>
<td>At least one 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.</td>
</tr>
<tr>
<td>Dwelling</td>
<td>Must be located south of Pickings Rd and north of Nepean Highway, Safety Beach; be the only dwelling on the lot and meet the requirements of Clause 3.1 of this schedule.</td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Mineral exploration</td>
<td></td>
</tr>
<tr>
<td>Mining</td>
<td>Must meet the requirements of Clause 52.08-2.</td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Natural systems</td>
<td></td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>Search for stone</td>
<td>Must not be costeaming or bulk sampling.</td>
</tr>
<tr>
<td>Tramway</td>
<td></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 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 Apiculture, Animal keeping, Aquaculture,</td>
<td>Must be no more than four animals.</td>
</tr>
<tr>
<td>Intensive animal husbandry, and Timber production)</td>
<td></td>
</tr>
<tr>
<td>Animal keeping (other than Animal boarding)</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>Bed and breakfast – if the Section 1 condition is not met</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>Must be on land also used for a service station.</td>
</tr>
<tr>
<td>Community market</td>
<td></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>The leasable floor area must not exceed 80 square metres.</td>
</tr>
<tr>
<td>Dependent person’s unit – if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 3.1 of 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 3.1 of this schedule.</td>
</tr>
<tr>
<td>Food and drink premises (other than Convenience restaurant and</td>
<td></td>
</tr>
<tr>
<td>Take away food premises)</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation and</td>
<td></td>
</tr>
<tr>
<td>Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td></td>
</tr>
<tr>
<td>Mineral, stone, or soil extraction (other than Mineral exploration,</td>
<td></td>
</tr>
<tr>
<td>Mining, and Search for stone)</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than an Amusement parlour 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>Service station</td>
<td>The site must adjoin a business zone or industrial zone, or abut on two boundaries 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 abuts on two boundaries a road in a Road Zone.</td>
</tr>
</tbody>
</table>
### Section 2 - Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Store</strong></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><strong>Take away food premises</strong></td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td><strong>Timber production</strong></td>
<td>Must meet the requirements of Clause 52.18.</td>
</tr>
<tr>
<td><strong>Utility installation (other than Minor utility installation)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Any other use not in Section 1 or 3</strong></td>
<td></td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement parlour</td>
</tr>
<tr>
<td>Animal boarding</td>
</tr>
<tr>
<td>Aquaculture</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Industry (other than Car wash)</td>
</tr>
<tr>
<td>Intensive animal husbandry</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
<tr>
<td>nightclub</td>
</tr>
<tr>
<td>Office (other than Medical centre)</td>
</tr>
<tr>
<td>Retail premises (other than Community market, Convenience shop, Food and drink premises, Plant nursery, Postal agency, and Primary produce sales)</td>
</tr>
<tr>
<td>Saleyard</td>
</tr>
<tr>
<td>Transport terminal</td>
</tr>
<tr>
<td>Warehouse (other than Store)</td>
</tr>
</tbody>
</table>

### Subdivision

A permit is required to subdivide land.

Each lot must be at least 20 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 must not be increased and all lots must have an area of at least 0.4 hectares.
The average area of all lots is 20 hectares. All lots must have a minimum area of at least 0.4 hectares. An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided under this provision. The agreement must be registered on title.

The subdivision is to excise an existing dwelling or excise a lot for a dwelling. Only two lots may be created and each lot must be at least 0.4 hectare. An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided under this provision. The agreement must be registered on title. If the land contains more than one dwelling at the Approval date, each dwelling may be excised under this provision.

The subdivision is approved in conjunction with an integrated recreational development providing accommodation in the form of houses, group houses, flats or sites for the parking of caravans, camp sites etc and associated recreational facilities such as golf courses, marina facilities, swimming pools, tennis courts, bowling greens, horse riding facilities, gardens and the like which occupy a major proportion of the total site area and are predominantly operated for the benefit of the occupants.

Land must not be subdivided for the purpose of an integrated recreational development until a development plan showing the proposed use and development of the whole site is approved by the responsible authority. The development plan may be subsequently amended to the satisfaction of the responsible authority.

A Section 173 Agreement may be required to ensure the development of recreational facilities or the provision of a bond prior to the subdivision of land, and to ensure the ongoing management of open space, landscaping, infrastructure and recreational facilities to the satisfaction of the Responsible authority.

**Application requirements**

An application to subdivide land must be accompanied by a report which explains how the proposed subdivision:

- Promotes the purposes of this zone.
- Responds to the decision guidelines for this zone.

An application to subdivide must be referred to the referral authorities listed in Clause 66.

**Buildings and works**

A permit is not required to construct a building or construct or carry out works but only if one of the following applies:

- The development is in accordance with a Development Plan approved under Clause 2.0 of this Schedule or its predecessor.

- The development is for a single dwelling on a lot located south of Pickings Rd and north of Nepean Highway, Safety Beach that meets all of the following requirements:
  - The lot must be less than 1000 square metres.
  - Any building must be setback not less than 7.5 metres from the front boundary, 3 metres from the rear boundary and 1.2 metres from any other boundary of the lot.
  - Any building must have a maximum building height of 4.5 metres or less.
  - Any front fence within three metres of the front boundary must be 1.2 metres or less in height.
  - The development must meet the requirements of Clause 54, to the extent that they are consistent with the above setback and height provisions, as if Clause 54 applied to the Special Use Zone Schedule 4.
3.1 Availability of services

A lot may only be used for one or more dwellings provided the following requirements are met:

- Access must be provided via an all-weather road to the satisfaction of the responsible authority.
- 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 Environmental 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 to the satisfaction of the responsible authority.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source to the satisfaction of the responsible authority.

These requirements also apply to a Dependent person’s unit.

4.0 Decision guidelines

Before deciding on an application to use, subdivide land, construct a building or construct or carry out works, the responsible authority must consider, as appropriate:

- The likely effect on the natural physical qualities and habitat value of the land
- The protection and enhancement of the natural environment and the character of the area.
- The retention of vegetation and fauna habitat.
- The need to revegetate land, including, gullies, ridge lines, property boundaries, discharge areas, ground water recharge areas and riparian buffers along waterways.
- The effect of the proposed development on the landscape of the locality.
- The existing and likely pressure of recreational use on reserves and foreshore areas in the locality and their continued maintenance in a condition appropriate to their function.
- The preservation of the recreational amenity of the locality.
- The intensity of development and utilisation proposed.
- The layout and design of access roads, parking spaces and pedestrian routes having regard to pedestrian and vehicular safety and accessibility.
- The impact of the use or development on the existing and surrounding rural uses.
- The location of any building or works with respect to the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The location and design of existing and proposed roads and their impact on the landscape and whether the use or development will cause significant traffic generation which will require additional traffic management programs to be initiated.
- The location, design and capacity of all existing and proposed infrastructure services including gas, water, drainage, telecommunications and sewerage facilities.
- The massing, scale, design and colour of buildings and their ancillary works.
- The nature, type, extent and management of the associated recreational facilities.
- The landscaping of the land.
- Any advertising sign, entrances gateways or marketing features proposed.
- Any other matters which the responsible authority considers being in the interest of the conservation and enhancement of the character of the area for its natural scenic beauty scientific interest or cultural importance.
5.0 Advertising signs

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.
SCHEDULE 7 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ7.

FLINDERS CHRISTIAN COMMUNITY COLLEGE

Purpose

To provide for the continued use and development of land for an education centre.

To provide for the use and development of the land in accordance with the Flinders Christian Community College Master Plan, November 2009.

To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.

To encourage use and development that is consistent with sustainable land management practices.

To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.

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

To protect and enhance the biodiversity of the area.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal keeping (other than Animal boarding)</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Apiculture</td>
<td>Must meet the requirements of the Apiary Code of Practice, May 1997.</td>
</tr>
<tr>
<td>Bed and breakfast</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>Carnival</td>
<td>Must meet the requirements of A ‘Good Neighbour’ Code of Practice for a Circus or Carnival, October 1997.</td>
</tr>
<tr>
<td>Child care centre</td>
<td>Must be used in conjunction with an Education centre on the land. Must be generally in accordance with the Flinders Christian Community College Master Plan, November 2009. The total number of persons enrolled at the education centre and child care centre at any time must not exceed 1,200.</td>
</tr>
<tr>
<td>Circus</td>
<td>Must meet the requirements of A ‘Good Neighbour’ Code of Practice for a Circus or Carnival, October 1997.</td>
</tr>
<tr>
<td>Crop raising (other than Rice growing and Timber production)</td>
<td>Must be generally in accordance with the Flinders Christian Community College Master Plan, November 2009.</td>
</tr>
<tr>
<td>Education centre</td>
<td>Must be generally in accordance with the Flinders Christian Community College Master Plan, November 2009.</td>
</tr>
</tbody>
</table>
### Use | Condition
--- | ---
**The total number of persons enrolled at the education centre at any time must not exceed 1,200.**

**Extensive animal husbandry**
**Home occupation**
**Informal outdoor recreation**
**Mineral exploration**

**Mining** | Must meet the requirements of Clause 52.08-2.

**Minor utility installation**
**Natural systems**
**Railway**
**Road**

**Search for stone** | Must not be costeanning or bulk sampling.

**Telecommunications facility** | Buildings and works must meet the requirements of Clause 52.19.

**Tramway**

### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
</table>
**Agriculture (other than Animal keeping, Apiculture, Broiler farm, Cattle feedlot, Crop raising and Extensive animal husbandry)**
**Animal boarding**

**Broiler farm** | Must meet the requirements of Clause 52.31.

**Camping and caravan park**

**Car park** | Must be used in conjunction with another use in Section 1 or 2.

**Cattle feedlot** | Must meet the requirements of Clause 52.26. The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.

**Corrective institution**

**Dependent person’s unit** | Must be the only dependent person’s unit on the lot. Must meet the requirements of Clause 2 of this schedule.

**Dwelling (other than Bed and breakfast)** | 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 2 of this schedule.

**Freeway service centre** | Must meet the requirements of Clause 52.30.
<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freezing and cool storage</td>
<td>The goods stored must be agricultural produce, or products used in agriculture.</td>
</tr>
<tr>
<td>Group accommodation</td>
<td>Must be used in conjunction with Agriculture, Outdoor recreation facility, Rural industry, or Winery.</td>
</tr>
<tr>
<td></td>
<td>The number of dwellings must not exceed the number specified in a schedule to the zone or 40 dwellings, whichever is the lesser.</td>
</tr>
<tr>
<td></td>
<td>The lot on which the use is conducted must be at least 40 hectares.</td>
</tr>
<tr>
<td>Host farm</td>
<td></td>
</tr>
<tr>
<td>Indoor recreation facility</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Indoor recreation facility, Informal outdoor recreation, Major sports and recreation facility, and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Major sports and recreation facility</td>
<td>Must be for outdoor leisure, recreation, or sport.</td>
</tr>
<tr>
<td>Manufacturing sales</td>
<td>Must be an incidental part of Rural industry.</td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Materials recycling</td>
<td>Must be used in conjunction with Refuse disposal or Transfer station.</td>
</tr>
<tr>
<td></td>
<td>Must not include the collecting, dismantling, storing, recycling or selling of used or scrap construction and demolition materials.</td>
</tr>
<tr>
<td>Milk depot</td>
<td></td>
</tr>
<tr>
<td>Mineral, stone, or soil extraction (other than Mineral exploration, Mining, and Search for stone)</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Carnival, Circus, Drive-in-theatre, and Nightclub)</td>
<td></td>
</tr>
<tr>
<td>Plant nursery</td>
<td></td>
</tr>
<tr>
<td>Primary produce sales</td>
<td></td>
</tr>
<tr>
<td>Refuse disposal</td>
<td></td>
</tr>
<tr>
<td>Research and development centre</td>
<td>Must be used in conjunction with Agriculture, Natural systems, Rural industry, or Winery.</td>
</tr>
<tr>
<td>Research centre</td>
<td>The lot on which the use is conducted must be at least 40 hectares.</td>
</tr>
<tr>
<td>Residential building (other than Residential hotel)</td>
<td>Must be used in conjunction with Agriculture, Outdoor recreation facility, Rural industry, or Winery.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Accommodation (other than Camping and</td>
<td>Must be used to provide accommodation for persons away from their normal place of residence. The lot on which the use is conducted must be at least 40 hectares.</td>
</tr>
<tr>
<td>caravan park, Corrective institution, Dependent person's unit, Dwelling, Group accommodation, Host farm, and Residential building)</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td>Must be used in conjunction with Agriculture, Outdoor recreation facility, Rural industry, or Winery. The number of bedrooms must not exceed the number specified in a schedule to the zone or 80 bedrooms, whichever is the lesser. The lot on which the use is conducted must be at least 40 hectares.</td>
</tr>
<tr>
<td>Rice growing</td>
<td></td>
</tr>
<tr>
<td>Rural industry</td>
<td></td>
</tr>
<tr>
<td>Rural store</td>
<td></td>
</tr>
<tr>
<td>Solid fuel depot</td>
<td></td>
</tr>
<tr>
<td>Timber production</td>
<td>Must meet the requirements of Clause 52.18.</td>
</tr>
<tr>
<td>Transfer station</td>
<td>Must not include the collecting, storing or processing of used or scrap construction and demolition materials.</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Vehicle store</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 Camping and</td>
</tr>
<tr>
<td>caravan park, Corrective institution, Dependent person's unit, Dwelling, Group accommodation, Host farm, and Residential building)</td>
</tr>
<tr>
<td>Amusement parlour</td>
</tr>
</tbody>
</table>
Use

- Brothel
- Child care centre – if the section 1 conditions are not met.
- Cinema based entertainment facility
- Display home
- Drive-in-theatre
- Education centre – if the section 1 conditions are not met.
- Funeral parlour
- Hospital
- Industry (other than Materials recycling, Refuse disposal, Research and development centre, Rural industry and Transfer station)
- Motor racing track
- Nightclub
- Office
- Retail premises (other than Manufacturing sales, Market, Plant nursery, Primary produce sales, and Restaurant)
- Service station
- Warehouse (other than Freezing and cool storage, Milk depot, Rural store, Solid fuel depot, and Vehicle store)

2.0 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.

3.0 Subdivision

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. An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided so as to increase the number of lots. The agreement must be registered on title. The requirement to enter into an agreement only applies to a lot which could be further subdivided in accordance with this scheme.
The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

4.0 22/12/2009 C94

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 40 hectares.

5.0 22/12/2009 C94

Buildings and works

Permit requirement

Any building or works associated with a Childcare centre or Education centre must be generally in accordance with the Flinders Christian Community College Master Plan, November 2009.

Exemption from notice and review

An application to construct a building or carry out works associated with a Childcare centre or Education centre which is generally in accordance with the Flinders Christian Community College Master Plan, November 2009 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.

6.0 22/12/2009 C94

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

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- 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 relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism.
- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.
- Whether the use or development is essential to the health, safety or well-being of the State or area but is not appropriate to locate in an urban area because of the effect it may have on existing or proposed urban areas or the effect that existing or proposed urban areas may have on the proposed use or development.
- The need to minimise adverse impacts on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or of natural scenic beauty.

Rural issues

- The maintenance of agricultural production and the impact on the rural economy.
- 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 rural infrastructure.

The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agriculture and other land uses.

The protection and retention of land for future sustainable agricultural activities.

**Environmental issues**

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.

How the use or development relates to sustainable land management and the need to prepare an integrated land management plan.

The location of on site effluent disposal areas to minimise impact of nutrient loads on waterways and native vegetation.

**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.

**Notes:** Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.

Check whether an overlay also applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.
SCHEDULE 8 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ8.

RANELAGH ESTATE OPEN SPACES

Purpose
To recognise and protect the Ranelagh Estate’s planned open spaces and pedestrian network.
To maintain the landscape values and amenity of the Ranelagh Estate having regard to the original areas of planned open space.
To maximise public accessibility to land within the zone. This does not apply to the land at 49, 51, 53, 55, 57, 59 and 63 Rosserdale Crescent and 2-4 Canadian Bay Road, Mount Eliza.

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>Place of worship</td>
<td>Must be in an existing building.</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community market</td>
<td></td>
</tr>
<tr>
<td>Education centre</td>
<td>If in a building, must be located at 3 Rosserdale Crescent, Mount Eliza.</td>
</tr>
<tr>
<td>Open sports ground</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, nightclub and place of worship)</td>
<td>If in a building, must be located at 3 Rosserdale Crescent, Mount Eliza.</td>
</tr>
<tr>
<td>Restricted recreation facility</td>
<td></td>
</tr>
<tr>
<td>Utility installation</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

Section 3 – Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Childcare centre</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
</tr>
<tr>
<td>Display home</td>
</tr>
<tr>
<td>Hospital</td>
</tr>
<tr>
<td>Industry</td>
</tr>
</tbody>
</table>
Use

Leisure and recreation (other than Informal outdoor recreation, Open sports ground and Restricted recreation facility)
Office
Reservoir
Retail premises (other than Community market)
Service station
Warehouse

2.0
Use of land
None specified.

3.0
Subdivision
Subdivision of the land is prohibited except if one of the following requirements is met:
- The subdivision realigns the boundary between existing lots and no new lot or additional subdivision potential is created.
- The subdivision excises land for a road, utility installation or other public purpose.

4.0
Buildings and works
A permit is required to construct a fence. This does not apply to a fence that is along a boundary of this zone except if it is a fence along a road frontage.

5.0
Advertising signs
Advertising sign requirements are at Clause 52.05. This zone is in Category 4.

6.0
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 on the Ranelagh Estate’s heritage value.
- Whether any proposal would maintain common opportunities for recreation use.
- The existing and likely pressure of recreational use on reserves and foreshore areas in the locality and the effect on natural system values.
- The preservation of the recreational amenity of the locality.
- The interface with residential areas.
- Whether there would be a loss of any open space, access or functional use of open space.
- The effect any subdivision would have on the potential of the land to accommodate existing and potential future uses in accordance with the purpose of this zone.
- The protection and enhancement of the natural environment and the character of the area including the:
  - Location of any building or works with respect to the natural environment, roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
  - The effect of any proposed development on the landscape of the locality.
- The likely effect of any proposed use or development on the natural physical qualities and habitat value of the land.
- The intensity of development and utilisation proposed.
- The massing, scale, design and colour of any building or works.

- For any internal fence within the zone, whether it would restrict the visual appreciation of the original open space precinct recognised in this zone, regardless of the ownership of the land.
SCHEDULE 9 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ9.

YARINGA BOAT HARBOUR

Purpose
To provide for an integrated mix of recreational boating, tourist accommodation and related activities north of Lumeah Road, with direct boating access to Western Port.
To prioritise boating and boating-related activities in a safe, functional and visually attractive harbour precinct.
To provide for major boat storage facilities and marine-related industry south of Lumeah Road.
To ensure that the use and development of the land is compatible with the environmentally sensitive coastal area.
To ensure that land is not used or developed for any purpose that would compromise the long-term protection and use of land for expansion of port related uses in adjoining land designated for that purpose, including curfew-free port activities.
To ensure that the use of land and the siting and design of any development respect the existing environmental features, amenity and landscape character of the area.
To protect the environmental values of the waters, coastal and intertidal areas of Western Port and adjoining land.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal keeping (other than animal boarding)</td>
<td>Must be 2 animals or less.</td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td>Must be in an existing dwelling and no more than 6 persons may be accommodated away from their normal place of residence; and, 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>Crop raising (other than Timber production)</td>
<td></td>
</tr>
<tr>
<td>Extensive animal husbandry</td>
<td></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>Natural systems</td>
<td></td>
</tr>
<tr>
<td>Place of worship</td>
<td>Must be outdoors or in an existing building.</td>
</tr>
<tr>
<td>Primary produce sales</td>
<td>Must not be within 100 metres of a dwelling in separate ownership; and, the area used for the display and sale of primary produce must not exceed 50 square metres.</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<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>
</table>
| Accommodation (other than Dwelling and Dependent person’s unit)     | Must be in association with the use of the Yaringa Boat Harbour.  
                                                                              Must only be used to accommodate persons away from their normal place of residence.  
                                                                              Must be operated in accordance with an approved Accommodation Management Plan as required by 2.0 of this Schedule.  
                                                                              Must be on land located north of Lumeah Road. |
| Agriculture (other than Animal keeping, Apiculture, Crop raising, Extensive animal husbandry) | Must be in conjunction with an approved accommodation use and have a leasable floor area of 240 square metres or less. |
| Art and craft centre                                                | Must be in association with the use of the Yaringa Boat Harbour.  
                                                                              Must only be used to accommodate persons away from their normal place of residence.  
                                                                              Must be operated in accordance with an approved Accommodation Management Plan as required by 2.0 of this Schedule.  
                                                                              Must be on land located north of Lumeah Road. |
| Boat and caravan storage                                            | Must be in association with the use of the Yaringa Boat Harbour.  
                                                                              Must only be used to accommodate persons away from their normal place of residence.  
                                                                              Must be operated in accordance with an approved Accommodation Management Plan as required by 2.0 of this Schedule.  
                                                                              Must be on land located north of Lumeah Road. |
| Child care centre                                                   | Must be in association with the use of the Yaringa Boat Harbour.  
                                                                              Must only be used to accommodate persons away from their normal place of residence.  
                                                                              Must be operated in accordance with an approved Accommodation Management Plan as required by 2.0 of this Schedule.  
                                                                              Must be on land located north of Lumeah Road. |
| Community market                                                    | Must be in association with the use of the Yaringa Boat Harbour.  
                                                                              Must only be used to accommodate persons away from their normal place of residence.  
                                                                              Must be operated in accordance with an approved Accommodation Management Plan as required by 2.0 of this Schedule.  
                                                                              Must be on land located north of Lumeah Road. |
| Dependent person’s unit                                             | Must be the only dependent person’s unit on the lot. |
| Display home                                                        | Must be for the marketing of accommodation approved on the land. |
| Dwelling (including Bed and breakfast if the Section 1 condition is not met) | All of the following conditions must be met:  
                                                                              • Must be located north of Lumeah Road.  
                                                                              • The total number of dwellings within the Special Use Zone Schedule 9 must be no more than 1, not including any dwelling existing before 1 January 2014.  
                                                                              • Must be for accommodating a site manager for the Yaringa Boat Harbour. |
| Education centre (other than Primary School and Secondary School)   | Must be in association with the use of the Yaringa Boat Harbour.  
                                                                              Must only be used to accommodate persons away from their normal place of residence.  
                                                                              Must be operated in accordance with an approved Accommodation Management Plan as required by 2.0 of this Schedule.  
                                                                              Must be on land located north of Lumeah Road. |
| Food and drink premises                                             | Must be in association with the use of the Yaringa Boat Harbour.  
                                                                              Must only be used to accommodate persons away from their normal place of residence.  
                                                                              Must be operated in accordance with an approved Accommodation Management Plan as required by 2.0 of this Schedule.  
                                                                              Must be on land located north of Lumeah Road. |
<p>| Industry (except Rural industry)                                    | Must be dependent on or gain significant economic advantage from proximity to deep water port facilities, be directly associated with such a use or be a marine service industry. |</p>
<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<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>Motor vehicle, boat, or caravan sales</td>
<td>Must be only for boats and their accessories.</td>
</tr>
<tr>
<td>Office</td>
<td>Must have a leasable floor area of 240 square metres or less and be in association with an approved pleasure boat facility or an approved accommodation use within the zone.</td>
</tr>
<tr>
<td>Plant nursery</td>
<td></td>
</tr>
<tr>
<td>Postal agency</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Carnival, Circus, Nightclub, and Place of worship)</td>
<td>Must be in conjunction with an approved pleasure boat facility or an approved accommodation use within the zone.</td>
</tr>
<tr>
<td>Pleasure boat facility</td>
<td></td>
</tr>
<tr>
<td>Rural store</td>
<td></td>
</tr>
<tr>
<td>Service Station</td>
<td>Must be for the fuelling of boats only.</td>
</tr>
<tr>
<td>Shop</td>
<td>All of the following conditions must be met:</td>
</tr>
<tr>
<td></td>
<td>- Must have a leasable floor area of 240 square metres or less and be limited to sales of boating accessories and convenience food items.</td>
</tr>
<tr>
<td></td>
<td>- Must be in conjunction with an approved accommodation use or a marine service industry.</td>
</tr>
<tr>
<td></td>
<td>- The total leasable floor area for shops within the Special Use Zone Schedule 9 must be 500 square metres or less.</td>
</tr>
<tr>
<td>Timber production</td>
<td>Must meet the requirements of Clause 52.18.</td>
</tr>
<tr>
<td>Transport terminal</td>
<td>Must be dependent on or gain significant economic advantage from proximity to a pleasure boat facility or accommodation for persons living away from their normal place of residence.</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation)</td>
<td></td>
</tr>
<tr>
<td>Vehicle store</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
<tr>
<td>Section 3 – Prohibited</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td></td>
</tr>
<tr>
<td>Accommodation (other than Dwelling and Dependent person's unit) - if the Section 2 conditions are not met</td>
<td></td>
</tr>
<tr>
<td>Amusement parlour</td>
<td></td>
</tr>
</tbody>
</table>
Use of land

Application requirements
An application to use land for Accommodation (other than Dwelling and Dependent person’s unit) must be accompanied by an Accommodation Management Plan prepared to the satisfaction of the responsible authority which provides for the following:

- all separately keyed accommodation units are to be centrally managed and made available to provide short term holiday rental accommodation for persons other than the owners or long term lessees of the accommodation unit or their family member or associates, for at least 183 nights of each calendar year; and,

- boat storage and associated boat launching and retrieval from Western Port, at the rate of at least one boat storage area for each separately keyed unit of accommodation.

Permit Requirements
Any planning permit granted to allow the use of land, which is considered by the Responsible Authority to require the construction of road upgrades in Lumeah Road and Whitneys Road between its intersection with Lumeah Road and its intersection with Tyabb-Tooradin Road /Bungower Road, must include a condition that has the effect of requiring the permit holder to meet all costs associated with such upgrades in accordance with plans 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 effect that the use may have on the future use and development of the land and adjoining areas for tourism and marine recreation related purposes.
- The effect that the use may have on the amenity and future use of adjoining properties.
- The effect that the use may have on the waters and intertidal areas of Western Port and the environmental values of adjoining land and the need for appropriate environmental assessment studies.
- The compatibility of the proposed use with service industries and tourism activities operating on adjacent or nearby land.
- The availability and connection to services including the need to coordinate the provision of utility services in an orderly manner that has regard to servicing requirements of other properties in the area.
- The adequacy of provision for parking and site access and the need for a traffic impact assessment.
- Whether the proposed use is appropriate to the site by virtue of the proximity to the current port or a potential expanded port including transport connections to the port.
- Whether the proposed use might impede the long term development and operation of the port.
- Whether the proposed use has the potential to expose people unnecessarily to any off-site impacts associated with the 24-hour, 7 day a week operation of the port.
- Whether the siting and design of the proposed use includes appropriate measures to ensure that the amenity of the proposed use will not be impacted by off-site impacts associated with the 24-hour, 7 day a week operation of the port including transport (road and rail) connections.
- Whether the proposal is compatible with the present and future operation of the commercial trading port as detailed in a port development strategy approved under the Port Services Act 1995.
- Whether the proposal will result in an increase in the number of people affected by noise or road or rail traffic arising from curfew-free port operations.
- Whether the proposal will result in an increase in the number of people affected by exposure to risk to health or life arising from port operations.

### Subdivision

**Permit requirement**

A permit to subdivide land must be for one of the following purposes:

- To enable the subdivision of land in association with a marina with an inland harbour basin and associated accommodation on land north of Lumeah Road but only if all of the following requirements are met:
  - The inland harbour and tidal lock system for the marina have been completed to the satisfaction of the responsible authority.
  - Any dwellings on the land constructed after 1 January 2014 are contained within a single lot.
  - Facilities servicing the temporary accommodation units including reception, food, drink and the like communal activities required for non-dwelling accommodation on the land are contained within a single lot.
  - Each lot to be created has an entitlement to common land including the whole or part of the inland harbour basin; and,
  - The owners of each lot created have a liability through an Owners Corporation for the repair, maintenance and management of the marina’s harbour basin, channel, lock system and bascule bridge.
To facilitate the subdivision of land on the south side of Lumeah Road for industrial purposes (including warehousing associated with industry).

To create one lot for a dwelling existing on 1 January 2014 where there has been no previous subdivision under this provision and such lot has no entitlement to common land including any part of an inland harbour basin.

**Application requirements**

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 Owners’ Corporation, including any streets, car parks, open space, inland harbour area or other communal facility.
- Lots participating in the Owners’ Corporation.
- The proposed management arrangements including repair and maintenance standards for common property and facilities.
- Owners’ Corporation rules for the management of the common land and facilities.

**Decision Guidelines**

Before deciding on an application to subdivide land, the responsible authority must consider, as appropriate:

- The availability of services.
- The location, provision and maintenance of public and private open space areas and other public facilities.
- The stages, if any, by which the development is proposed to proceed.
- Whether the subdivision promotes the purpose of the zone.
- Whether the form and structure of subdivision facilitates the orderly and economic development of the land.
- Whether the subdivision is consistent with any relevant Accommodation Management Plan.

**Buildings and works**

A permit is required to construct a building or construct or carry out works.

**Application requirements**

An application to develop land must be accompanied by the following plans, as appropriate, all prepared to the satisfaction of the responsible authority:

- A Site context analysis and design response plan
- Site layout plan

In the case of an application for a pleasure boat facility which includes an inland harbour, the application must be accompanied by the following reports, prepared by suitably qualified professionals to the satisfaction of the responsible authority:

- Hydrology assessment.
- Coastal hazard vulnerability assessment.
- Flora and fauna assessment.
- Drainage and stormwater management strategy.
- Emergency access plan.
- Environmental management plan.
- Dredging management plan.

**Decision Guidelines**

Before deciding on an application to construct a building or carry out works, the responsible authority must consider, as appropriate:

- The need for an environmental management plan.
- Whether an environmentally sustainable development approach including the use of any relevant assessment tool and related targets has been proposed and, if so, the mechanisms for its implementation.
- The staging of any development and the need to ensure that the objectives of the zone are achieved with orderly development and minimal off-site effects and inter-use conflict.
- Any natural and cultural values on or near the land.
- The effect of any proposed removal of native vegetation on the biodiversity values of the land and its role in providing habitat and habitat corridors for flora and fauna.
- The effect of the proposed development on the future development of the land and adjoining area for tourism and marine recreation related uses.
- The location, extent and access to loading, storage and service areas for utility installations, fire suppression and waste management services.
- The adequacy of existing roads and infrastructure to support the proposed development and measures to fund any necessary upgrades.
- The built form and visual impact of the proposed development, including signage.
- Whether the development has the potential to impede on the curfew free activities, including a potential expansion at nearby port environs.
- Whether the siting and design of the proposed development includes appropriate measures to ensure that the amenity of the proposed development will not be impacted by off-site impacts associated with the 24-hour, 7 day a week operation of the port including transport (road and rail) connections.

The effect of the potential impacts of climate change on the land and in particular, the combined impacts of sea level rise, storm surge, local coastal processes, topography and geology.

**Advertising signs**

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.
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>
</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 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 1 TO THE COMPREHENSIVE DEVELOPMENT ZONE

Shown on the planning scheme map as CDZ1.

MOONAH LINKS COMPREHENSIVE DEVELOPMENT PLAN

Land

South east corner of Browns Road and Devonport Drive, Rye, being Lot 2, PS 337058N, Lot 1, PS 68481 and Crown Allotment 32, Section A, Parish of Wannaeue.

Purpose

To establish an integrated recreational, tourism and resort use and development focused on high quality golf courses generally in accordance with the Moonah Links Comprehensive Development Plan.

To provide for golf facilities and associated tourism, accommodation and resort development.

To provide for golf administration, major golf events, golf education and associated recreation facilities.

To ensure development is compatible with the landscape character of the area.

To ensure use and development has regard to natural values of the land or natural processes.

To ensure use and development has regard to the amenity of adjacent properties and the surrounding area.

1.0 Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apiculture</td>
<td>Must be generally in accordance with the Moonah Links Comprehensive Development Plan (May 1999).</td>
</tr>
<tr>
<td>Car park</td>
<td>Must meet the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.</td>
</tr>
<tr>
<td>Carnival</td>
<td>Must meet the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.</td>
</tr>
<tr>
<td>Circus</td>
<td>Must be associated with leisure and recreation or accommodation facilities of the Moonah Links Development.</td>
</tr>
<tr>
<td>Convenience shop</td>
<td>Must be associated with the Golf Academy of the Moonah Links development.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td>Must be generally in accordance with the Moonah Links Comprehensive Development Plan (May 1999). Total number of dwellings must not exceed 250.</td>
</tr>
<tr>
<td>Education centre</td>
<td>Must be associated with the Golf Academy of the Moonah Links development.</td>
</tr>
</tbody>
</table>
### Use and Condition

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food and drink premises</td>
<td>Must be associated with leisure and recreation or accommodation facilities of the Moonah Links Development.</td>
</tr>
<tr>
<td>Group accommodation</td>
<td>Must be associated with the Golf Academy of the Moonah Links development. Must be generally in accordance with the Moonah Links Comprehensive Development Plan (May 1999).</td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Motor racing track, Paintball games facility, and Race course)</td>
<td>Must be generally in accordance with the Moonah Links Comprehensive Development Plan (May 1999).</td>
</tr>
<tr>
<td>Mineral exploration</td>
<td></td>
</tr>
<tr>
<td>Mining</td>
<td>Must meet the requirements of Clause 52.08-2.</td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Natural systems</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>Must be associated with leisure and recreation or accommodation facilities of the Moonah Links Development.</td>
</tr>
<tr>
<td>Place of assembly (other than Carnival, Cinema, Circus and Drive-in theatre)</td>
<td>Must be associated with leisure and recreation or accommodation facilities of the Moonah Links Development.</td>
</tr>
<tr>
<td>Primary produce sales</td>
<td></td>
</tr>
<tr>
<td>Residential hotel</td>
<td>Must be generally in accordance with the Moonah Links Comprehensive Development Plan (May 1999). Must not include more than 280 accommodation units.</td>
</tr>
<tr>
<td>Search for stone</td>
<td>Must not be costeanning or bulk sampling.</td>
</tr>
<tr>
<td>Telecommunications facility</td>
<td>Buildings and works must meet the requirements of Clause 52.19.</td>
</tr>
<tr>
<td>Winery</td>
<td>Must be an existing winery or generally in accordance with the Moonah Links Comprehensive Development Plan (May 1999).</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, Dwelling, Group accommodation, and Residential hotel)</td>
<td></td>
</tr>
<tr>
<td>Animal keeping (other than Animal boarding)</td>
<td></td>
</tr>
<tr>
<td>Animal training</td>
<td></td>
</tr>
<tr>
<td>Aquaculture</td>
<td></td>
</tr>
</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast</td>
<td></td>
</tr>
<tr>
<td>Cinema</td>
<td></td>
</tr>
<tr>
<td>Drive-in theatre</td>
<td></td>
</tr>
<tr>
<td>Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining, and Search for stone)</td>
<td></td>
</tr>
<tr>
<td>Rural industry (other than Abattoir)</td>
<td></td>
</tr>
<tr>
<td>Service industry (other than Panel beating)</td>
<td></td>
</tr>
<tr>
<td>Store</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</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>Animal boarding</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Corrective institution</td>
</tr>
<tr>
<td>Extractive industry</td>
</tr>
<tr>
<td>Industry (other than Rural industry and Service industry)</td>
</tr>
<tr>
<td>Intensive animal husbandry</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
<tr>
<td>Paintball games facility</td>
</tr>
<tr>
<td>Panel beating</td>
</tr>
<tr>
<td>Race course</td>
</tr>
<tr>
<td>Retail premises (other than Convenience shop, Food and drink premises, and Primary produce sales)</td>
</tr>
<tr>
<td>Saleyard</td>
</tr>
<tr>
<td>Warehouse (other than Store)</td>
</tr>
</tbody>
</table>

### Use of land

**Application requirements**

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 dispatch of goods and materials, hours of operation and light spill, solar access and glare.
- Maintenance of areas not required for immediate use.

**Exemption from notice and appeal**

An application to use 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 if it is generally in accordance with the Moonah Links Comprehensive Development Plan (May 1999).

**Decision guidelines**

Before deciding on an application to use land, the responsible authority must consider, as appropriate:

- The contents and intent of the Moonah Links Comprehensive Development Plan (May 1999).
- Any comments of the Department of Natural Resources and Environment.
- The protection and enhancement of the natural environment and the 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.

3.0

19/01/2006

VC37

**Subdivision**

**Staging**

Subdivision of the resort lots may occur in stages.

Until the West Course (championship 18-hole golf course) has been substantially constructed, a Statement of Compliance must not be issued which will result in the total of resort lots subdivided exceeding 90.

**Application requirements**

- An application to subdivide land 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.
  - Areas of subdivision, including any areas of common property.
- An Environmental Management Plan for the proposed subdivision or stage addressing potential impacts on the site and on adjoining areas in terms of:
  - Vegetation and habitat.
  - Groundwater and drainage.
  - Soil disturbance, erosion and sedimentation.
  - Public safety.
  - Any sites of archaeological significance.
- Details of compliance with the design guidelines prepared in accordance with the Moonah Links Comprehensive Development Plan (May 1999) affecting the land.
Exemption from notice and appeal

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 if it is generally in accordance with the Moonah Links Comprehensive Development Plan (May 1999).

Decision guidelines

Before deciding on an application to subdivide land, the responsible authority must consider, as appropriate:

- The contents and intent of the Moonah Links Comprehensive Development Plan (May 1999).
- The design guidelines prepared in accordance with the Moonah Links Comprehensive Development Plan (May 1999) affecting the land.
- Any comments of the Department of Natural Resources and Environment.
- The Environmental Management Plan submitted in accordance with the Application Requirements of this Clause.
- The protection and enhancement of the natural environment and the 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.

Buildings and works

Reticulated sewerage

Any development for a use, which will produce wastewater or effluent, must be provided with reticulated sewerage to the satisfaction of the responsible authority.

Construction and extension of single dwellings on lots of at least 300 square metres

A permit is not required to construct or extend one dwelling on a lot of at least 300 square metres, provided the development does not exceed 8 metres in overall height from natural ground level.

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 uses.
  - Proposed landscape areas.
  - All external storage and waste treatment areas.
  - Areas not required for immediate use.
- Scaled elevation drawings to identify the colour and materials of all buildings and works.
An Environmental Management Plan that addresses the impacts of the buildings and works on the site and on adjoining areas in terms of:
- Vegetation and habitat.
- Groundwater and drainage.
- Soil disturbance, erosion and sedimentation.
- Public safety.
- Any sites of archaeological significance.

Details of all 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, maintaining and monitoring the landscape area.

Details of compliance with the design guidelines prepared in accordance with the Moonah Links Comprehensive Development Plan (May 1999) affecting the land.

**Decision guidelines**

Before deciding on an application to construct a building or construct or carry out works, the responsible authority must consider, as appropriate:

- The contents and intent of the Moonah Links Comprehensive Development Plan (May 1999).
- The design guidelines prepared in accordance with the Moonah Links Comprehensive Development Plan (May 1999) affecting the land.
- Any comments of the Department of Natural Resources and Environment.
- The Environmental Management Plan submitted in accordance with the Application Requirements of this Clause.
- The protection and enhancement of the natural environment and the 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 (to buildings requiring wastewater disposal), water, drainage, electricity, gas and telecommunications.

**Advertising signs**

Category 1 of Clause 52.05 applies to the Hotel/Accommodation (Option 1) precinct and the Club house (& Hotel/Accommodation Option 2) precinct in the Moonah Links Comprehensive Development Plan (May 1999).

Category 3 of Clause 52.05 applies to all other areas in the Moonah Links Comprehensive Development Plan (May 1999).
PORT ZONE

Shown on the planning scheme map as PZ.

Purpose


To recognise the significant transport, logistics and prime maritime gateway roles of Victoria’s commercial trading ports in supporting Victoria’s economy.

To provide for shipping, road and railway access and the development of each of Victoria’s commercial trading ports as key areas of the State for the interchange, storage and distribution of goods.

To provide for uses which derive direct benefit from co-establishing with a commercial trading port.

To provide for the ongoing use and development of Victoria’s commercial trading ports that support the relevant port development strategy prepared pursuant to the Port Management Act 1995.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industry (other than Materials recycling, Refuse disposal, Transfer station, Rural industry)</td>
<td>Must be located on land and associated with port operations.</td>
</tr>
<tr>
<td>Must not be located on Station Pier, Port Melbourne.</td>
<td></td>
</tr>
<tr>
<td>Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.</td>
<td></td>
</tr>
<tr>
<td>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:</td>
<td></td>
</tr>
<tr>
<td>• The threshold distance, for a purpose listed in the table to Clause 53.10.</td>
<td></td>
</tr>
<tr>
<td>• 30 metres, for a purpose not listed in the table to Clause 53.10.</td>
<td></td>
</tr>
<tr>
<td>Must not:</td>
<td></td>
</tr>
<tr>
<td>• Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.</td>
<td></td>
</tr>
<tr>
<td>• Require a notification under the Occupational Health and Safety Regulations 2017.</td>
<td></td>
</tr>
<tr>
<td>• Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</td>
<td></td>
</tr>
<tr>
<td>• Require a licence under the Dangerous Goods (HCDG) Regulations 2016.</td>
<td></td>
</tr>
</tbody>
</table>

Informal outdoor recreation

Railway

Road
<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Shipping container storage</strong></td>
<td>Must be located on land and associated with port operations.</td>
</tr>
<tr>
<td></td>
<td>Must not be for a purpose shown listed in the table to Clause 53.10 with no threshold distance specified.</td>
</tr>
<tr>
<td></td>
<td>The land must at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution:</td>
</tr>
<tr>
<td></td>
<td>- The threshold distance, for purpose listed in 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:</td>
</tr>
<tr>
<td></td>
<td>- Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.</td>
</tr>
<tr>
<td></td>
<td>- Require a notification under the Occupational Health and Safety Regulations 2017.</td>
</tr>
<tr>
<td></td>
<td>- Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</td>
</tr>
<tr>
<td></td>
<td>- Require a licence under Dangerous Goods (HCDG) Regulations 2016.</td>
</tr>
<tr>
<td><strong>Tramway</strong></td>
<td>Must be located on land and associated with port operations.</td>
</tr>
<tr>
<td><strong>Transport terminal (other than Heliport and Wharf)</strong></td>
<td>The land must be at least 30 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital or an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:</td>
</tr>
<tr>
<td></td>
<td>- The threshold distance, for purpose listed in 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>Warehouse (other than a Commercial display area)</strong></td>
<td>Must be located on land and associated with port operations.</td>
</tr>
<tr>
<td></td>
<td>Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.</td>
</tr>
<tr>
<td></td>
<td>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:</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:</td>
</tr>
<tr>
<td></td>
<td>- Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.</td>
</tr>
<tr>
<td></td>
<td>- Require a notification under the Occupational Health and Safety Regulations 2017.</td>
</tr>
<tr>
<td></td>
<td>- Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</td>
</tr>
</tbody>
</table>
### Use of land

#### Application requirements

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

- An assessment against the relevant port development strategy, particularly the port precincts, prepared pursuant to the *Port Management Act 1995*.

---

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wharf</td>
<td>Require a licence under the Dangerous Goods (HCDG) Regulations 2016.</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>Employment training centre</td>
<td>Must be located on land and associated with port operations.</td>
</tr>
<tr>
<td>Heliport</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation)</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>Must be located on land and associated with port operations.</td>
</tr>
<tr>
<td>Recreational boat facility</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation)</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

#### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation</td>
</tr>
<tr>
<td>Child care centre</td>
</tr>
<tr>
<td>Hospital</td>
</tr>
<tr>
<td>Major sports and recreation facility</td>
</tr>
<tr>
<td>Market</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
<tr>
<td>Outdoor recreation facility</td>
</tr>
<tr>
<td>Primary school</td>
</tr>
<tr>
<td>Secondary school</td>
</tr>
<tr>
<td>Shop (other than Convenience shop)</td>
</tr>
</tbody>
</table>
• The nature and purpose of the use and the types of processes to be utilised, including 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:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water.
  - Traffic volumes.
  - Light spill or glare.

• A Site Environmental Management Plan for the management of environmental issues associated with the operation of the use.

**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 where any of the land required for the use is within 30 metres of land (not a road) which is in a residential zone, Capital City Zone or a 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.

**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 use is consistent with the relevant port development strategy, particularly the port precincts, prepared pursuant to the Port Management Act 1995.

• The effect that the use may have on land 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 education centre, having regard to any comments or directions of the referral authorities.

• The effect on environmental values of adjoining land and port waters.

• The effect that the use may have on nearby existing or proposed uses for or associated with the port.

• The effect that nearby existing or proposed uses for or associated with the port may have on the proposed use.

• The interface with non-port areas.

• The drainage of the land.

• The availability of and connection to services.

• Traffic implications on the surrounding road network.
Subdivision

Permit requirement
A permit is required to subdivide land.

Exemption from notice and review
An application is exempt from the notice requirements of section 52(1) (a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

This exemption does not apply where any of the land required for subdivision is within 30 metres of land (not a road) which is in a residential zone, Capital City Zone or a 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.

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 subdivision is consistent with the relevant port development strategy, particularly the port precincts, prepared pursuant to the Port Management Act 1995.
- The ability of the land as subdivided to accommodate future port-related uses.
- The ability of the land to be combined with other lots for use as a port-related use.
- The extent of any existing or proposed reclamation works.
- The availability and standard of road access, drainage, sewerage and other infrastructure available to the site.
- Whether the frontage is adequate to provide for industrial traffic requirements.
- Any easements or rights of way which may be required to convey public or private goods or services to, or across the land.

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:

- Provide for a Wharf or Shipping container storage and other storage and handling facilities (other than tanks for bulk liquid storage), navigational beacons and aids, terminals and associated facilities.
- Rearrange, alter, renew or maintain a plant if the area or height of the plant is not increased.
- Comply with a direction or a licence under the Dangerous Goods Act 1985 or a Waste Discharge Licence, Works Approval or any notice under the Environment Protection Act 1970.
- Provide for a railway, road or tramway.
- Provide for informal outdoor recreation.
- Alter electrical or gas services or telephone lines.
- Alter plumbing services which do not affect the drainage of other land.

Provide for 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.
- The rainwater tank is no higher than the existing building on the site.
- The rainwater tank is not located in an area that is provided for car parking, loading, unloading or accessway.

Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - Relevant existing and finished ground levels, including the areas of any cut and fill.
  - The layout of existing and proposed buildings and works.
  - The location of the proposed use of all existing and proposed buildings.
  - The provision of on-site vehicle parking.
  - Loading and unloading areas.
  - Internal vehicle movements.
  - Site entrance and exit points.
  - External storage and waste treatment areas.
  - Features above or below water.

- Elevation drawings to scale which show the colour and material of the proposed buildings and works.

- Construction details of all drainage works, driveways and vehicle parking and loading areas.

- Where development involves reclamation, information concerning the type and amount of material to be used to carry the reclamation works and the uses to which the reclaimed land can be put.

- Details relating to the staging of development and an appropriate time scale in which each stage of development should be completed.

- A Site Environmental Management Plan for the management of environmental issues associated with the construction of the development or carrying out of work.

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 buildings and works that are within 30 metres of land (not a road) which is in a residential zone, Capital City Zone or a 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.

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 development is consistent the relevant port development strategy, particularly the port precincts, prepared pursuant to the Port Management Act 1995.

- The effect on environmental values of adjoining land and port waters.

- Built form.
- Interface with non-port areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.
- Traffic implications on the surrounding road network.

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 2.
OVERLAYS

This section sets out the overlays which apply in this scheme.
ENVIRONMENTAL AND LANDSCAPE OVERLAYS
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>
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>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>
<td></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>
<td></td>
</tr>
</tbody>
</table>

| Extractive industry | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority granted under that Act. |

<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>fire fighting;</td>
<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>
<td></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>
<td></td>
</tr>
<tr>
<td>is ground fuel within 30 metres of a building and is vegetation other than native vegetation;</td>
<td></td>
</tr>
<tr>
<td>in accordance with a fire prevention notice issued under either:</td>
<td></td>
</tr>
</tbody>
</table>
### The requirement to obtain a permit does not apply to:

- Section 65 of the *Forests Act 1958*; or
- Section 41 of the *Country Fire Authority Act 1958*.

- keeping vegetation clear of, or minimising the risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the *Electricity Safety Act 1998*;
- minimising the risk to life and property from bushfire on a roadside of a public road managed by the relevant responsible road authority, and carried out by, or on behalf of that authority in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the *Road Management Act 2004*.

*Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.*

### Geothermal energy exploration and extraction

| Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the *Geothermal Energy Resources Act 2005*. |

### Greenhouse gas sequestration and exploration

| Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the *Greenhouse Gas Geological Sequestration Act 2008*. |

### Land management or directions notice

| Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the *Catchment and Land Protection Act 1994*. |

### Land use conditions

| Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the *Catchment and Land Protection Act 1994*. |

### Mineral exploration and mining

| 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: |
The requirement to obtain a permit does not apply to:

- bracken (Pteridium esculentum); or
- within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation.

This exemption does not apply to land on which vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster.

**Road safety**
Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing public road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).

**Stone exploration**
Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.

The maximum extent of vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:

- 1 hectare of vegetation which does not include a tree.
- 15 trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.
- 5 trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

This exemption does not apply to costeasing and bulk sampling activities.

**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).

42.01-4

Application requirements
An application must be accompanied by any information specified in a schedule to this overlay.

42.01-5

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 THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO1.

MOOROODUC PLAIN AND BALCOMBE VALLEY

1.0

19/01/2006
VC37

Statement of environmental significance

This area forms the major catchment of Balcombe Creek. It is also an area of strategic landscape importance, defining part of the rural edge to the townships of Mt Eliza, Mornington and Baxter and including the contrasting landforms of the Balcombe Valley and Mt Eliza escarpment.

2.0

19/01/2006
VC37

Environmental objective to be achieved

- To protect and conserve the environmental systems, biodiversity, native vegetation, habitat areas, land and soil stability, drainage patterns, and stream quality of this area.
- To promote the sustainable development of rural land and integrated land and catchment management, including the retention and enhancement of habitat corridors and wetlands.
- To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.
- To promote siting and design of buildings and works which is responsive to the open rural landscape character and vistas of the Moorooduc Plain and the contrasting visual character of the Balcombe Valley and Mt Eliza escarpment, and that maintains the scenic value of roads and recreation routes.
- To protect the landscape values of the area, especially west of Moorooduc Road or north of Baxter Tooradin Road, Moorooduc.

3.0

11/05/2017
C205

Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17. A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.
- The total site coverage of all buildings does not exceed 10%.
- All external cladding of buildings and structures, including roofing, which is visible from any other property or roadway, is painted or finished in low reflective (40% or less), neutral tones which blend with the surrounding landscape, to the satisfaction of the responsible authority, or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25%, the colours of the external cladding and roof matches that of the existing building.
- No septic system is located within 60 metres of a streamline, wetland, area of fluviatile deposits, cliff and beach area or active dune area as defined under schedules to this overlay or within 60 metres of land within an Erosion Management Overlay.
- Development is not located within 100 metres of land included in a Public Conservation and Resource Zone.
- No dam is located within 100 metres of a Road Zone Category 1, 40 metres from a Road Zone Category 2, 20 metres from any other road or 5 metres from any other boundary.
- All earthworks, including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity.
- Any stock loading facility is located more than 10 metres from a road frontage.
SCHEDULE 2 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO2.

NORTHERN MOSAIC

1.0

19/01/2006

VC37

Statement of environmental significance

This area forms part of the catchment of Watsons Creek and other waterways discharging to Watsons Inlet and the northern segment of Westernport Bay. It is an area of strategic landscape importance, defining part of the rural edge to the township of Baxter and the interface between the fringe of metropolitan Melbourne and the Mornington Peninsula.

2.0

19/01/2006

VC37

Environmental objective to be achieved

- To protect and conserve the environmental systems, bio diversity, native vegetation, habitat areas, land and soil stability, drainage patterns, and stream quality of this area.
- To promote the sustainable development of rural land and integrated land and catchment management, including the retention and enhancement of habitat corridors and wetlands.
- To promote siting and design of buildings and works that is responsive to the varied rural landscape character and vistas of this area, and that maintains the scenic value of roads and recreation routes.
- To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.
- To protect the landscape values of the area, specifically the area between Golf Links Road and Baxter Tooradin Road, west of Moorooduc Road or north of Baxter Tooradin Road.

3.0

11/05/2017

C205

Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.
- The total site coverage of all buildings does not exceed 10%.
- All external cladding of buildings, and structures including roofing, which is visible from any other property or roadway, is painted or finished in low reflective (40% or less), neutral tones which blend with the surrounding landscape, to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25%, the colours of the external cladding and roof matches that of the existing building.
- No septic system is located within 60 metres of a streamline, wetland, area of fluviatile deposits, cliff and beach area or active dune area as defined under schedules to this overlay or within 60 metres of land within an Erosion Management Overlay.
- Development is not located within 100 metres of land included in a Public Conservation and Resource Zone.
- No dam is located within 100 metres of a Road Zone Category 1, 40 metres from a Road Zone Category 2, 20 metres from any other road or 5 metres from any other boundary.
- All earthworks, including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity.
- Any stock loading facility is located more than 10 metres from a road frontage.
SCHEDULE 3 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO3.

CENTRAL PENINSULA

1.0

19/01/2006
VC37

Statement of environmental significance

This area forms part of the catchment of Balcombe Creek and the waterways that discharge to Dromana Bay. It also contains the Devil Bend reservoir and the historic Briars property. It is an area of strategic landscape importance, with an open undulating terrain, and includes the prominent eastern slopes of Mt Martha and the gateway area to the Kangerong basin.

2.0

19/01/2006
VC37

Environmental objective to be achieved

- To protect and conserve the environmental systems, biodiversity, native vegetation, habitat areas, land and soil stability, drainage patterns, and stream quality of this area.
- To promote the sustainable development of rural land and integrated land and catchment management, including the retention and enhancement of habitat corridors and wetlands.
- To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.
- To promote siting and design of buildings and works that is responsive to the open rural landscape character and vistas of the area and that maintains the scenic value of roads and recreation routes.

3.0

11/05/2017
C205

Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.
- The total site coverage of all buildings does not exceed 10%.
- All external cladding of buildings, and structures including roofing, which is visible from any other property or roadway, is painted or finished in low reflective (40% or less), neutral tones which blend with the surrounding landscape, to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25%, the colours of the external cladding and roof matches that of the existing building.
- No septic system is located within 60 metres of a streamline, wetland, area of fluviatile deposits, cliff and beach area or active dune area as defined under schedules to this overlay or within 60 metres of land within an Erosion Management Overlay.
- Development is not located within 100 metres of land included in a Public Conservation and Resource Zone.
- No dam is located within 100 metres of a Road Zone Category 1, 40 metres from a Road Zone Category 2, 20 metres from any other road or 5 metres from any other boundary.
- All earthworks, including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity.
- Any stock loading facility is located more than 10 metres from a road frontage.
SCHEDULE 4 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO4.

EASTERN PENINSULA

1.0

Statement of environmental significance

This area forms part of the catchment of the Warrengine Creek, and other streams and waterways discharging to Westernport Bay. It is also an area of strategic landscape importance, with an open undulating terrain that defines part of the rural edge to the townships of Somerville, Tyabb, Hastings, Bittern, Crib Point and Balnarring.

2.0

Environmental objective to be achieved

- To protect and conserve the environmental systems, bio diversity, native vegetation, habitat areas, land and soil stability, drainage patterns, and stream quality of this area.
- To promote the sustainable development of rural land and integrated land and catchment management, including the retention and enhancement of habitat corridors and wetlands.
- To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.
- To promote siting and design of buildings and works that is responsive to the undulating rural landscape character and vistas of this area, and that maintains the scenic value of roads and recreation routes.

3.0

Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.
- The total site coverage of all buildings does not exceed 10%.
- All external cladding of buildings, and structures including roofing, which is visible from any other property or roadway, is painted or finished in low reflective (40% or less), neutral tones which blend with the surrounding landscape, to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25%, the colours of the external cladding and roof matches that of the existing building.
- No septic system is located within 60 metres of a streamline, wetland, area of fluviatile deposits, cliff and beach area or active dune area as defined under schedules to this overlay or within 60 metres of land within an Erosion Management Overlay.
- Development is not located within 100 metres of land included in a Public Conservation and Resource Zone.
- No dam is located within 100 metres of a Road Zone Category 1, 40 metres from a Road Zone Category 2, 20 metres from any other road or 5 metres from any other boundary.
- All earthworks, including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity.
- Any stock loading facility is located more than 10 metres from a road frontage.
SCHEDULE 5 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO5.

WESTERNPORT HINTERLAND

1.0

Statement of environmental significance

This area forms part of the catchment of streams and waterways that discharge into Westernport Bay and includes coastal areas of State significance. It is also an area of strategic landscape importance, with a varied rural and coastal landscape that defines part of the rural edge to the townships of Tyabb, Hastings and Bittern.

2.0

Environmental objective to be achieved

- To protect and conserve the environmental systems, bio diversity, native vegetation, habitat areas, land and soil stability, drainage patterns, and stream quality of this area.

- To promote the sustainable development of rural land and integrated land and catchment management, including the retention and enhancement of habitat corridors and wetlands.

- To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.

- To promote siting and design of buildings and works that is responsive to the varied rural and coastal landscape character and vistas of this area, and that maintains the scenic value of roads and recreation routes.

3.0

Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone and Farming Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.

- The total site coverage of all buildings does not exceed 10%.

- All external cladding of buildings, and structures including roofing, which is visible from any other property or roadway, is painted or finished in low reflective (40% or less), neutral tones which blend with the surrounding landscape, to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25%, the colours of the external cladding and roof matches that of the existing building.

- No septic system is located within 60 metres of a streamline, wetland, area of fluvialite deposits, cliff and beach area or active dune area as defined under schedules to this overlay or within 60 metres of land within an Erosion Management Overlay.

- Development is not located within 100 metres of land included in a Public Conservation and Resource Zone.

- No dam is located within 100 metres of a Road Zone Category 1, 40 metres from a Road Zone Category 2, 20 metres from any other road or 5 metres from any other boundary.

- All earthworks, including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity.

- Any stock loading facility is located more than 10 metres from a road frontage.
SCHEDULE 6 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO6.

KANGERON BASIN

1.0

Statement of environmental significance

This area forms the main catchment of streams and waterways that discharge to Dromana Bay, and features a high water table and erosion prone soils. It is also an area of strategic landscape importance, comprising an open alluvial plain, in contrast to the surrounding basin formed by the hills of Mt Martha, Main Ridge and Arthurs Seat. This area defines the rural edge to the coastal townships of Safety Beach and Dromana.

2.0

Environmental objective to be achieved

- To protect and conserve the environmental systems, bio diversity, native vegetation, habitat areas, land and soil stability, drainage patterns, and stream quality of this area.
- To promote the sustainable development of rural land and integrated land and catchment management, including the retention and enhancement of habitat corridors and wetlands.
- To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.
- To promote siting and design of buildings and works that is responsive to the open rural landscape character and vistas of this area, and that maintains the scenic value of roads and recreation routes.
- To protect the landscape values of the area.

3.0

Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17. A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.
- The total site coverage of all buildings does not exceed 10%.
- All external cladding of buildings, and structures including roofing, which is visible from any other property or roadway, is painted or finished in low reflective (40% or less), neutral tones which blend with the surrounding landscape, to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25%, the colours of the external cladding and roof matches that of the existing building.
- No septic system is located within 60 metres of a streamline, wetland, area of fluviatile deposits, cliff and beach area or active dune area as defined under schedules to this overlay or within 60 metres of land within an Erosion Management Overlay.
- Development is not located within 100 metres of land included in a Public Conservation and Resource Zone.
- No dam is located within 100 metres of a Road Zone Category 1, 40 metres from a Road Zone Category 2, 20 metres from any other road or 5 metres from any other boundary.
- All earthworks, including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity.
- Any stock loading facility is located more than 10 metres from a road frontage.
SCHEDULE 7 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO7.

SOUTH EASTERN PENINSULA

1.0  
19/01/2006  
VC37

Statement of environmental significance

This area forms part of the catchment of Merricks Creek and waterways that discharge to Hanns Inlet. It is also an area of strategic landscape importance, forming part of the coastal hinterland of Westernport Bay and the rural edge to the coastal villages of Somers, Balnarring, Balnarring Beach and Merricks Beach.

2.0  
19/01/2006  
VC37

Environmental objective to be achieved

- To protect and conserve the environmental systems, bio diversity, native vegetation, habitat areas, land and soil stability, drainage patterns, and stream quality of this area.
- To promote the sustainable development of rural land and integrated land and catchment management, including the retention and enhancement of habitat corridors and wetlands.
- To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.
- To promote siting and design of buildings and works that is responsive to the open rural and coastal landscape character and vistas of this area, and that maintains the scenic value of roads and recreation routes.
- To protect the landscape values of the area.

3.0  
11/05/2017  
C205

Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17. A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.
- The total site coverage of all buildings does not exceed 10%.
- All external cladding of buildings, and structures including roofing, which is visible from any other property or roadway, is painted or finished in low reflective (40% or less), neutral tones which blend with the surrounding landscape, to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25%, the colours of the external cladding and roof matches that of the existing building.
- No septic system is located within 60 metres of a streamline, wetland, area of fluviatile deposits, cliff and beach area or active dune area as defined under schedules to this overlay or within 60 metres of land within an Erosion Management Overlay.
- Development is not located within 100 metres of land included in a Public Conservation and Resource Zone.
- No dam is located within 100 metres of a Road Zone Category 1, 40 metres from a Road Zone Category 2, 20 metres from any other road or 5 metres from any other boundary.
- All earthworks, including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity.
- Any stock loading facility is located more than 10 metres from a road frontage.
SCHEDULE 8 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO8.

ARTHURS SEAT ESCARPMENT

1.0

Statement of environmental significance

This area forms part of the catchment of Waterfall Creek and Rosebud South Creek and is subject to erosion, fire hazard and spring formation. It is also an area of strategic landscape importance, forming part of the prominent Arthurs Seat escarpment.

2.0

Environmental objective to be achieved

- To protect and conserve the environmental systems, bio diversity, native vegetation, habitat areas, land and soil stability, drainage patterns, and stream quality of this area.
- To promote the sustainable development of rural land and integrated land and catchment management, including the retention and enhancement of habitat corridors and wetlands.
- To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.
- To promote siting and design of buildings and works that is responsive the escarpment landscape character, undulating slopes and vistas of this area, that maintains the scenic value of roads and recreation routes and that reduces potential fire risk.
- To protect the landscape values of the area.

3.0

Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.
- The total site coverage of all buildings does not exceed 10%.
- All external cladding of buildings, and structures including roofing, which is visible from any other property or roadway, is painted or finished in low reflective (40% or less), neutral tones which blend with the surrounding landscape, to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25%, the colours of the external cladding and roof matches that of the existing building.
- No septic system is located within 60 metres of a streamline, wetland, area of fluviatile deposits, cliff and beach area or active dune area as defined under schedules to this overlay or within 60 metres of land within an Erosion Management Overlay.
- Development is not located within 100 metres of land included in a Public Conservation and Resource Zone.
- No dam is located within 100 metres of a Road Zone Category 1, 40 metres from a Road Zone Category 2, 20 metres from any other road or 5 metres from any other boundary.
- All earthworks, including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity.
- Any stock loading facility is located more than 10 metres from a road frontage.
SCHEDULE 9 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO9.

ARTHURS SEAT SOUTHERN SLOPES

1.0

Statement of environmental significance

This area forms part of the catchment of Splitters Creek and Drum Drum Alloc Creek, and adjoins the Arthurs Seat State Park. It is also an area of strategic landscape importance, forming the southern slopes of the Arthurs Seat escarpment.

2.0

Environmental objective to be achieved

- To protect and conserve the environmental systems, bio diversity, native vegetation, habitat areas, land and soil stability, drainage patterns, and stream quality of this area.

- To promote the sustainable development of rural land and integrated land and catchment management, including the retention and enhancement of habitat corridors and wetlands.

- To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.

- To promote siting and design of buildings and works that is responsive to the land form of the southern slopes of Arthurs Seat and the undulating rural landscape character and vistas of the area, that maintains the scenic value of roads and recreation routes, and that reduces potential fire risk.

- To protect the landscape values of the area.

3.0

Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.

- The total site coverage of all buildings does not exceed 10%.

- All external cladding of buildings, and structures including roofing, which is visible from any other property or roadway, is painted or finished in low reflective (40% or less), neutral tones which blend with the surrounding landscape, to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25%, the colours of the external cladding and roof matches that of the existing building.

- No septic system is located within 60 metres of a streamline, wetland, area of fluviatile deposits, cliff and beach area or active dune area as defined under schedules to this overlay or within 60 metres of land within an Erosion Management Overlay.

- Development is not located within100 metres of land included in a Public Conservation and Resource Zone.

- No dam is located within 100 metres of a Road Zone Category 1, 40 metres from a Road Zone Category 2, 20 metres from any other road or 5 metres from any other boundary.

- All earthworks, including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity.

- Any stock loading facility is located more than 10 metres from a road frontage.
SCHEDULE 10 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO10.

UPLAND BASALT SLOPES

1.0

Statement of environmental significance

This area forms part of the catchment of Merricks Creek and Coolart Creek, and includes areas subject to erosion and instability. It is also an area of strategic landscape importance, with the undulating landform producing a range of internal landscapes and providing long range views to Westernport from roads along ridgelines.

2.0

Environmental objective to be achieved

- To protect and conserve the environmental systems, bio diversity, native vegetation, habitat areas, land and soil stability, drainage patterns, and stream quality of this area.

- To promote the sustainable development of rural land and integrated land and catchment management, including the retention and enhancement of habitat corridors and wetlands.

- To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.

- To promote siting and design of buildings and works that is responsive to the varied rural landscape character and vistas of this area, and that maintains the scenic value of roads and recreation routes.

- To protect the landscape values of the area.

3.0

Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17. A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.

- The total site coverage of all buildings does not exceed 10%.

- All external cladding of buildings, and structures including roofing, which is visible from any other property or roadway, is painted or finished in low reflective (40% or less), neutral tones which blend with the surrounding landscape, to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25%, the colours of the external cladding and roof matches that of the existing building.

- No septic system is located within 60 metres of a streamline, wetland, area of fluvialite deposits, cliff and beach area or active dune area as defined under schedules to this overlay or within 60 metres of land within an Erosion Management Overlay.

- Development is not located within 100 metres of land included in a Public Conservation and Resource Zone.

- No dam is located within 100 metres of a Road Zone Category 1, 40 metres from a Road Zone Category 2, 20 metres from any other road or 5 metres from any other boundary.

- All earthworks, including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity.

- Any stock loading facility is located more than 10 metres from a road frontage.
SCHEDULE 11 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO11.

SOUTH EASTERN BASALT SLOPES

1.0

Statement of environmental significance

This area forms the main catchment of Main Creek and extends to the Bass Strait coastline. It is also an area of strategic landscape importance, forming part of the coastal hinterland of Westernport Bay and the rural edge to the coastal villages of Balmarring and Shoreham.

2.0

Environmental objective to be achieved

- To protect and conserve the environmental systems, biodiversity, native vegetation, habitat areas, land and soil stability, drainage patterns, and stream quality of this area.
- To promote the sustainable development of rural land and integrated land and catchment management, including the retention and enhancement of habitat corridors and wetlands.
- To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.
- To promote siting and design of buildings and works that is responsive to the open rural and coastal landscape character and vistas of this area, and that maintains the scenic value of roads and recreation routes.
- To avoid the construction of broiler chicken sheds in this area.
- To protect the landscape values of the area.

3.0

Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.
- The total site coverage of all buildings does not exceed 10%.
- All external cladding of buildings, and structures including roofing, which is visible from any other property or roadway, is painted or finished in low reflective (40% or less), neutral tones which blend with the surrounding landscape, to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25%, the colours of the external cladding and roof matches that of the existing building.
- No septic system is located within 60 metres of a streamline, wetland, area of fluviatile deposits, cliff and beach area or active dune area as defined under schedules to this overlay or within 60 metres of land within an Erosion Management Overlay.
- Development is not located within 100 metres of land included in a Public Conservation and Resource Zone.
- No dam is located within 100 metres of a Road Zone Category 1, 40 metres from a Road Zone Category 2, 20 metres from any other road or 5 metres from any other boundary.
- All earthworks, including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity.
- Any stock loading facility is located more than 10 metres from a road frontage.
SCHEDULE 12 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO12.

SOUTHERN BASALT SLOPES

1.0

Statement of environmental significance
This area forms part of the catchment of Main Creek and other streamlines that discharge to Westernport Bay and the Bass Strait, and abuts the Greens Bush area of the Point Nepean National Park. It is also an area of strategic landscape importance, forming part of the coastal hinterland of Westernport Bay and the coastal cliffs of Bass Strait. This area defines the rural edge to the coastal village of Flinders.

2.0

Environmental objective to be achieved

- To protect and conserve the environmental systems, bio diversity, native vegetation, habitat areas, land and soil stability, drainage patterns, and stream quality of this area.
- To promote the sustainable development of rural land and integrated land and catchment management, including the retention and enhancement of habitat corridors and wetlands.
- To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.
- To promote siting and design of buildings and works that is responsive to the open rural and coastal landscape character and vistas of this area, and that maintains the scenic value of roads and recreation routes.
- To avoid the construction of broiler chicken sheds in this area.
- To protect the landscape values of the area.

3.0

Permit requirement
A permit is not required to remove, destroy or lop vegetation that is not native vegetation.
A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.
A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.
- The total site coverage of all buildings does not exceed 10%.
- All external cladding of buildings, and structures including roofing, which is visible from any other property or roadway, is painted or finished in low reflective (40% or less), neutral tones which blend with the surrounding landscape, to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25%, the colours of the external cladding and roof matches that of the existing building.
- No septic system is located within 60 metres of a streamline, wetland, area of fluvialite deposits, cliff and beach area or active dune area as defined under schedules to this overlay or within 60 metres of land within an Erosion Management Overlay.
- Development is not located within 100 metres of land included in a Public Conservation and Resource Zone.
- No dam is located within 100 metres of a Road Zone Category 1, 40 metres from a Road Zone Category 2, 20 metres from any other road or 5 metres from any other boundary.
- All earthworks, including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity.
- Any stock loading facility is located more than 10 metres from a road frontage.
SCHEDULE 13 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shows on the planning scheme map as ESO13.

TIDEWAY UPLIFT

1.0

Statement of environmental significance

This area forms part of the catchment of Main Creek, Lightwood Creek, Drum Drum Alloc Creek, and the Tootgarook Swamp. It contains the Greens Bush area of the Point Nepean National Park. Much of this area retains bushland cover in relatively intact condition. It is also an area of strategic landscape importance, containing the southern slopes of the Selwyn Fault and providing a variety of internal landscapes.

2.0

Environmental objective to be achieved

- To protect and conserve the environmental systems, bio diversity, native vegetation, habitat areas, land and soil stability, drainage patterns, and stream quality of this area.
- To promote the sustainable development of rural land and integrated land and catchment management, including the retention and enhancement of habitat corridors and wetlands.
- To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.
- To promote siting and design of buildings and works that are responsive to the landscape character and vistas of this area, which includes the edge of the Selwyn Fault, and that maintains the scenic value of roads and recreation routes.
- To protect the landscape values of the area.

3.0

Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.
- The total site coverage of all buildings does not exceed 10%.
- All external cladding of buildings, and structures including roofing, which is visible from any other property or roadway, is painted or finished in low reflective (40% or less), neutral tones which blend with the surrounding landscape, to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25%, the colours of the external cladding and roof matches that of the existing building.
- No septic system is located within 60 metres of a streamline, wetland, area of fluvialite deposits, cliff and beach area or active dune area as defined under schedules to this overlay or within 60 metres of land within an Erosion Management Overlay.
- Development is not located within 100 metres of land included in a Public Conservation and Resource Zone.
- No dam is located within 100 metres of a Road Zone Category 1, 40 metres from a Road Zone Category 2, 20 metres from any other road or 5 metres from any other boundary.
- All earthworks, including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity.
- Any stock loading facility is located more than 10 metres from a road frontage.
SCHEDULE 14 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO14.

TOOTGAROOK SWAMP - BONEO FLATS

1.0

Statement of environmental significance

This area contains the Tootgarook Swamp and sub-surface drainage system. The Drum Drum Alloc Creek crosses the northern boundary of the area. It is also an area of landscape significance, providing an area of gently undulating lowland that contrasts with escarpment of the Selwyn Fault to the south and east and the sand dune landscape to the west.

2.0

Environmental objective to be achieved

- To protect and conserve the environmental systems, bio diversity, native vegetation, habitat areas, land and soil stability, drainage patterns, and stream quality of this area.
- To promote the sustainable development of rural land and integrated land and catchment management, including the retention and enhancement of habitat corridors and wetlands.
- To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.
- To promote siting and design of buildings and works that is responsive to the undulating lowland landscape character and vistas of this area, and that maintains the scenic value of roads and recreation routes.
- To protect the landscape values of the area.

3.0

Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.
- The total site coverage of all buildings does not exceed 10%.
- All external cladding of buildings, and structures including roofing, which is visible from any other property or roadway, is painted or finished in low reflective (40% or less), neutral tones which blend with the surrounding landscape, to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25%, the colours of the external cladding and roof matches that of the existing building.
- No septic system is located within 60 metres of a streamline, wetland, area of fluvialite deposits, cliff and beach area or active dune area as defined under schedules to this overlay or within 60 metres of land within an Erosion Management Overlay.
- Development is not located within 100 metres of land included in a Public Conservation and Resource Zone.
- No dam is located within 100 metres of a Road Zone Category 1, 40 metres from a Road Zone Category 2, 20 metres from any other road or 5 metres from any other boundary.
- All earthworks, including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity.
- Any stock loading facility is located more than 10 metres from a road frontage.
SCHEDULE 15 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO15.

THE CUPS

1.0

Statement of environmental significance

This area is formed from semi consolidated sand dunes and extends to the coastline of Bass Strait, adjoining the Point Nepean National Park. It is a major catchment area for the ground water resources of the Nepean Peninsula. It is also an area of strategic landscape importance, providing a distinctive landscape experience and forming the rural edge to the townships of Rye and St Andrews.

2.0

Environmental objective to be achieved

- To protect and conserve the environmental systems, bio diversity, native vegetation, habitat areas, land and soil stability, drainage patterns, and ground water quality of this area.

- To promote the sustainable development of rural land and integrated land and catchment management, including the retention and enhancement of habitat corridors and wetlands.

- To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.

- To promote siting and design of buildings and works that is responsive to the semi consolidated sand dune landscape character and vistas of this area, and that maintains the scenic value of roads and recreation routes.

- To protect the landscape values of the area.

3.0

Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.

- The total site coverage of all buildings does not exceed 10%.

- All external cladding of buildings and structures including roofing, which is visible from any other property or roadway, is painted or finished in low reflective (40% or less), neutral tones which blend with the surrounding landscape, to the satisfaction of the responsible authority or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25%, the colours of the external cladding and roof matches that of the existing building.

- No septic system is located within 60 metres of a streamline, wetland, area of fluvialite deposits, cliff and beach area or active dune area as defined under schedules to this overlay or within 60 metres of land within an Erosion Management Overlay.

- Development is not located within 100 metres of land included in a Public Conservation and Resource Zone.

- No dam is located within 100 metres of a Road Zone Category 1, 40 metres from a Road Zone Category 2, 20 metres from any other road or 5 metres from any other boundary.

- All earthworks, including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity.
- Any stock loading facility is located more than 10 metres from a road frontage.
SCHEDULE 16 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO16.

CAPE SCHANCK HINTERLAND

1.0

Statement of environmental significance

This area contains semi consolidated sand dunes areas liable to erosion and extends to the Bass Strait coastline, adjoining the Point Nepean National Park. It forms part of the catchment of Burrabong Creek and Main Creek, with sub surface drainage in the western section. It is also an area of strategic landscape importance, forming part of the coastal hinterland to Westernport Bay and the Bass Strait coastline and contains the major landmark of the Cape Schanck lighthouse.

2.0

Environmental objective to be achieved

- To protect and conserve the environmental systems, bio diversity, native vegetation, habitat areas, land and soil stability, drainage patterns, and stream quality of this area.
- To promote the sustainable development of rural land and integrated land and catchment management, including the retention and enhancement of habitat corridors and wetlands.
- To ensure that subdivision and development density is compatible with maintaining the long term natural, agricultural and landscape values of this area.
- To promote siting and design of buildings and works that are responsive to the semi-consolidated sand dune and coastal landscape character and vistas of this area, and that maintains the scenic value of roads and recreation routes.

3.0

Permit requirement

A permit is not required to remove, destroy or lop vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.

A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge Zone, Special Use Zone or Public Use Zone, provided the following requirements are met:

- No building or other structure exceeds a height of 8 metres above natural ground level.
- The total site coverage of all buildings does not exceed 10%.
- All external cladding of buildings, and structures including roofing, which is visible from any other property or roadway, is painted or finished in low reflective (40% or less), neutral tones which blend with the surrounding landscape, to the satisfaction of the responsible authority or where the building is an extension to an existing building and the existing floor area is not being increased by more than 25%, the colours of the external cladding and roof matches that of the existing building.
- No septic system is located within 60 metres of a streamline, wetland, area of fluvatile deposits, cliff and beach area or active dune area as defined under schedules to this overlay or within 60 metres of land within an Erosion Management Overlay.
- Development is not located within 100 metres of land included in a Public Conservation and Resource Zone.
- No dam is located within 100 metres of a Road Zone Category 1, 40 metres from a Road Zone Category 2, 20 metres from any other road or 5 metres from any other boundary.
- All earthworks, including the development of land for agricultural use, are conducted so as to avoid sediment discharge to creeks and waterways and to avoid the loss of floodplain capacity.
- Any stock loading facility is located more than 10 metres from a road frontage.
SCHEDULE 17 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO17.

STREAMLINES

1.0

Statement of environmental significance

The streamlines of the Mornington Peninsula are an integral element of the environmental systems that support biodiversity, and directly impact on the coastal and marine environments. Streamlines also often provide relatively undisturbed habitat corridors between larger areas of remnant vegetation. The catchment areas of streams and watercourses on the Peninsula are relatively small, increasing sensitivity to inappropriate development.

2.0

Environmental objective to be achieved

- To maintain environmental flows and the quality of water within streams and watercourses.
- To maintain the capacity of streams and watercourses to carry natural flows.
- To prevent erosion of banks, stream beds and adjoining land and the siltation of watercourses, drains and other features.
- To protect and conserve flora and fauna habitats (including those of fish and invertebrates) within and along streams and watercourses.
- To ensure that development does not occur on land liable to flooding.
- To ensure that subdivision and development is compatible with the environmental values of streams and watercourses.

3.0

Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- The environmental objectives of this schedule.
- Whether there is any reasonable alternative site for the proposed buildings and works outside of the overlay area, or any alternative land management or construction practices, that would better meet the objectives of this schedule.
- Whether the proposed works are associated with essential works crossing the area including the installation of utility services or the provision of an access track.
- Whether substantial change or detriment will be caused to soil stability, vegetation, water quality or habitat values of the streamline.
- The need to retain connectivity in streamline habitat corridors.
- The means of treatment and disposal of all sewerage, sullage and other wastes where connection to a reticulated sewerage system is not viable.
- The potential for flooding to occur, and whether the proposed development will impose any additional flooding risk or constraints over land in the vicinity.
- The existing use of the land and the purpose of the proposed buildings and works in relation to the existing use.
- Appropriate measures to prevent pollution, increased nutrient loads, siltation and increased turbidity of water in streamlines and watercourses.
- Appropriate measures to prevent detrimental alterations to flow regimes of streams and watercourses.
- The conservation of streams and streamside areas for their recreational value.
The comments of all relevant drainage, stream or catchment management authorities.
SCHEDULE 18 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO18.

WETLANDS

1.0

Statement of environmental significance

The wetlands of the Mornington Peninsula are an integral element of the environmental systems that support biodiversity and a number are of state and international significance. The catchment areas of wetlands on the Peninsula are relatively small, increasing sensitivity to inappropriate development.

2.0

Environmental objectives

- To maintain the environmental diversity and quality of areas which constitute wetlands, remnant swamplands, inter tidal areas and lagoons.
- To limit development within environmentally sensitive areas.
- To prevent the pollution of wetlands and swamp areas which are particularly sensitive to ground water pollution and the degradation of significant habitat areas.
- To maintain environmental flows and the water quality within wetlands.

3.0

Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- The environmental objectives of this schedule.
- Whether there is any reasonable alternative site for the proposed buildings and works outside of the overlay area, or any alternative land management or construction practices, that would better meet the objectives of this schedule.
- Whether the proposed works are associated with essential works crossing the area including the installation of utility services or the provision of an access track.
- Whether substantial change or detriment will be caused to the stability, vegetation, water quality or habitat values of the wetland.
- The protection of wetlands and swamps for their environmental and scientific value.
- The means of treatment and disposal of all sewerage, sullage and other wastes where connection to a reticulated sewerage system is not viable.
- The potential for flooding to occur, and whether the proposed development will impose any additional flooding or drainage risk or constraints over land in the vicinity or in any other way be detrimental to the wetland.
- The existing use of the land and the purpose of the proposed buildings and works in relation to the existing use.
- Appropriate measures to prevent pollution, increased nutrient loads, siltation and increased turbidity of water in wetlands.
- Appropriate measures to prevent detrimental alterations to flow regimes in wetlands.
- The comments of all relevant drainage, stream or catchment management authorities.
- Any approved management plan or approved works specific to the wetland.
SCHEDULE 19 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO19.

FLUVIATILE DEPOSITS

1.0

Statement of environmental significance

The areas of alluvial plain and reclaimed swamp on the Mornington Peninsula, which support characteristic vegetation communities, are an integral element of the environmental systems that support biodiversity. These areas may have limited drainage capacity.

2.0

Environmental objectives to be achieved

- To protect the stability and environmental values of alluvial plains and reclaimed swamp with characteristic vegetation communities.
- To avoid contamination of ground water and the degradation of significant habitat areas.
- To limit development within environmentally sensitive areas.

3.0

Permit requirement

A permit is not required to construct a building or construct or carry out works for the purpose of a single dwelling, additions or alterations to an existing dwelling, or an outbuilding on a lot located inside the urban growth boundary south of Pickings Road and north of Nepean Highway, Safety Beach.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.

4.0

Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- The environmental objectives of this schedule.
- Whether there is any reasonable alternative site for the proposed buildings and works outside of the overlay area, or any alternative land management or construction practices, that would better meet the objectives of this schedule.
- Whether the proposed works are associated with essential works crossing the area including the installation of utility services or the provision of an access track.
- Whether substantial change or detriment will be caused to the stability, vegetation, water quality or habitat values of the area.
- The protection of alluvial plains and reclaimed swamps for their environmental and scientific value.
- The means of treatment and disposal of all sewerage, sullage and other wastes where connection to a reticulated sewerage system is not viable.
- The potential for flooding to occur, and whether the proposed development will impose any additional flooding or drainage risk or constraints over land in the vicinity.
- The existing use of the land and the purpose of the proposed buildings and works in relation to the existing use.
- The comments of all relevant drainage, stream or catchment management authorities.
SCHEDULE 20 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO20**.

CLIFF AND BEACH

1.0

19/01/2006
VC37

Statement of environmental significance

The stability of cliff areas and beaches is critical to coastal management and the maintenance of environmental values. Cliff and beach areas are exposed to wave, spray and wind erosion and may be destabilised by buildings and works, including the removal of vegetation.

2.0

19/01/2006
VC37

Environmental objective to be achieved

- To maintain the stability of coastal cliffs and coastal margins which are exposed to wind and wave erosion.
- To maintain the diversity of specialised coastal vegetation communities.
- To ensure sustainable development in areas prone to erosion and instability.
- To retain vegetation as a means of maintaining cliff and beach stability.

3.0

11/05/2017
C205

Decision guidelines

Before deciding on an application within the Green Wedge Zone, the responsible authority must consider, as appropriate:

- The environmental objectives of this schedule.
- Whether there is any reasonable alternative site for the proposed buildings and works outside of the overlay area or any alternative land management or construction practices, that would better meet the objectives of this schedule.
- Whether the proposed works are associated with essential works crossing the area including the installation of utility services or the provision of an access track.
- The means of treatment and disposal of all sewerage, sullage and other wastes where connection to a reticulated sewerage system is not viable.
- The existing use of the land and the purpose of the proposed buildings and works in relation to the existing use.
- The availability of alternative land outside of the overlay area.
- Appropriate measures to prevent erosion.
- The comments of all relevant catchment and coastal management authorities.

Before deciding on an application within the General Residential Zone, the responsible authority must consider as appropriate:

- The effect of the proposed development on the landscape and in particular the siting, height, bulk and general appearance of buildings and works.
- The impact of development on neighbouring properties.
- The effect of any removal of native vegetation on the amenity and privacy of nearby areas.
COASTAL HINTERLAND

1.0

Statement of environmental significance

The stability of coastal areas is critical to coastal management and the maintenance of environmental values. Coastal hinterlands are exposed to wave, spray and wind erosion and may be destabilised by buildings and works, including the removal of vegetation.

2.0

Environmental objective to be achieved

- To act as a buffer area to the more sensitive cliff and beach areas.
- To retain significant areas of coastal vegetation.
- To ensure a sustainable intensity of development in areas with potentially sensitive and unstable conditions.
- To maintain the high landscape and recreational values of the coastal environment.

3.0

Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- The environmental objectives of this schedule.
- The means of treatment and disposal of all sewerage, sullage and other wastes where connection to a reticulated sewerage system is not viable.
- The existing use of the land and the purpose of the proposed buildings and works in relation to the existing use.
- Whether there is any reasonable alternative site for the proposed buildings and works outside of the overlay area that would better meet the objectives of this schedule.
- The possible effect of buildings and works on the stability of the soil and vegetation communities.
- The protection of coastal areas for their recreational value.
- The comments of all relevant drainage, stream or catchment management authorities.
ACTIVE DUNES

1.0 Statement of environmental significance
The stability of coastal areas is critical to coastal management and the maintenance of environmental values. Active dune areas are exposed primarily to wind erosion and may be destabilised by buildings and works, including the removal of vegetation.

2.0 Environmental objectives to be achieved
- To prevent the erosion of areas of predominantly exposed bare sand resulting from the blow out of semi-stabilised dune areas or where dune areas exist behind the foreshore.
- To prevent structures which would cause interruption to the natural balance between wind patterns and dune structures.
- To ensure a sustainable intensity of development in sensitive areas.
- To retain vegetation as a means of maintaining soil and slope stability.
- To avoid development on active dunes.

3.0 Decision guidelines
Before deciding on an application, the responsible authority must consider, as appropriate:

- The environmental objectives of this schedule.

- Whether there is any reasonable alternative site for the proposed buildings and works, including the installation of effluent disposal and stormwater discharge areas, outside of the overlay area, or any alternative land management or construction practices, that would better meet the objectives of this schedule.

- Whether the proposed works are necessary for the installation of utility services or the provision of an access track.

- The means of treatment and disposal of all sewerage, sullage and other wastes where connection to a reticulated sewerage system is not viable.

- The existing use of the land and the purpose of the proposed buildings and works in relation to the existing use.

- The availability of alternative land outside of the overlay area.

- Appropriate measures to prevent erosion.

- The comments of all relevant coastal management authorities.
SCHEDULE 23 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO23.

SEMI STABILIZED DUNES

1.0
19/01/2006 VC37

Statement of environmental significance

The stability of semi stabilised dunes is critical to sustainable land management and the maintenance of environmental values. These areas may become unstable if the top surface is removed in steeper sections and exposed to wind erosion.

2.0
19/01/2006 VC37

Environmental objective to be achieved

- To maintain the stability of the unique landform (the Cups) that may become unstable if the top surface is removed in steeper sections.
- To ensure that buildings are sited to prevent unnecessary wind turbulence in certain areas such as the windward and leeward top slopes, in order to prevent surface erosion.
- To ensure a sustainable intensity of development in semi stable dune areas.
- To avoid development on land with a ground slope greater than 25 percent.

3.0
11/05/2017 C205

Permit requirement

A permit is not required for the following, when associated with farming on the land:

- A fence
- A structure that:
  - Is less than 30 square metres in floor area.
  - Is 8 metres or less in height above natural ground level.
  - Is more than 20 metres from any boundary.
  - Is on ground with a slope of 10% or less.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.4.0

4.0
19/01/2006 VC37

Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- The environmental objectives of this schedule.
- The slope of the land.
- Whether there is any reasonable alternative site for the proposed buildings and works, including the installation of effluent disposal and stormwater discharge areas, outside of the overlay area, or any alternative land management or construction practices, that would better meet the objectives of this schedule.
- Whether the proposed works are necessary for the installation of utility services or the provision of an access track.
- The means of treatment and disposal of all sewerage, sullage and other wastes where connection to a reticulated sewerage system is not available.
- The existing use of the land and the purpose of the proposed buildings and works in relation to the existing use.
- Appropriate measures to prevent erosion.
- The comments of all relevant soil conservation authorities.
SCHEDULE 24 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO24.

SITE OF SCIENTIFIC SIGNIFICANCE

1.0

Statement of environmental significance

A number of sites of scientific significance have been identified. These include:

Sites of archaeological significance relating to the pre-European history of the Peninsula. These sites are of special value due to their Aboriginal cultural heritage significance, linked to their environmental context.

Sites of botanical significance. These sites are of special value due to the quality or rarity of the vegetation community, the condition and diversity of species and the extent of the area, affecting the ability of the community to regenerate.

Sites of geological significance. These sites are of special value due to the diversity of lithological, geomorphological or petrological features and the unique association or outstanding occurrence of geological forms or processes and their condition.

Sites of zoological significance. These sites are of special value due to the vulnerability, rarity and diversity of species, the extent of the population, which affects the ability of the community to regenerate, and the degree of habitat modification.

These sites are of cultural, scientific and educational value to current and future generations.


2.0

Environmental objective to be achieved

- To ensure the conservation of specific areas of archaeological, botanical, geological or zoological value or significance.
- To maintain the environmental context of archaeological, botanical, geological and zoological sites.
- To avoid any modification to sites of scientific significance, including the modification by grazing or cropping, and to ensure that any development within the overlay area are necessary to maintain or enhance the archaeological, botanical, geological and zoological values of the site.

3.0

Permit requirement

A permit is not required for any works directed or authorised under the Archaeological and Aboriginal Preservation Act 1972, provided that the site is not of botanical, geological or zoological significance.

An application must include a report from a suitably qualified person or persons, demonstrating that the archaeological, botanical, geological and zoological values of the site have been addressed.

4.0

Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- The environmental objectives of this schedule.
- The Aboriginal cultural resources management grid map and guidelines provided by Aboriginal Affairs Victoria.
- The impact of any proposal on the site and the capacity of the area to withstand change without detriment to its scientific or educational value.
- Whether the proposed works are necessary for the maintenance or enhancement of archaeological, botanical, geological or zoological values.
SCHEDULE 25 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO25.

PORT PHILLIP COASTAL AREA

1.0

Statement of environmental significance

The Port Phillip coastal area and adjoining offshore areas contain some of Victoria’s most significant cultural and natural features, including sites of ecological, archaeological, geological, geomorphological, aesthetic and cultural heritage value. These places are of cultural, scientific and educational value to current and future generations.

2.0

Environmental objectives to be achieved

- To protect and enhance the natural features, vegetation, ecological diversity, landscape quality, heritage values and recreation opportunities of the Port Phillip Bay coastal area and associated intertidal and marine habitats.
- To promote excellence in design of buildings, facilities and structures in the coastal area.
- To promote coordinated management of the Port Phillip coastal area.

3.0

Permit requirement

A permit is required to construct fencing unless:

- The land abuts the southerly or easterly alignments of Point Nepean Road, Marine Drive or Esplanade.
- The side and rear fence is 2.0 metres in height or less.
- The front fence has a height of 1.8 metres or less.
- At least 50% of the front fence surface is transparent.

A permit is not required for:

- The removal of vegetation in the ordinary course of the management of established parks or gardens or in the course of the repair or maintenance of any other works including fire breaks.
- Works for the establishment, maintenance, repair or removal of signs or other structures necessary for the safety or protection of the public including traffic management devices, survey marks and beacons, navigation aids, safety fences or railings.
- Any structure, works or use for which consent has been granted under the Port Phillip Coastal Planning and Management Act 1966 since 16 February 1986.
- A minor public utility installation or litter receptacles.
- Development carried out by or on behalf of Melbourne Parks and Waterways or Parks Victoria under the relevant provisions of the Water Industry Act 1994, the Water Act 1989, the Marine Act 1968, the Port of Melbourne Authority Act 1958, the Crown Land (Reserves) Act 1978 or the Parks Victoria Act 1998.
- Every application involving land within or abutting a Public Park and Recreation Zone or Public Conservation and Resource Zone 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.
- The removal, destruction or lopping of native vegetation specified in the schedule to Clause 52.17.

4.0

Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:
- The environmental objectives of this schedule.
- The existing use and development of the land.
- The degree to which the proposed development is dependent on a coastal location.
- The ability to reduce the number of buildings and other structures by combined use or reuse of existing buildings.
- The appropriateness of a condition requiring the relocation or removal of inappropriate structures as part of an application.
- Whether any proposed structure or works, including the planting or removal of vegetation, is likely to cause any deterioration of the Port Phillip Coastal Area by virtue of erosion or the deposition of sand or silt or any other reason.
SCHEDULE 26 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO26.

RED HILL DRAINAGE POLICY

1.0

Statement of environmental significance
An identified area of the Red Hill South township has limited drainage capacity and inappropriate development may degrade natural drainage systems and streamlines.

2.0

Environmental objective to be achieved
To protect the natural drainage systems of land in the township of Red Hill South.

3.0

Decision guidelines
Before deciding on an application the responsible authority must consider as appropriate:

- The use to which the building is to be put.
- The suitability of any proposed methods for the collection and disposal of sewage, sullage, effluent and stormwater.
- The accessibility of the site.
- The availability of utility services.
SCHEDULE 27 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO27.

MERRICKS BEACH ENVIRONMENTAL MANAGEMENT

1.0

Statement of environmental significance

As part of a strategy to retain the low key coastal village character of the Merricks Beach township, alternative waste water management techniques to those of installing reticulated sewerage and drainage systems have been supported. The impact of this alternative approach on stream conditions and coastal environments requires ongoing monitoring.

2.0

Environmental objective to be achieved

- To protect the environment and natural character of the Merricks Beach village.
- To ensure, as far as practicable, the retention of waste water within the boundaries of each property as part of a township waste water management strategy.

3.0

Permit requirement

A permit is not required for buildings and works except:

- To construct or carry out works associated with the provision of reticulated water, reticulated sewerage, main drainage or gas supply.
- To connect to reticulated water supply. This does not apply where the site abuts a main existing before 31 August 1995.

An application for permit must be accompanied by a site capability assessment to demonstrate that all waste water can be adequately treated and contained within the lot. The assessment must address the relevant requirements listed in the “Code of Practice for Septic Tanks”.

4.0

Decision guidelines

Before deciding on an application the responsible authority must consider as appropriate:

- The natural character, vegetation and environment of Merricks Beach Village.
- The need for adequate fire control plans.
- The need to include conditions in any approval of reticulated water supply requiring:
  - Provision by the landowner of an all waste disposal system, to the satisfaction of the responsible authority, including provision if necessary of a household sewage treatment plant approved by the Environmental Protection Authority.
  - Regular inspection and maintenance of the septic tank/waste absorption system including provision by the landowner of an audit report every two years, all to the satisfaction of the responsible authority.
SCHEDULE 28 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO28**.

MORNINGTON PENINSULA BUSHLAND

1.0

19/01/2006
VC37

Statement of vegetation significance

The remnant native vegetation of the Mornington Peninsula is significant for its diversity and environmental value, including habitat areas of state, national and international significance. Smaller areas of vegetation act as important components of the remaining habitat, providing movement corridors for both animals and bird life.

Remnant vegetation is also a key feature of the Peninsula’s landscapes and their scenic recreational value for local and regional communities.

Retaining vegetation is also critical to catchment management, in terms of maintaining surface and ground water quality, the control of silting, the management of soil salinity, acidification and waterlogging, and prevention of erosion in hillside and coastal areas. The ability to maintain environmental systems and viable habitat areas on the Peninsula is highly dependent on the retention of existing native vegetation and encouraging revegetation utilising indigenous species.

2.0

19/01/2006
VC37

Environmental objective to be achieved

- To protect and conserve native vegetation and habitat areas, including those of rare, threatened and endangered flora and fauna species, from clearing, degradation or fragmentation.
- To protect and conserve habitat corridors, including land with a minimum width of 30 metres on both sides of a streamline.
- To arrest and reverse the decline of remanent native vegetation, and to achieve a net increase in native vegetation within the Shire over time.
- To promote the maintenance of ecological processes and biodiversity.
- To promote the implementation of regional catchment strategies, regional vegetation plans and other natural resource management strategies.
- To conserve the Shire’s vegetation based landscape assets.
- To avoid the loss or detrimental modification of native vegetation through grazing, cropping and other forms of agriculture.
- To ensure that trees are cleared from no more than 10 percent of the land effected by this schedule and understorey from no more than a further 30 percent of the land effected by this schedule.

3.0

11/05/2017
C205

Permit requirement

A permit is not required to remove vegetation that is not native vegetation.

A permit is not required to remove, destroy or lop native vegetation specified in the schedule to Clause 52.17.

Applications to locate dwellings within bushland areas must include a site plan indicating the areas for the dwelling, access driveways, fire hazard clearing, areas for effluent disposal and other areas of site development in addition to the plan requirements specified below.

An application to remove native vegetation must:

- Indicate the total extent of native vegetation on the property, the extent and purpose of proposed clearing, the location of any watercourse on the property, and, if relevant, the location of areas where the ground slope exceeds 20 percent.
Demonstrate that the proposed removal of native vegetation has been minimised to the maximum extent that is reasonable and practical.

Specify measures to protect and improve the condition of native habitat, including proposals for revegetation, indicating proposed species, methods of ground stabilisation and measures to prevent or manage invasion by environmental weeds.

If the area of proposed clearing exceeds 4000 square metres, a report on the vegetation and habitat significance of the area to be cleared must be provided to the satisfaction of the responsible authority.

### Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- The environmental objectives of this schedule.
- Any relevant regional catchment strategy or regional vegetation plan.
- The need for a report, by a properly qualified person and to the satisfaction of the responsible authority, on the vegetation and habitat significance of the vegetation to be removed.
- The botanical and habitat value of the vegetation in terms of physical condition, rarity or diversity. This includes recognition of the role of dead vegetation and tree hollows in providing habitat.
- The environmental value of the vegetation in terms of protecting stream quality and wetlands.
- Whether there is any reasonable alternative site for proposed buildings and works outside of the overlay area that would better meet the objectives of this schedule.
- The extent of the proposed vegetation removal and the likely effect on the stability of the site and soils, particularly along streamlines or in erosion prone areas.
- The siting and design of buildings and works to avoid the removal of remnant vegetation, including the disturbance of root zones.
- The extent to which the removal of vegetation is necessary to achieve proper fire management.
- The likely effect of any clearing on the habitat value and long term viability of remnant bushland areas.
- Whether the siting of a proposed dwelling is likely to generate demand for future removal of vegetation associated with fire hazard clearing, areas for ancillary uses and the like.
- The extent to which proposed clearing may expose remaining areas to weed invasion.
- The landscape impact of the proposed removal, destruction or lopping of vegetation.
- The purpose of removing native vegetation and whether there are any alternative land management or construction practices that would better meet the objectives of this schedule.
- The comments of any relevant coastal management fire prevention, catchment protection, land management or soil conservation authority.
- The benefit of conditions requiring planting or replanting or other treatment of any part of the land, including the opportunity to achieve a net increase in the area of native vegetation.
- The benefit of requiring locally indigenous species in replanting and the need to exclude environmental weeds.
SCHEDULE 29 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO29.

WATER CATCHMENTS AND WATER SUPPLY MANAGEMENT AREAS

1.0 Statement of environmental significance

The Mornington Peninsula contains five reservoirs at Devil Bend, Bittern, Tyabb, Dromana and Mornington. It is critical to prevent polluted runoff and airborne materials from entering reservoirs in order to protect the quality of drinking water.

2.0 Environmental objective to be achieved

- To ensure the protection and maintenance of water quality and water yield within water supply catchment areas.
- To ensure the appropriate use and development of land within the catchment areas of reservoirs and the land immediately surrounding the reservoirs.

3.0 Permit Requirement

The responsible authority must seek the comments of the Department of Natural Resources and Environment and those of the relevant water authority before deciding on an application for:

- Any subdivision creating lots of less than 40 hectares.
- Any activity which is likely to produce airborne pollutants detrimental to water quality.
- Intensive animal husbandry.

4.0 Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- The environmental objectives of this schedule.
- The effect on water quality, water course capacity and erosion.
- The conservation of natural habitats.
- The preservation of and impact on the environment.
- The protection of sites of scientific significance, particularly sites identified as having botanical, zoological, geological, geomorphological, and archaeological or landscape significance.
- Any water management plan prepared by the relevant water management authority.
TOOTGAROOK WETLAND

Statement of environmental significance

The Tootgarook wetland is a large groundwater dependent ecosystem and remnant shallow palustrine wetland (freshwater marsh) within the Gippsland Plain bioregion.

The wetland is dispersed over a wide area and includes both inundated and dry land surfaces providing a link between the elevated upper catchment and the estuarine and marine receiving environment of Port Phillip Bay. Despite human intervention, the wetland retains at least 12 ecological vegetation classes, 248 plant species and over 160 bird species.

The wetland is of state ecological significance.

The significant identified biodiversity values of the Tootgarook wetland include native vegetation communities occupying seasonally aquatic and terrestrial areas, mammals, reptiles, amphibians and birds that are variously listed:

- Under the international migratory agreements (Japan Australia Migratory Bird Agreement (JAMBA)/ China Australia Migratory Bird Agreement (CAMBA, Republic of Korea – Australia Migratory Bird Agreement (ROKAMBA) - at least six migratory bird species.
- Under the International Union for the Conservation of Nature Red List (IUCN).

These species notably include:

- Australasian Bittern (Botaurus poiciloptilus) (IUCN, EPBC Act and FFG Act).
- Baillon’s Crake (Porzana pusilla) (FFG Act)
- Southern Toadlet (Pseudophryne semimarmorata) (FFG Act)
- White-footed Dunnart (Sminthopsis leucopus) (FFG Act)
- Swamp Skink (Egernia coventryi) (FFG Act)
- Moonah Woodland (EVC 858 Coastal Alkaline Scrub) (FFG Act) occurring as isolated stands of Melaleuca lanceolata, on the dune formation.
- Leafy Greenhood orchid (Pterostylis cucullata) (EPBC Act and FFG Act – on the dune formation).

The presence and ongoing conservation of these and other species within the wetland is important to the significance of the site and maintaining its ecological character.

The Tootgarook wetland is critical in assisting conservation of the habitat of resident and migratory species, especially at times of seasonal and prolonged habitat contraction (drought).

Regulation of use and development within the wetland and its catchment is necessary to protect and maintain its ecological values and environmental services, including the provision of viable habitat linkages between the wetland components (inundated and dry land), waterways, buffer areas and the marine receiving environment of Port Phillip Bay.

Environmental objective to be achieved

- To protect the integrity of the Tootgarook wetland groundwater dependent ecosystem including its ecological significance, environmental diversity and the flora and fauna habitat values of all wetland components.
To implement the Australasian Bittern and all other EPBC Recovery Plans and FFG Action Plans applicable to recorded species and communities.

To maintain and improve the biological, physical and chemical quality of water within the watercourse, water body, wetland and associated soil profile.

To restore and maintain the natural hydrological regime and associated ability of streams, watercourses and wetland to carry environmental flows.

To avoid adverse impacts on the ecological character and values of the Tootgarook wetland including small incremental impacts and other reduction or degradation of significant habitat areas except where these will be offset elsewhere within the Tootgarook wetland.

To encourage use or development that can secure conservation of significant Tootgarook wetland environmental values particularly through Trust for Nature covenants or similar agreements.

To avoid disturbing potential acid sulphate soils.

3.0 Permit requirement

A permit is required to construct a fence.

This does not apply to a fence that is one of the following:

- A fence that is required for conservation purposes.
- A post and plain wire fence with 3 or less strands.
- A post and rail fence with 3 or less rails.
- Any other post and rail fence for the purposes of a yard for stock or horses to the satisfaction of the responsible authority.
- A portable fence required for an equestrian event that is both constructed and demounted within 14 days of the event or other timeline to the satisfaction of the responsible authority.

4.0 Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- The existing and proposed use of the land and the purpose of the development in relation to that use.
- Whether there is any reasonable alternative site for the proposed buildings and works outside of the overlay area, or any alternative land management or construction practices, that would better meet the objectives of this schedule.
- Whether the proposed works are associated with essential works crossing the area including the installation of utility services or the provision of an access track.
- Whether substantial change or detriment will be caused to the stability, vegetation, water quality or habitat values of the wetland or watercourse.
- The protection of the wetland for its environmental, cultural, landscape, archaeological, resource and scientific values.
- The means of treatment and disposal of all sewerage, sullage and other wastes where connection to a reticulated sewerage system is not viable.
- The need for a report, by a suitably qualified person on the potential for acid sulfate soils to be disturbed and the management of potential acid sulfate soils all in accordance with the Victorian Coastal Acid Sulfate Soils Strategy 2009.
- The need for comments from any relevant environment, land or catchment management authorities.
The need for a land management plan, prepared by a suitability qualified person, that:

- provides an integrated approach to managing the land, environmental and water resources of the site;
- is consistent with any wider management plan or strategy for the Wetland or catchment;
- shows the use, development, buildings and works of the site and surrounding properties, as relevant;
- shows the ongoing management requirements for any buildings and works to avoid or mitigate risks to the Wetland;
- provides a pest and weed management and monitoring program with suitably qualified personnel;
- where practicable, is coordinated with any land management plans, Trust for Nature covenants, Section 173 agreements or the like that may affect adjacent or adjoining land; and,
- includes the maintenance schedule of water sensitive urban or rural design features, including associated landscaping and engineering works.

Whether there are water sensitive urban or rural design features proposed, including associated vegetation and landscaping works.

The need for a report, by a suitably qualified person on the potential for contamination of ground and surface water including from the use of any treated waste water.

Appropriate measures to prevent litter, waste and other pollution, increased nutrient loads, siltation and increased turbidity of water in the wetland.

Appropriate measures to prevent detrimental alterations to flow rate and retention regimes in the wetland.

The need for a report, by a suitably qualified person, on the vegetation and habitat significance of any vegetation to be removed, method of removal and the nature of any offsetting and revegetation.

The botanical and environmental value of the vegetation, including the age and condition of the vegetation and the extent to which the vegetation forms part of a habitat area or habitat corridor.

The need to maintain the connectivity of habitat corridors noting the need for both dry and wet interconnectivity, for example fish ladders for fish, eels and turtles.

Whether there is a need for coordination with any relevant Action Plan or Recovery Plan under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 or the State Flora and Fauna Guarantee Act 1998.

Reference Documents

- Victorian Coastal Acid Sulfate Soils Strategy 2009
- Advisory List of Threatened Vertebrate Fauna (Department of Environment and Primary Industries 2013)
- Advisory List of Rare and Threatened Plants in Victoria (Department of Environment and Primary Industries 2005)
- EPBC Act 1999: Approved Conservation Advice for the Australasian Bittern (Department of Environment 2011)


- Ecological Strategic Directions Framework for Tootgarook Wetland, Rosebud: Monitoring program design report (Jacobs 2014)

- Vertebrate Fauna Assessments of seven Mornington Peninsula Shore reserves located within Tootgarook Wetlands (Final Draft) (Mal’s Ecological and Environmental Services Pty Ltd 2014)

- Tootgarook Bird Monitoring Program Year 1 annual report to Mornington Peninsula Shire) (BirdLife Australia March 2015)

- Tootgarook Wetland Ramsar Nomination Feasibility Study (BMT WBM 2015)
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.

**Extractive industry**
Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority granted under that Act.
<table>
<thead>
<tr>
<th>The requirement to obtain a permit does not apply to:</th>
<th>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of any of the following fire protection activities:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire protection</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 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>
<tr>
<td></td>
<td>• 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;</td>
</tr>
<tr>
<td></td>
<td>• 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.</td>
</tr>
<tr>
<td>Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.</td>
<td></td>
</tr>
<tr>
<td>Geothermal energy exploration and extraction</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 Geothermal Energy Resources Act 2005.</td>
</tr>
<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>
<tr>
<td>Mineral exploration and extraction</td>
<td>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:</td>
</tr>
<tr>
<td></td>
<td>• that is low impact exploration within the meaning of Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990; or</td>
</tr>
<tr>
<td></td>
<td>• in accordance with a work plan approved under Part 3 of the Mineral Resources (Sustainable Development) Act 1990.</td>
</tr>
<tr>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>Noxious weeds</td>
<td>Vegetation that is a noxious weed subject of a declaration under section 58 or section 58A of the Catchment and Land Protection Act 1994. This exemption does not apply to Australian Dodder (Cuscuta australis).</td>
</tr>
<tr>
<td>Pest animal burrows</td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows.</td>
</tr>
</tbody>
</table>
The requirement to obtain a permit does not apply to:

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planted vegetation</td>
<td>Vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding for Crop raising or Grazing animal production.</td>
</tr>
<tr>
<td>Railways</td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).</td>
</tr>
</tbody>
</table>
| Regrowth                    | Vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established vegetation, and is:  
  - bracken (*Pteridium esculentum*); or  
  - within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation.  
  This exemption does not apply to land on which vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster. |
| Road safety                 | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by 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 costeasing and bulk sampling activities. |
| 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 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.

TOWNSHIP VEGETATION

1.0  

Statement of nature and significance of vegetation to be protected

There are many residential areas within the Mornington Peninsula’s where substantial vegetation cover, rather than built form, is the dominant visual and environmental feature. These areas include the Mt Eliza escarpment, areas of the Mornington and Mt Martha townships, the rural residential areas of Somerville, Hastings and Crib Point, the Westernport coastal villages, and the hillside, cliff top, sand dune and wild coast areas of the southern Peninsula.

In these areas, the impression is of buildings within a landscape rather than that of landscaping around buildings. This balance between natural or introduced vegetation and built form contributes substantially to local character. Vegetation in these areas also serves important environmental functions in providing areas of habitat and habitat corridors, assisting soil stability, reducing the intensity of stormwater runoff and limiting the erosion and siltation of streamlines.

2.0  

Vegetation protection objective to be achieved

- To recognise areas where substantial vegetation cover is the dominant visual and environmental feature.
- To ensure that subdivision and development proposals have proper regard to the landscape character of township areas.
- To ensure that new development has proper regard for the established landscape, streetscape and development pattern in terms of being consistent with the existing balance between vegetation and building form in the local area and contributing to the landscape character of the area.
- To ensure that any removal of natural vegetation and works associated with development in environmentally sensitive areas, including streamline areas, is carried out with proper regard to the physical characteristics of each site and the local area.
- To avoid grazing on the steeper slopes of Arthur’s Seat.
- To ensure that any removal of natural vegetation in proximity to the Point Nepean National Park or other public land has proper regard to the impact on these areas.
- To protect and conserve native vegetation, including grasses and ground flora.
- To protect and conserve the habitat value of vegetation within township areas.
- To encourage strategic replanting to provide for the long term maintenance of landscape and environmental values within townships.
- To ensure that the proposed relocation of dwellings, or other buildings, includes measures to minimise the removal of vegetation on site and from road reserves.
- To prevent the premature removal of vegetation from a site prior to consideration of design options for a proposed development.

3.0  

Permit requirement

A permit is required to remove, destroy or lop any vegetation, except for:

- The removal of vegetation which is to be carried out in conjunction with a development approved under a planning permit and in accordance with an endorsed plan.
- The removal of vegetation necessary for the construction of a dwelling, dwelling extension or outbuilding where no planning permit is required and provided that: 
- A building permit has been granted for the proposed development.
- Vegetation is only removed from the building footprint or within 2 metres of the proposed building.
- No tree with a trunk circumference greater than 0.35 metres is removed within 6 metres of a road frontage.

- The removal of vegetation, not within a road reserve, to enable the formation of a single crossing and access driveway with a maximum width of 3.7 metres.
- The removal of vegetation which presents an immediate risk of personal injury or damage to property including the culling of single trees located within 3 metres of a dwelling or outbuilding, or which overhangs a boundary line.
- The removal of any dead timber or branch which has occurred through natural circumstances, fire or the spread of noxious weeds.
- The removal of any tree or branch of a tree which impairs the access of motor vehicles along any existing or approved access track, provided that such access track has a width no greater than 3.7 metres.
- The maintenance of landscaping, including pruning, which does not effect the stability, general form and viability of the vegetation.
- The removal of vegetation that has been established for less than 10 years and which is not required as landscaping under a planning approval.
- The removal of vegetation specified in the schedule to Clause 52.17.

An application for permit must be accompanied by a vegetation management plan clearly indicating:

- All existing vegetation on the site, the extent and purpose of proposed vegetation removal and the species, density and location of trees and other vegetation to be planted.
- The location of any watercourse on the property, and, if relevant, the location of areas where the ground slope exceeds 20 percent.

Where it is proposed to relocate a building, the application must specify the intended access route and provide an assessment of the vegetation impact, both on the site and on road reserves, including any proposed replanting.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider, as appropriate:

- The vegetation protection objectives of this schedule.
- The value of the native vegetation to be removed in terms of its habitat, landscape and environmental values, age, physical condition, rarity or variety.
- The need for a report, by a properly qualified person and to the satisfaction of the responsible authority, on the vegetation and habitat significance of the vegetation to be removed.
- Whether there is any reasonable alternative means of siting buildings and works in order to conserve the native vegetation of the area.
- The extent of the proposed vegetation removal and its likely effect on the stability of the site, particularly along streamlines or in erosion prone areas.
- The extent to which the removal of vegetation is necessary to achieve proper fire management.
- The benefit of conditions providing for the relocation of significant species prior to development of a site, having particular regard to the occurrence of native orchids.
• The benefit of conditions requiring planting, replanting and other treatment of the land, having regard to the relationship between buildings and the landscape and the maintenance, where possible, of shared view lines.

• The need for replacement vegetation to be of an appropriate species and to exclude environmental weeds.

• The need for a condition requiring the payment of a bond as part of a development approval to ensure that no unauthorised removal of vegetation occurs.

• The comments of any relevant coastal management, fire prevention, land management or soil conservation authority.
SCHEDULE 2 TO THE VEGETATION PROTECTION OVERLAY

Shown on the planning scheme map as VPO2.

SIGNIFICANT TREELINES

1.0

Statement of nature and significance of vegetation to be protected

Treelines within roadside reserves, along streamlines and within properties form important habitat and landscape elements on the Mornington Peninsula. Treelines often act as habitat corridors linking other, more substantial, areas of remnant vegetation. These factors are emphasised in the Shire’s Road Side Management Strategy. Many treelines, including those composed of non-indigenous trees, such as Monterey or Radiata Pines, are culturally significant elements of the Peninsula landscape.

2.0

Vegetation protection objective to be achieved

- To protect and conserve native vegetation and habitat areas, including those of rare, threatened and endangered flora and fauna species, along roadsides, streamlines, linear reserves and other treelines.
- To maintain the high landscape quality of roadsides and other areas.
- To maintain and enhance the habitat value and corridor function of treelines.
- To ensure consideration of the cultural and landscape significance of all treelines, including those composed of introduced vegetation species, such as Monterey or Radiata Pines.
- To ensure that proposals for replacement planting have regard to both environmental and cultural landscape values.
- To encourage strategic replanting programs, using suitable species, to provide for the long term maintenance of landscape values.

3.0

Permit requirement

A permit is required to remove, destroy or lop any vegetation, except for:

- The removal of vegetation which is to be carried out in conjunction with a development approved under a planning permit and in accordance with an endorsed plan.
- The removal of vegetation necessary for the construction of a dwelling, dwelling extension or outbuilding where no planning permit is required and provided that:
  - A building permit has been granted for the proposed development.
  - Vegetation is only removed from the building footprint or within 2 metres of the proposed building.
  - No tree with a trunk circumference greater than 0.35 metres is removed within 6 metres of a road frontage.
- The removal of vegetation, not within a road reserve, to enable the formation of a single crossing and access driveway with a maximum width of 3.7 metres.
- The removal of vegetation which presents an immediate risk of personal injury or damage to property including the culling of single trees located within 3 metres of a dwelling or outbuilding, or which overhangs a boundary line.
- The removal of any dead timber or branch which has occurred through natural circumstances, fire or the spread of noxious weeds.
...The removal of any tree or branch of a tree which impairs the access of motor vehicles along any existing or approved access track, provided that such access track has a width no greater than 3.7 metres.

- The removal of vegetation specified in the schedule to Clause 52.17.

An application to remove vegetation must indicate:

- The total extent of vegetation on the property and the extent of proposed clearing.
- The location of any watercourse on the property, and, if relevant, the location of areas where the ground slope exceeds 20 percent.
- The purpose of the proposed clearing and any proposals for revegetation, including proposed species, and ground stabilisation.

### Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- The vegetation protection objectives of this schedule.
- Any relevant regional catchment strategy or regional vegetation plan.
- The need for a report, by a properly qualified person and to the satisfaction of the responsible authority, on the vegetation and habitat significance of the vegetation to be removed.
- The cultural landscape value and visual prominence of the treeline, including the extent to which it remains intact and the condition and health of the trees.
- The botanical and environmental value of the treeline, including the age and condition of the trees and the extent to which the tree line forms part of a habitat area or habitat corridor.
- The need to maintain the connectivity of habitat corridors.
- The extent of the proposed vegetation removal and its likely effect on the stability of the site, particularly along streamlines or in erosion prone areas.
- The effect of retaining the treeline on agricultural pursuits and whether there is any reasonable alternative means of managing the land or siting buildings and works in order to conserve the vegetation of the area and better meet the objectives of this schedule.
- The extent to which the removal of vegetation is necessary to achieve proper fire management
- The benefit of conditions requiring replanting.
- The need for replacement vegetation to be of an appropriate species, having regard to the link between the species and the cultural landscape values of the treeline, the need to exclude environmental weeds and the proximity of the site to bushland areas. Where a treeline is near to bushland areas it is necessary to consider the potential for invasion of bushland by introduced species and the possibility of replacing introduced species with native species of a similar form.
- The comments of any relevant coastal management, fire prevention, catchment protection, land management or soil conservation authority.
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></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>
### Table of exemptions

<table>
<thead>
<tr>
<th>Requirement to obtain a permit does not apply to:</th>
<th>Vegetation that is to be removed, destroyed or lopped:</th>
</tr>
</thead>
</table>
| **Emergency works**                              | - in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access or to enable emergency works; or  
- where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption. |
| **Extractive industry**                          | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority granted under that Act. |
| **Fire protection**                              | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of any of the following fire protection activities:  
- fire fighting;  
- planned burning;  
- making or maintaining of a fuelbreak or fire fighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;  
- making of strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987);  
- is ground fuel within 30 metres of a building and is vegetation other than native vegetation;  
- in accordance with a fire prevention notice issued under either:  
  - Section 65 of the Forests Act 1958; or  
  - Section 41 of the Country Fire Authority Act 1958.  
- 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 of 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. |
| **Geothermal energy exploration and extraction** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with operation plan approved under the Geothermal Energy Resources Act 2005. |
| **Greenhouse gas sequestration and exploration** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the Greenhouse Gas Geological Sequestration Act 2008. |
| **Land management or directions notice**         | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the Catchment and Land Protection Act 1994. |
| **Land use conditions**                          | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the Catchment and Land Protection Act 1994. |
| **Mineral exploration and extraction**           | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention licence issued under the Mineral Resources (Sustainable Development) Act 1990: |
The requirement to obtain a permit does not apply to:

- 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 written agreement of the Secretary of the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).

### Stone exploration
Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.

The maximum extent of vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:

- 1 hectare of vegetation which does not include a tree.
- 15 trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.
- 5 trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

This exemption does not apply to costeasing and bulk sampling activities.

### 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 THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO1.

RIDGE AND ESCARPMENT AREAS

1.0

Statement of nature and key elements of landscape

Ridge and escarpment areas have been identified as key landscape features, providing landmarks that are visually prominent, and acting as scenic vantage points, enabling views of extensive coastal and rural landscapes. Ridge areas and escarpments also often retain substantial vegetation cover, which adds to the variety of the landscape.

The distinctive landscapes of the Peninsula have been shaped by geomorphological processes and features. These include the Selwyn and Tyabb Faults, the multiple smaller faults of the central and southern Peninsula and the basalt intrusions of Arthur’s Seat and Mt Martha. In this context the landforms of the Peninsula are culturally significant both in terms of the visual “sense of place” and in promoting an understanding of the natural processes. The high visual exposure of ridge and escarpment areas makes them particularly susceptible to visual intrusion from inappropriate development.

2.0

Landscape character objective to be achieved

- To protect and enhance the visual, natural and cultural heritage values of ridge and escarpment landscapes.
- To maintain the natural skyline of ridge and escarpment areas and avoid obtrusive building silhouettes.
- To avoid the construction of any buildings within 10 metres of a ridge area, unless no alternative site is available on the land.
- To protect ridge and escarpment landscapes from visual intrusion resulting from inappropriate buildings and works, and their siting, design or materials.
- To encourage siting, design and landscaping of buildings and works that is responsive to the landscape values of ridge and escarpment areas.
- To maintain vegetation as an important element of ridge and escarpment landscapes.

3.0

Permit requirement

- A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge zone, Special Use Zone or Public Use Zone, provided the following requirements are met:
  - The floor area of any building does not exceed 40 square metres.
  - Any building or other structure does not exceed a height of 6 metres above natural ground level.
  - Any building or other structure is set back more than 20m from the ridge line and its highest point does not protrude above the ridge line.
  - All external cladding of buildings and structures, including roofing, which is visible from any other property or roadway, is painted or finished in low reflective (40% LRV or less) or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25%, the colours of the external cladding and roof matches that of the existing building.
  - Any stock loading facility is set back more than 10 metres from a road frontage.
A permit is required to remove, destroy or lop native vegetation. This does not apply to removal of vegetation specified in the schedule to Clause 52.17.

4.0

Decision guidelines

Before deciding on an application the responsible authority must consider, as appropriate:

- The landscape character objectives of this schedule.
- The need for a landscape impact assessment report, prepared by a properly qualified person and to the satisfaction of the responsible authority.
- The protection and appropriate enhancement of the landscape, having regard to:
  - Protecting landscape areas and vantage points of high quality.
  - Maintaining visual sequences along access routes.
  - The conservation of significant areas of natural vegetation and significant stands of trees in ridge areas and on escarpments.
  - The control of the density of buildings and subdivision in areas of scenic value.
- Whether the siting, height, scale, materials and form of proposed buildings and works, including infrastructure service lines, has been designed to have least visual effect on the ridge and escarpment landscape and scenic views.
- Whether approval of the proposed buildings and works is compatible with maintaining the visual, natural and cultural heritage significance of the ridge and escarpment landscape.
- The availability of reasonable alternative sites, alternative building designs or alternative construction practices for proposed buildings and works that would better meet landscape character objectives of this schedule, having regard to the size and topography of the land and the form and nature of the proposed buildings and works.
- The availability of reasonable alternative routes, alternative designs or alternative forms of installation for infrastructure service lines that would better meet landscape character objectives of this schedule.
- Whether it is reasonable and practical to maintain a setback of 10 metres from a ridge area having regard to the size and topography of the land and the form and nature of proposed buildings and works.
- The benefit of permit conditions requiring all building materials to be non-reflective and of colours which are complementary to those of natural landscape.
- The benefit of conditions requiring the landscaping of buildings and works, while also having regard to the maintenance of existing viewlines.
- The containment of extractive industries to ensure that development and subsequent reclamation are carried out without significant detriment to the recreational and scenic value of the surrounding area.
SCHEDULE 2 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO2.

COASTAL LANDSCAPE

1.0

Statement of nature and key elements of landscape

Coastlines and coastal hinterland areas have been identified as key landscape features. These areas have an open rural character, and are often cleared, with a history of broad scale grazing. They act as a landscape foreground to coastlines and seascapes, with transitional areas ranging from extensive dune and beach areas to abrupt high basalt and limestone cliffs. The open landscape character makes these areas susceptible to visual intrusion from inappropriate development and the use of landscaping to screen buildings and works must be balanced with maintaining extensive viewlines.

2.0

Landscape character objective to be achieved

- To protect and enhance the visual, natural and cultural heritage values of coastal landscapes.
- To protect coastal landscapes from visual intrusion resulting from the inappropriate siting, design or materials of buildings and works, including infrastructure service lines.
- To encourage siting, design and landscaping of buildings and works that is responsive to the coastal landscape character.
- To maintain vegetation as an important element of coastal landscapes.

3.0

Permit requirement

- A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge zone, Special Use Zone or Public Use Zone, provided the following requirements are met:
  - The floor area of any building does not exceed 40 square metres.
  - Any building or other structure does not exceed a height of 6 metres above natural ground level.
  - Any building or other structure is set back more than 20m from the ridge line and its highest point does not protrude above the ridge line.
  - All external cladding of buildings and structures, including roofing, which is visible from any other property or roadway, is painted or finished in low reflective (40% LRV or less) or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25%, the colours of the external cladding and roof matches that of the existing building.
  - Any stock loading facility is set back more than 10 metres from a road frontage.
- A permit is required to remove, destroy or lop native vegetation. This does not apply to removal of vegetation specified in the schedule to Clause 52.17.

4.0

Decision guidelines

Before deciding on an application the responsible authority must consider, as appropriate:

- The landscape character objectives of this schedule.
- The need for a landscape impact assessment report, prepared by a properly qualified person and to the satisfaction of the responsible authority.
- The protection and appropriate enhancement of the landscape, having regard to:
  - Protecting landscape areas and vantage points of high quality.
- Maintaining visual sequences along access routes.
- The conservation of significant areas of natural vegetation and significant stands of trees in coastal landscapes.
- The control of the density of buildings and subdivision in areas of scenic value.

- Whether the siting, height, scale, materials and form of proposed buildings and works, including infrastructure service lines, has been designed to have least visual effect on the coastal landscape and scenic views.

- Whether approval of the proposed buildings and works is compatible with maintaining the visual, natural and cultural heritage significance of the coastal landscape.

- The availability of reasonable alternative sites, alternative building designs or alternative construction practices for proposed buildings and works that would better meet landscape character objectives of this schedule, having regard to the size and topography of the land and the form and nature of the proposed buildings and works.

- The availability of reasonable alternative routes, alternative designs or alternative forms of installation for infrastructure service lines that would better meet landscape character objectives of this schedule.

- The benefit of permit conditions requiring all building materials to be non-reflective and of colours which are complementary to those of natural landscape.

- The benefit of conditions requiring the landscaping of buildings and works, while also having regard to the maintenance of existing viewlines and the open landscape character of some areas of the coastal hinterland.

- The Victorian Coastal Strategy, Siting and Design Guidelines for Structures on the Victorian Coast (May 1998) and Landscape Setting Types for the Victorian Coast (May 1998).
SCHEDULE 3 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO3.

SCENIC ROADS

1.0

Statement of nature and key elements of landscape

Scenic roads have been identified as key landscape features. Scenic drives on the Mornington Peninsula are major recreational resource and development adjacent to scenic roads may substantially effect the perception of landscape quality and the associated recreational value.

2.0

Landscape character objective to be achieved

- To ensure that the scenic and recreational value of scenic routes throughout the Peninsula is not compromised by the inappropriate siting and design of buildings.
- To maintain the asset of a varied network of scenic roads, featuring roadside vegetation and having regard to construction standards appropriate to the function of each road.

3.0

Permit requirement

- A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge zone, Special Use Zone or Public Use Zone, provided the following requirements are met:
  - The floor area of any building does not exceed 40 square metres.
  - Any building or other structure does not exceed a height of 6 metres above natural ground level.
  - Any building or other structure is set back more than 20m from the ridge line and its highest point does not protrude above the ridge line.
  - All external cladding of buildings and structures, including roofing, which is visible from any other property or roadway, is painted or finished in low reflective (40% LRV or less) or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25%, the colours of the external cladding and roof matches that of the existing building.
  - Any stock loading facility is set back more than 10 metres from a road frontage.

- A permit is required to remove, destroy or lop native vegetation. This does not apply to removal of vegetation specified in the schedule to Clause 52.17.

4.0

Decision guidelines

Before deciding on an application the responsible authority must consider, as appropriate:

- The landscape character objectives of this schedule.
- The need for a landscape impact assessment report, prepared by a properly qualified person and to the satisfaction of the responsible authority.
- The protection and appropriate enhancement of the landscape, having regard to:
  - Protecting landscape areas and vantage points of high quality.
  - Maintaining visual sequences along access routes.
  - The conservation of significant areas of natural vegetation and significant stands of trees along scenic roads and on adjoining land.
  - The control of the density of buildings and subdivision in areas of scenic value.
Whether the siting, height, scale, materials and form of proposed buildings and works, including infrastructure service lines, has been designed to have least visual effect on the landscape and scenic views.

Whether approval of the proposed buildings and works is compatible with maintaining the visual, natural and cultural heritage significance of the landscape.

The availability of reasonable alternative sites, alternative building designs or alternative construction practices for proposed buildings and works that would better meet landscape character objectives of this schedule, having regard to the size and topography of the land and the form and nature of the proposed buildings and works.

The availability of reasonable alternative routes, alternative designs or alternative forms of installation for infrastructure service lines that would better meet landscape character objectives of this schedule.

The benefit of permit conditions requiring all building materials to be non-reflective and of colours which are complementary to those of natural landscape.

The benefit of conditions requiring the landscaping of buildings and works, while also having regard to the maintenance of existing viewlines and the open landscape character of some areas.
SCHEDULE 4 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SL04.

SCENIC RECREATION SITES

1.0

Statement of nature and key elements of landscape

Scenic recreation sites have been identified as key landscape features contributing to the opportunities for outdoor and unstructured recreation on the Mornington Peninsula. Development within these areas may substantially effect the perception of landscape quality.

2.0

Landscape character objective to be achieved

- To protect scenic recreation sites from visual intrusion resulting from the inappropriate siting or design of buildings and works.
- To encourage the siting, design and landscaping of buildings and works which is responsive to the recreational value and landscape environment of scenic recreation sites.
- To maintain vegetation as an important element in the value of scenic recreation sites.

3.0

Permit requirement

- A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge zone, Special Use Zone or Public Use Zone, provided the following requirements are met:
  - The floor area of any building does not exceed 40 square metres.
  - Any building or other structure does not exceed a height of 6 metres above natural ground level.
  - Any building or other structure is set back more than 20m from the ridge line and its highest point does not protrude above the ridge line.
  - All external cladding of buildings and structures, including roofing, which is visible from any other property or roadway, is painted or finished in low reflective (40% LRV or less) or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25%, the colours of the external cladding and roof matches that of the existing building.
  - Any stock loading facility is set back more than 10 metres from a road frontage.
- A permit is required to remove, destroy or lop native vegetation. This does not apply to removal of vegetation specified in the schedule to Clause 52.17.

4.0

Decision guidelines

Before deciding on an application the responsible authority must consider, as appropriate:

- The landscape character objectives of this schedule.
- The need for a landscape impact assessment report, prepared by a properly qualified person and to the protection and appropriate enhancement of the landscape, having regard to:
  - Protecting landscape areas and vantage points of high quality.
  - Maintaining visual sequences along access routes.
  - The conservation of significant areas of natural vegetation and significant stands of trees within scenic recreation sites and on adjoining land and roadways.
  - The control of the density of buildings and subdivision in areas of scenic value.
Whether the siting, height, scale, materials and form of proposed buildings and works, including infrastructure service lines, has been designed to have least visual effect on the landscape and scenic views.

Whether approval of the proposed buildings and works is compatible with maintaining the visual, natural and cultural heritage significance of the landscape.

The availability of reasonable alternative sites, alternative building designs or alternative construction practices for proposed buildings and works that would better meet landscape character objectives of this schedule, having regard to the size and topography of the land and the form and nature of the proposed buildings and works.

The availability of reasonable alternative routes, alternative designs or alternative forms of installation for infrastructure service lines that would better meet landscape character objectives of this schedule.

The benefit of permit conditions requiring all building materials to be non-reflective and of colours which are complementary to those of natural landscape.

The benefit of conditions requiring the landscaping of buildings and works, while also having regard to the maintenance of existing viewlines and the open landscape character of some areas.
SCHEDULE 5 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO5.

SCENIC VANTAGE POINTS

1.0

Statement of nature and key elements of landscape

Scenic vantage points have been identified as key landscape features. Development within these areas may substantially effect the perception of landscape quality unless it is carefully sited and designed.


2.0

Landscape character objective to be achieved

- To protect scenic vantage points from visual intrusion resulting from the inappropriate siting or design of buildings and works.
- To encourage the siting, design and landscaping of buildings and works which is responsive to the landscape value of scenic vantage points.

3.0

Permit requirement

- A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge zone, Special Use Zone or Public Use Zone, provided the following requirements are met:
  - The floor area of any building does not exceed 40 square metres.
  - Any building or other structure does not exceed a height of 6 metres above natural ground level.
  - Any building or other structure is set back more than 20m from the ridge line and its highest point does not protrude above the ridge line.
  - All external cladding of buildings and structures, including roofing, which is visible from any other property or roadway, is painted or finished in low reflective (40% LRV or less) or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25%, the colours of the external cladding and roof matches that of the existing building.
  - Any stock loading facility is set back more than 10 metres from a road frontage.
- A permit is required to remove, destroy or lop native vegetation. This does not apply to removal of vegetation specified in the schedule to Clause 52.17.

4.0

Decision guidelines

Before deciding on an application the responsible authority must consider, as appropriate:

- The landscape character objectives of this schedule.
- The need for a landscape impact assessment report, prepared by a properly qualified person and to the satisfaction of the responsible authority.
- The protection and appropriate enhancement of the landscape, having regard to:
  - Protecting landscape areas and vantage points of high quality.
  - Maintaining visual sequences along access routes.
  - The conservation of significant areas of natural vegetation and significant stands of trees along scenic roads and on adjoining land.
- The control of the density of buildings and subdivision in areas of scenic value.

- Whether the siting, height, scale, materials and form of proposed buildings and works, including infrastructure service lines, has been designed to have least visual effect on the landscape and scenic views.

- Whether approval of the proposed buildings and works is compatible with maintaining the visual, natural and cultural heritage significance of the landscape.

- The availability of reasonable alternative sites, alternative building designs or alternative construction practices for proposed buildings and works that would better meet landscape character objectives of this schedule, having regard to the size and topography of the land and the form and nature of the proposed buildings and works.

- The availability of reasonable alternative routes, alternative designs or alternative forms of installation for infrastructure service lines that would better meet landscape character objectives of this schedule.

- The benefit of permit conditions requiring all building materials to be non-reflective and of colours which are complementary to those of natural landscape.

- The benefit of conditions requiring the landscaping of buildings and works, while also having regard to the maintenance of existing viewlines and the open landscape character of some areas.
SCHEDULE 6 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO6.

NATIONAL TRUST CLASSIFIED LANDSCAPES

1.0

Statement of nature and key elements of landscape

National Trust classified landscapes have been identified as key landscape features. The National Trust classification combines the immediate visual values of the landscape with an assessment of cultural heritage significance. Development within these areas may substantially effect the perception of landscape quality unless it is carefully sited and designed.

2.0

Landscape character objective to be achieved

- To protect and enhance the visual, natural and cultural heritage values of classified landscapes.
- To protect classified landscapes from visual intrusion resulting from the inappropriate siting, design or materials of buildings and works.
- To encourage siting, design and landscaping of buildings and works which is responsive to the landscape values of classified landscapes.
- To maintain vegetation as an important element of classified landscapes.

3.0

Permit requirement

- A permit is not required for buildings and works associated with a Section 1 use in the Green Wedge zone, Special Use Zone or Public Use Zone, provided the following requirements are met:
  - The floor area of any building does not exceed 40 square metres.
  - Any building or other structure does not exceed a height of 6 metres above natural ground level.
  - Any building or other structure is set back more than 20m from the ridge line and its highest point does not protrude above the ridge line.
  - All external cladding of buildings and structures, including roofing, which is visible from any other property or roadway, is painted or finished in low reflective (40% LRV or less) or, where the building is an extension to an existing building and the existing floor area is not being increased by more than 25%, the colours of the external cladding and roof matches that of the existing building.
  - Any stock loading facility is set back more than 10 metres from a road frontage.
- A permit is required to remove, destroy or lop native vegetation. This does not apply to removal of vegetation specified in the schedule to Clause 52.17.

4.0

Decision guidelines

Before deciding on an application the responsible authority must consider, as appropriate:

- The landscape character objectives of this schedule.
- The need for a landscape impact assessment report, prepared by a properly qualified person and to the satisfaction of the responsible authority.
- The comments of the National Trust where proposals may significantly effect the classified landscape.
- The protection and appropriate enhancement of the landscape, having regard to:
- Protecting landscape areas and vantage points of high quality.
- Maintaining visual sequences along access routes.
- The conservation of significant areas of natural vegetation and significant stands of trees along scenic roads and on adjoining land.
- The control of the density of buildings and subdivision in areas of scenic value.

- Whether the siting, height, scale, materials and form of proposed buildings and works, including infrastructure service lines, has been designed to have least visual effect on the classified landscape.

- Whether approval of the proposed buildings and works is compatible with maintaining the visual, natural and cultural heritage significance of the landscape.

- The availability of reasonable alternative sites, alternative building designs or alternative construction practices for proposed buildings and works that would better meet landscape character objectives of this schedule, having regard to the size and topography of the land and the form and nature of the proposed buildings and works.

- The availability of reasonable alternative routes, alternative designs or alternative forms of installation for infrastructure service lines that would better meet landscape character objectives of this schedule.

- The benefit of permit conditions requiring all building materials to be non-reflective and of colours which are complementary to those of natural landscape.

- The benefit of conditions requiring the landscaping of buildings and works, while also having regard to the maintenance of existing viewlines and the open landscape character of some areas.
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 system 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>
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<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 system attached to a dwelling.

Construct and install an electric vehicle charging station.

Construct and install services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar.

Places in the Victorian Heritage Register

A heritage place which is included in the Victorian Heritage Register is subject to the requirements of the Heritage Act 2017.

Permit requirement

A permit is required under this overlay to subdivide a heritage place which is included in the Victorian Heritage Register. This includes the subdivision or consolidation of land including any building or airspace.

Referral of applications

An application to subdivide a heritage place which is included in the Victorian Heritage Register must be referred to the relevant referral authority under Section 55 of the Act in accordance with Clause 66 of this scheme.
No permit required

No permit is required under this overlay:

- For anything done in accordance with an incorporated plan specified in a schedule to this overlay.
- To internally alter a church for liturgical purposes if the responsible authority is satisfied that the alterations are required for liturgical purposes.
- For interments, burials and erection of monuments, re-use of graves, burial of cremated remains and exhumation of remains in accordance with the *Cemeteries and Crematoria Act 2003*.
- To develop a heritage place which is included in the Victorian Heritage Register, other than an application to subdivide a heritage place of which all or part is included in the Victorian Heritage Register.

Exemption from notice and review

An application under this overlay for any of the following classes of development is exempt from the notice requirements of section 52(1) (a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act:

- Demolition or removal of an outbuilding (including a carport, garage, pergola, verandah, deck, shed or similar structure) unless the outbuilding is specified in the schedule to this overlay.
- Demolition or removal of a fence unless the fence is specified in the schedule to this overlay.
- External alteration of a building.
- External painting.
- Construction of a fence.
- Construction of a carport, garage, pergola, verandah, deck, shed or similar structure.
- Domestic services normal to a dwelling.
- Carry out works, repairs and routine maintenance.
- Internally alter a building.
- Non-domestic disabled access ramp.
- Construction of a vehicle cross-over.
- Construction of a domestic swimming pool or spa and associated mechanical equipment and safety fencing.
- Construction of a tennis court.
- Construction of a rainwater tank.
- Construction or display of a sign.
- Lopping of a tree.
- Construction of seating, picnic tables, drinking taps, barbeques, rubbish bins, security lighting, irrigation, drainage or underground infrastructure, bollards, telephone boxes.
- Roadworks.
- An electric vehicle charging station.
- Services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar.
**Statements of significance**

The schedule to this overlay must specify a statement of significance for each heritage place included in the schedule after the commencement of Amendment VC148. This does not apply to:

- A heritage place included in the schedule to this overlay by an amendment prepared or authorised by the Minister under section 8(1)(b) or section 8A(4) of the Act before or within three months after the commencement of Amendment VC148.
- A registered heritage place included in the Victorian Heritage Register established under Part 3 of the *Heritage Act 2017*.
- A heritage place included in the schedule to this overlay on an interim basis.

**Heritage design guidelines**

The schedule to this overlay may specify heritage design guidelines for any heritage place included in the schedule. A heritage design guideline must not contain any mandatory requirements.

**Application requirements**

An application must be accompanied by any information specified in the schedule to this overlay.

**Decision guidelines**

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

- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.
- Any applicable heritage design guideline specified in the schedule to this overlay.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.
- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed subdivision will adversely affect the significance of the heritage place.
- Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.
- Whether the lopping or development will adversely affect the health, appearance or significance of the tree.
- Whether the location, style, size, colour and materials of the proposed solar energy system 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>Aboriginal heritage place?</th>
</tr>
</thead>
<tbody>
<tr>
<td>HO401</td>
<td><em>Peninsula Heights Residential Estate</em></td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>no</td>
<td>no</td>
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<tr>
<td></td>
<td>757, 759, 765, 767 &amp; 777 Arthurs Seat Road, Arthurs Seat 26 Steane Avenue, Arthurs Seat</td>
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<td><strong>Statement of significance:</strong></td>
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<td></td>
<td>Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018</td>
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<tr>
<td>HO3</td>
<td><em>Arthurs and Gardens of the Moon</em></td>
<td>yes</td>
<td>no</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
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<td></td>
<td>774-790 Arthurs Seat Road, Arthurs Seat</td>
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<tr>
<td>HO4</td>
<td><em>Arthurs Seat Reserve and Tower</em></td>
<td>yes</td>
<td>no</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
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<td></td>
<td>801 Arthurs Seat Road, Arthurs Seat</td>
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<tr>
<td>HO402</td>
<td><em>Dromana Cemetery</em></td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
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<td></td>
<td>1065 Arthurs Seat Road, Arthurs Seat</td>
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<tr>
<td>HO260</td>
<td><em>St Mark’s Anglican Church &amp; Hall, Trees</em></td>
<td>yes</td>
<td>no</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>no</td>
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<tr>
<td>PS map ref</td>
<td>Heritage place</td>
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</tbody>
</table>
|            | 1 Balnarring Road, Balnarring  
The church, and hall, with associated fabric from the early 20th century such as the fence, hedge and Monterey cypress and pine specimens. |
|            | HO13 | Hazel Grove  
101 Balnarring Road, Balnarring  
The title land and house, as described, plus any associated fabric and trees from the 19th century and the Hurley tenure. |
|            | noyes | Internal alteration controls apply?  
yes | Internal alteration controls not exempt under Clause 43.01-4  
no | no | no | yes | no |
|            | HO271 | Balnarring Racecourse & Emu Plains Recreation Reserve  
58 Coolart Road, Balnarring  
The racecourse reserve, track and mature indigenous vegetation, with emphasis on fabric from the main development period (19th century) |
|            | noyes | Internal alteration controls apply?  
no | Internal alteration controls not exempt under Clause 43.01-4  
no | no | no | yes | no |
|            | HO231 | Chicory Kiln  
3 Stanleys Road, Balnarring  
The oast house and land within nominally 5m of its perimeter, with emphasis on the fabric from early in the 20th century. |
|            | yesno | Internal alteration controls apply?  
yes | Internal alteration controls not exempt under Clause 43.01-4  
nono | no | no | yes | no |
|            | HO247 | Warrawee Homestead  
Warrawee Road, Balnarring |
|            | yesno | Internal alteration controls apply?  
yes | Internal alteration controls not exempt under Clause 43.01-4  
nono | no | no | no |
|            | HO261 | Harley Davidson Clubrooms  
144-146 Balnarring Beach Road, Balnarring Beach  
The building and the title land, with associated fabric from the 1920’s such as the front wire fence, cypress hedge and Monterey pine specimens |
|            | yesno | Internal alteration controls apply?  
yes | Internal alteration controls not exempt under Clause 43.01-4  
nono | no | no | yes | no |
|            | HO265 | Cork Oak & Stone Pine |
|            | noyes | Internal alteration controls apply?  
no | Internal alteration controls not exempt under Clause 43.01-4  
no | no | no | no |

MORNINGTON PENINSULA PLANNING SCHEME
<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 43.61-4</th>
<th>Included on the Victorian Heritage Register under the Heritage Act 2017?</th>
<th>Prohibited uses permitted?</th>
<th>Aboriginal heritage place?</th>
</tr>
</thead>
<tbody>
<tr>
<td>HO92</td>
<td><strong>Hansens Lane Beach House Precinct</strong></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></td>
<td>Hansens Lane, Balnarring Beach</td>
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<tr>
<td></td>
<td>The cited properties and all land within their titles and contiguous to them, with emphasis on the fabric from or near their construction dates (1920’s-30’s) and mature trees (two Canary Island palms, Norfolk Island pine, Moreton Bay fig, indigenous trees.</td>
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<tr>
<td>HO263</td>
<td><strong>Westoaks, Farm House &amp; Garden</strong></td>
<td>yes</td>
<td>no</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>No</td>
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<tr>
<td></td>
<td>154 Baxter-Tooradin Road, Baxter</td>
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<tr>
<td></td>
<td>The house, cited trees and the title land, with any associated fabric or trees from or near the construction dates, late Victorian era and early 20th century.</td>
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<tr>
<td>HO264</td>
<td><strong>Former Baxter Presbyterian Church &amp; Hall</strong></td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>No</td>
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<td></td>
<td>205 Baxter-Tooradin Road, Baxter</td>
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<tr>
<td></td>
<td>The cited buildings and titled land, with any associated fabric or trees from or near the construction dates (early 20th century)</td>
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<tr>
<td>HO225</td>
<td><strong>Sages Cottage (Eurutta)</strong></td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>yes Ref No H302</td>
<td>no</td>
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<td></td>
<td>85 Sages Road, Baxter</td>
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<tr>
<td>HO324</td>
<td><strong>Jack’s Tanning Pit</strong></td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
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<tr>
<td></td>
<td>Off Woolleys Road, Bitter</td>
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<tr>
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<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>Aboriginal heritage place?</td>
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<td>HO90</td>
<td>Cottage 25 Godfrey Street, Blairgowrie</td>
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<td>no</td>
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<td>HO219</td>
<td>Roseville 36-44 Roseville Avenue, Blairgowrie</td>
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<td>no</td>
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<td>HO229</td>
<td>Blairgowrie House 17-23 Scott Wynd, Blairgowrie</td>
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<td>no</td>
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<td>Ref No H292</td>
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<td>Midway 298 Boneo Road, Boneo</td>
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<td>no</td>
<td>yes</td>
<td>no</td>
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<td>Limestone Chimney and Tree 365 Boneo Road, Boneo</td>
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<td>no</td>
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<td>Maroolaba 895 Boneo Road, Cape Schanck</td>
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<td>yes</td>
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<td>no</td>
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<td>HO30</td>
<td>Braeside 1035 Boneo Road, Cape Schanck</td>
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<td>no</td>
<td>yes</td>
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<td>HO40</td>
<td>Kelly’s Cottage 35 Cape Schanck Road, Cape Schanck</td>
<td>yes</td>
<td>no</td>
<td>yes</td>
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<td>HO39</td>
<td>Cape Schanck Lightstation 164-420 Cape Schanck Road, Cape Schanck</td>
<td>no</td>
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<td>no</td>
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<td>Barragunda</td>
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<td>HO446</td>
<td>Eastbourne Farmhouse and Dairy</td>
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<td>no</td>
<td>no</td>
<td>yes</td>
<td></td>
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<td>19 William Crescent, Capel Sound</td>
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<td>18 Woyna Avenue, Capel Sound</td>
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<td>HO274</td>
<td>Crib Point Public Cemetery</td>
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<td>189 Disney Street, Crib Point</td>
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<td>The original reserve and memorials with emphasis on those from an early date (19th and early 20th century)</td>
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<td></td>
<td>Incorporated plan: Plan No. 2 Crib Point Public Cemetery, February 2005</td>
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<td>HO318</td>
<td>Crib Point Residential and Civic Precinct</td>
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<td></td>
<td>Stony Point Road, Crib Point</td>
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<td></td>
<td>The buildings and title land of the following, with emphasis on the fabric from or near the construction date, including: House 261 Stony Point Road Crib Point</td>
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</table>
| House 263 Stony Point Road, Crib Point  
House 265 Stony Point Road, Crib Point  
House 269 Stony Point Road, Stony Point | no                                     | no                              | no                   | no                   | no                                      | no                                                 | no                          | no                        |
| HO319      | Settlement Store, Shop & Residence  
295 Stony Point Road, Crib Point  
The buildings and title land, with emphasis on the fabric from or near the construction period (inter-war) | yes                             | no                              | no                   | no                                      | no                                                 | yes                         | no                        |
| HO240      | Former BP Refinery Administration Building  
220-350 The Esplanade, Crib Point | no                                     | no                              | no                   | yes Ref No H1016 | no                                                 | yes                         | no                        |
| HO322      | Woolley’s Cool Room, Woolley’s Beach  
Off The Esplanade, Crib Point  
The cellar and land within nominally 5m of its perimeter, with emphasis on the fabric from or near the construction date c1903, plus any related fabric such as the jetty and tramline remnants | no                                     | no                              | no                   | no                                      | no                                                 | no                          | no                        |
| HO6        | McCraith House (Larrakeyeah)  
1-3 Atunga Terrace, Dromana | no                                     | no                              | no                   | no                                      | yes Ref No H1906 | no                          | no                        |
| HO404      | Houses  
4, 8, and 12 Atunga Terrace, Dromana  
**Statement of significance:**  
Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, Dec 2018 | no                                     | no                              | no                   | no                                      | no                                                 | no                          | no                        |
<p>| HO405      | Mounts Bay | no                                     | no                              | no                   | no                                      | no                                                 | no                          | no                        |</p>
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<td>HO462</td>
<td><em>House</em></td>
<td>20 Grant Street, Dromana</td>
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<td>Redmond Cottage</td>
<td>52 Heales Street, Dromana</td>
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<td>HO113</td>
<td>Washington</td>
<td>17 Latrobe Parade, Dromana</td>
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<tr>
<td>HO114</td>
<td>Heronswood</td>
<td>105 Latrobe Parade, Dromana</td>
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<td>no</td>
<td>no</td>
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<td>HO129</td>
<td>The Gums Cottage</td>
<td>1/9 McCulloch Street, Dromana</td>
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<td>HO538</td>
<td>Omuna</td>
<td>4 McCulloch Street, Dromana</td>
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<td>no</td>
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<tr>
<td>HO409</td>
<td>Beauvoir</td>
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<td>HO539</td>
<td>The Oaks</td>
<td>30 McCulloch Street, Dromana</td>
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<td>Dromana Drive-In</td>
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<td>Mt Lavinia</td>
<td>195 Palmerston Avenue, Dromana</td>
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<td>Former Methodist Manse</td>
<td>201 Palmerston Avenue, Dromana</td>
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<td>HO158</td>
<td>Bayview Homestead</td>
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<td>Tanderry</td>
<td>233 Palmerston Avenue, Dromana</td>
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<td>Dromana Hotel</td>
<td>233 Palmerston Avenue, Dromana</td>
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<td>Dromana Cellars 199 Point Nepean Road, Dromana</td>
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<td>St Mark’s Church of England 273 Point Nepean Road, Dromana</td>
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<td>HO168</td>
<td>The Nest, The Wilson Home (Piawola) 303-313 Point Nepean Road, Dromana</td>
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<td>Lurnea (main shop and dwelling) 359 Point Nepean Road, Dromana</td>
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<td>Old Shire Offices 359A Point Nepean Road, Dromana</td>
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<td>A-Frame House 10 Seaview Street, Dromana</td>
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<td>HO352</td>
<td>Former RSL Memorial Club Rooms (Also known as: Dromana Memorial Club Rooms, Soldiers Memorial, RSL, SeaScout, Girl Guide, and Staniforth Hall) The Esplanade, Dromana</td>
<td>yes</td>
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<td>HO461</td>
<td><em>Granite Sea Wall</em></td>
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<td></td>
<td>Anthony’s Nose, Dromana Foreshore</td>
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<td>The extent of the granite walls and an area of land 2.0m on either side of the walls.</td>
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<td><em>Tibarilla Farm</em></td>
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<td><em>Flinders Foreshore Precinct</em></td>
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<td>The title land, buildings (church, hall, and bell tower), with emphasis on the fabric from or near the main development phases of the site, the late 19th century, 1930's and the 1960's.</td>
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<td>The tree and land within 5m of its canopy or root ball perimeter whichever is the greater</td>
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<td><em>Minto Farm Complex, Farm Landscape and Stone Pine Row</em> 3485 Frankston-Flinders Road, Merricks</td>
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<td><em>Larnoo &amp; Farm Landscape</em> 3575 Frankston-Flinders Road, Merricks</td>
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<td><em>Kalimna Farm Complex and Farm Landscape</em> Part of Lot 3 PS 741240V, 3649 Frankston-Flinders Road, Merricks</td>
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<td><em>Koonoona</em> 51 Merricks Road, Merricks</td>
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<td><em>Foxey’s Hangout</em> Balnarring Road, Merricks North</td>
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The title land and buildings, with emphasis on the fabric from the inter-war period and the Weston tenure.

*Incorporated plan:* Plan No. 1 Merricks General Store, July 2004

The title land and buildings, farm landscape, mature trees and buildings, with emphasis on the fabric from the 19th and early 20th century and the Cole Tenure.

The building and land within the title boundary nominally 10m from its perimeter, with emphasis on the fabric from or near the construction date and the Joyner tenure.

The current median and planting.
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<tr>
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<tr>
<td>HO266</td>
<td><strong>Shand Orchard House, Trees</strong>&lt;br&gt;214 Bittern-Dromana Road, Merricks North&lt;br&gt;The house, cited trees and the title land, with any associated fabric or trees from or near the construction period, being the early 20th century.</td>
<td>yes</td>
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<td><strong>Merricks North Orchard Group Precinct</strong>&lt;br&gt;Bittern-Dromana Road, Merricks North&lt;br&gt;The cited precinct components, land, buildings and mature exotic trees, with emphasis on fabric from pre 1939, particularly from the Edwardian era.</td>
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<td><strong>Newstead Complex, Trees</strong>&lt;br&gt;12 Kentucky Road, Merricks North&lt;br&gt;The buildings and title land with emphasis on the fabric from or near the main construction dates (late 19th century)</td>
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<td>HO307</td>
<td><strong>The Elms Stone Pine Row</strong>&lt;br&gt;92 Merricks Road, Merricks North&lt;br&gt;The trees and land within 5m of their canopy or root ball perimeter whichever is the greater.</td>
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<td><strong>The Barn, Merricks North Cool Store</strong>&lt;br&gt;51 Old Bittern-Dromana Road, Merricks North&lt;br&gt;The building and title land, with associated fabric from or near the construction date (being the 1940's)</td>
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<td>HO244</td>
<td><strong>Goldmining Site</strong>&lt;br&gt;Tubbarubba and Bulldog Creek Roads, Merricks North</td>
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<td>The banks and associated gullies of both Bulldog and Tubbarubba Creeks west of Tubbarubba Road within nominally 10m of the centre line of the creek plus all mining workings in CA7A, Parish of Balnarring (as mapped on the Keble 1928 plan).</td>
<td></td>
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<td>HO300</td>
<td>Mundowie, Trees</td>
<td>71 Loders Road, Moorooduc</td>
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<td>475 Moorooduc Highway, Moorooduc</td>
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<td>Church of England Hall</td>
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<td>Oak Hill (former Park Hill) Homestead, stables, Oak tree, Cypress wind breaks 350 Dunns Road, Mornington (part)</td>
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<td>Fountain adjacent to 2B Empire Street, Mornington</td>
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<td>Bird Rock Historic Site Off Esplanade, Mornington</td>
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<td><em>Caversham Court Flats</em> 761-763 Esplanade, Mornington</td>
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<td><em>Royal Hotel (Schnapper Point Hotel)</em> 770-773 Esplanade, Mornington</td>
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<td><em>Mulberry</em> 797 Esplanade, Mornington</td>
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<td><em>The Moorings (house and garden)</em> 798 Esplanade, Mornington</td>
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<td><em>Roseneath</em> 818, Esplanade, Mornington</td>
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<td><em>Combe Martin</em> 819-820 Esplanade, Mornington</td>
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<td><em>Brixham-on-Sea</em> 832 Esplanade, Mornington</td>
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<td><em>House and Garden</em></td>
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<td>Maison la Plage, House, ti-tree</td>
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<td>Beach Grove (town houses, courtyard fences and overall landscaping design)</td>
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<td>no</td>
<td>yes</td>
<td>yes (courtyard fences)</td>
<td>no</td>
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<td>6-11/8 Johns Road, Mornington and 1-5/107 Prince Street, Mornington</td>
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<td>Mornington Main Street and Esplanade Civic Precinct, includes: Former State Savings Bank, 787 Esplanade, Mornington Former Mornington Post Office, 789 Esplanade, Mornington Former Mechanics Institute, Part 2 Queen Street, Mornington Schnapper Point Court House and Gaol, 2-4 Main Street, Mornington St Peter’s Vicarage, 1 Ross Street, Mornington</td>
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<td>Former Mornington Coffee Palace Guest House 1/26, 2/26, 3/26, 4/26, 28, 30 Main Street and 1/1A, 2/1A, 3/1A Railway Grove, Mornington (Lots 1, 2, 3, 4A, 5A, 6, 7, 8, and 9 of PS441799)</td>
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<td>Former Office Mornington Post 97 Main Street, Mornington</td>
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<td>Former King George V Memorial Bush Nursing Hospital (part) and mature Oak tree west of the building 262 Main Street, Mornington (part)</td>
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<td>Mornington Pier</td>
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<td><em>Former Mornington State School no. 2033</em>&lt;br&gt;25 Vale Street, Mornington (part)</td>
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<td><em>Ranelagh Estate</em>&lt;br&gt;Mount Eliza</td>
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<td><em>Ranelagh Residential Group - Modernist Styles</em>&lt;br&gt;Mount Eliza, includes houses at:&lt;br&gt;20 Ravenscourt Crescent&lt;br&gt;5 Rendlesham Avenue&lt;br&gt;15 Rendlesham Avenue&lt;br&gt;28 Roehampton Crescent&lt;br&gt;75 Wimbome Avenue</td>
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<td><em>Ranelagh Residential Group - Traditional Picturesque Style</em></td>
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<td>23 Rannoch Avenue, Mount Eliza (house and tree)</td>
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<td>15-17 Ravenscourt Crescent (house and tree)</td>
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<td><strong>HO32</strong> Peck Bungalow</td>
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<td>5 Brookwood Drive, Mount Eliza</td>
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The table above lists the Heritage places included on the Victorian Heritage Register under the Heritage Act 2017.
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| HO65       | Woodclyffe Cottage  
594 Esplanade, Mount Martha | yes                      | no                                  | yes                  | no                                                     | no                                                          | yes                         | no                          |
| HO332      | House  
15 Finlayson Avenue, Mount Martha | yes                      | no                                  | yes                  | no                                                     | no                                                          | no                          | no                          |
| HO88       | The Chalet  
14 Glenisla Drive, Mount Martha | no                       | no                                  | no                   | no                                                     | yes (Ref No H1891)                                            | no                          | no                          |
| HO89       | Component House  
100 Glenisla Drive, Mount Martha | yes                      | no                                  | yes                  | no                                                     | no                                                          | no                          | no                          |
| HO95       | Joseph Harris Scout Park  
Hearn Road, Mount Martha | yes                      | no                                  | yes                  | no                                                     | no                                                          | no                          | no                          |
| HO363      | Citation Reserve, Oval, Memorial Stone and former Army Hut, Cypress avenue  
88 Helena Street, Mount Martha (part) | yes                      | no                                  | yes                  | no                                                     | no                                                          | no                          | no                          |
| HO115      | Yarilla (house and garden)  
7-9 Lempriere Avenue, Mount Martha | yes                      | no                                  | yes                  | no                                                     | no                                                          | no                          | no                          |
| HO372      | Former Mount Martha Campground (pavilion, ruins of ablution block, camp laundry)  
16A Mirang Avenue, Mount Martha (part) | yes                      | no                                  | no                   | yes                                                     | no                                                          | no                          | no                          |
| HO148      | The Briars Landscapes  
33 Nepean Highway, Mount Martha | yes                      | no                                  | yes                  | no                                                     | no                                                          | no                          | no                          |
| HO149      | Dalkeith (house and garden)  
<p>| yes                      | no                                  | yes                  | no                                                     | no                                                          | yes                         | no                          |</p>
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245 Nepean Highway, Mount Martha

HO147 The Briars
450 Nepean Highway, Mount Martha

HO391 Hardanger Lodge, trees
12-14 Osborne Drive, Mount Martha

HO154 Porritt House
44 Osborne Drive, Mount Martha

HO155 Studio House
24 Pacific Terrace, Mount Martha

HO159 Mount MarthaPublicPark
Park Road, Mount Martha

HO142 Balcombe Gates, Oval and Carpark
18 Tal Tals Crescent, Mount Martha

HO14 High Clere
47 Two Bays Crescent, Mount Martha

HO7 Marlborough House
8-10 Back Beach Road, Portsea

HO8 Karacoum
12 Back Beach Road, Portsea

HO9 Craigy Bryn
20 Back Beach Road, Portsea
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<td>Rye Primary School (part) 12-20 Lyons Street, Rye</td>
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<td>St Andrew’s Anglican Church 33 Lyons Street, Rye</td>
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<td><strong>Mikado</strong>&lt;br&gt;26 Magnolia Court, Rye</td>
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<td><strong>Rye Civic Hall (former Mechanics Institute and Free Library)</strong>&lt;br&gt;12 Napier Street, Rye</td>
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<td><strong>Romany</strong></td>
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<td>Old Post Office 80 Byrnes Road, Shoreham</td>
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<td>HO127</td>
<td>Camp Buxton Children’s Camp 39-45 Marine Drive, Shoreham</td>
<td>yes</td>
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<td>no</td>
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<td>The Glen 100 Punty Lane, Shoreham</td>
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<td>HO245</td>
<td>Muskwood Park 394 Tucks Road, Shoreham</td>
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<td>HO347</td>
<td>Balance Lyncroft 410 Tucks Road, Shoreham</td>
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<td>House 565 Tucks Road, Shoreham</td>
<td>yes</td>
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<td>HO290</td>
<td>Palm Beach Estate Alexandra Avenue, Bonview Avenue, Camp Hill Road, The Boulevard, Somers <strong>Incorporated plan:</strong> Plan No. 3 Palm Beach Estate, Somers, February 2005</td>
<td>no</td>
<td>no</td>
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<td>no</td>
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<td>Coolart</td>
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<td>Aboriginal heritage place?</td>
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<td>36 Lord Somers Road, Somers</td>
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<td>HO301</td>
<td><strong>Former RAAF Training Camp</strong>&lt;br&gt;124 Lord Somers Road, Somers&lt;br&gt;The remaining 21-2 acres of the camp site with structures and landscape (flowering gums, Monterey pine rows and spotted gum rows) from the WW2 development period.</td>
<td>yes</td>
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<td>HO302</td>
<td><strong>Lord Somers Camp</strong>&lt;br&gt;148 and 150 Lord Somers Road; and 63 and 65 Parklands Avenue, Somers</td>
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<td>HO227</td>
<td><strong>Hope Campbell House</strong>&lt;br&gt;1 Sandy Point Road, Somers</td>
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<td>HO259</td>
<td><strong>Norfolk Island Pines (2)</strong>&lt;br&gt;28 Austin Road, Somerville&lt;br&gt;The trees and land within the title nominally two metres of each tree root ball or canopy whichever is the greater.</td>
<td>no</td>
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<td>HO269</td>
<td><strong>Thomas Brunning's Farm</strong>&lt;br&gt;83 Bungower Road, Somerville&lt;br&gt;The house and the title land, with any associated fabric or trees (Monterey cypress) from or near the construction date (c1919-1920's) or the Thomas Brunning occupation periods.</td>
<td>yes</td>
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<td>HO280</td>
<td><strong>Trees, House Site</strong>&lt;br&gt;103 Bungower Road, Somerville&lt;br&gt;The title and reserve land and cited mature trees (2x'Araucaria sp. i.e Norfolk Island pine (Araucaria heterophylla 20m), bunya pine (Araucaria bidwilli 16m, an</td>
<td>no</td>
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<td>Tree controls apply?</td>
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<td>Included on the Victorian Heritage Register under the Heritage Act 2017?</td>
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<td>Aboriginal heritage place?</td>
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| HO275     | *Alan Nunn & Son Store*  
2 Eramosa Road East, Somerville  
The title land and building, with emphasis on the fabric from the late 19th and early 20th century. | yes | no | no | no | no | yes | no |
| HO276     | *Former Somerville Private Hospital*  
18 Eramosa Road East, Somerville  
The title land and building, with emphasis on the fabric from the early 20th century. | yes | no | no | no | no | yes | no |
| HO277     | *Former Thornell’s Bakery, General Shop and Residence*  
30 Eramosa Road East, Somerville  
The title land and building, with emphasis on the fabric from the late 19th and early 20th century. | yes | no | no | no | no | yes | no |
| HO278     | *James Grant Farm Complex*  
138 Eramosa Road East, Somerville  
The title land and building, with emphasis on the fabric from the construction date (1860’s) to the late 19th century, and including the Grant tenure to c1920 | yes | no | no | no | no | yes | no |
| HO279     | *St Andrew’s Anglican Church & Trees*  
2 Eramosa Road West, Somerville  
The title land and building, with emphasis on plantings from the 19th and early 20th century. | yes | no | yes | no | no | yes | no |
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<td>HO465</td>
<td>Tower House</td>
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<td>1146 Frankston-Flinders Road, Somerville Statement of Significance, March 2019</td>
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<td>yes</td>
<td>yes</td>
<td>no</td>
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<td>1330 Frankston-Flinders Road, Somerville</td>
<td>Statement of Significance:</td>
<td>1330 Frankston-Flinders Road, Somerville Statement of Significance, March 2019</td>
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<td>HO291</td>
<td>Seaton Carew</td>
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<td>16 Graf Road, Somerville</td>
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<td>16 Graf Road, Somerville Statement of Significance, March 2019</td>
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<td>HO295</td>
<td>Highfold &amp; Trees</td>
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<td>193 Jones Road, Somerville</td>
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<td>193 Jones Road, Somerville Statement of Significance, March 2019</td>
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</table>

Title land, trees (flowering gum donated by TW Brunning and planted by GR Phillips, 'E sideroxylon' or Mugga ironbark) and church exterior with emphasis on the fabric from the Edwardian era.

Tower House
1146 Frankston-Flinders Road, Somerville
Statement of Significance:
1146 Frankston-Flinders Road, Somerville Statement of Significance, March 2019

Fernbank Complex
1330 Frankston-Flinders Road, Somerville
The title land, mature trees (including 'Araucaria sp. Or Norfolk Island pine c17m high, blue Atlantic cedar, deodar cedar, Bhutan and Monterey cypress), house and outbuildings with emphasis on the fabric from the 19th and early 20th century and the GG Cole tenure.

Seaton Carew
16 Graf Road, Somerville
The title land, cited mature trees (cypress hedges, Monterey pines, willows and a deodar cedar) and house, with emphasis on the fabric from or near the construction dates (19th and early 20th centuries)

Highfold & Trees
193 Jones Road, Somerville
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</table>
| HO296     | *Fruitgrowers Reserve*  
328 Jones Road, Somerville  
The reserve land and scout hall with emphasis on the fabric from the main development period (1912-1930’s) | yes                            | no                                  | yes                  | no                                                     | no                                                                      | no                       | no                        |
| HO297     | *Soldiers Memorial*  
Fruit Growers Reserve, 328 Jones Road, Somerville | yes                            | no                                  | no                   | yes                                                    | no                                                                      | no                       | no                        |
| HO303     | *Clarke Orchard House*  
26 Lower Somerville Road, Somerville  
The title and house with emphasis on the fabric from or near the construction date | no                             | no                                  | no                   | no                                                     | yes                                                                     | no                       | no                        |
| HO311     | *John Brunning & Sons Complex, Trees*  
48 O’Neills Road, Somerville  
The title land, mature trees (Canary Island palms, camellias, weeping birch and a Bhutan cypress) and buildings, with emphasis on the fabric form or near the main early development phase, being the period of the 1930’s. | yes                            | no                                  | yes                  | yes                                                    | no                                                                     | yes                      | no                        |
| HO317     | *Station Street Residential Precinct*  
Station Street, Somerville | yes                            | no                                  | yes                  | no                                                     | no                                                                      | no                       | no                        |
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<td></td>
<td>Houses and land at 32-58 (west side) and 41 (east side), Station Street and 13 New Street, with associated mature trees (Canary Island Palms, Norfolk Island pine, Italian cypress) and emphasis on the original fabric of the listed contributory places (dating from c1890-1945).</td>
<td>yes</td>
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<td>HO316</td>
<td>Mechanics Institute Hall</td>
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<td>66 Station Street, Somerville</td>
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<td>The Mechanics Institute building and title land with emphasis on the fabric from or near the main construction dates of 1891 and 1916</td>
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<td>HO323</td>
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<td>The building, mature trees (‘Washingtonia sp’, Canary Island palm, Monterey cypress and Monterey pine rows, a large elm, 3x ‘Trachycarpus sp’) and title land, with emphasis on the fabric from or near the construction date of 1904.</td>
<td>yes</td>
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<td>Sorrento Historic Precinct</td>
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<td>HO31</td>
<td>Strawberry Cottage</td>
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MORNINGTON PENINSULA PLANNING SCHEME
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<td>Former Vicarage</td>
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<td>Aboriginal heritage place?</td>
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</table>
| HO257     | Continental Hotel  
1-21 Ocean Beach Road, Sorrento | no               | no             | no         | no                         | yes                                      | Ref No H1896               | no           | no           |
| HO408     | Athenaeum  
28-36 Ocean Beach Road, Sorrento | no               | no             | no         | no                         | yes                                      | Ref No H2227               | no           | no           |
| HO162     | Kennagh  
19-21 Point King Road, Sorrento | yes              | no             | yes        | no                         | no                                      | no                       | no           | no           |
| HO255     | Collins Settlement Site  
2700-3148 Point Nepean Road, Sorrento  
The heritage place includes  
Iluka  
3088 Point Nepean Road, Sorrento (HO175)  
Nee Morna  
3110 Point Nepean Road, Sorrento (HO176) | no               | no             | no         | no                         | yes                                      | Ref No H1050               | no           | no           |
| HO175     | Iluka  
3088 Point Nepean Road, Sorrento | yes              | no             | yes        | no                         | yes                                      | Ref No H1050 (see also HO255) | no           | no           |
| HO176     | Nee Morna  
3110 Point Nepean Road, Sorrento | yes              | no             | yes        | no                         | yes                                      | Ref No H1050 (see also HO255) | no           | no           |
### MORNINGTON PENINSULA PLANNING SCHEME

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<td><em>The Anchorage</em> 3273 Point Nepean Road, Sorrento</td>
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<td>yes Ref No H1899</td>
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<td><em>Sundorne</em> 3437 Point Nepean Road, Sorrento</td>
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</table>

The house and the title land, with any associated fabric or trees from or near the construction date (1920's) or the Wilson occupation periods.
<table>
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<td>Unthank Farm House, Trees, Garden</td>
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<td>The house and the title land, with any associated fabric or mature trees (clipped cypress hedge at the front and side, flowering gum, cedar, Monterey cypress, redwood, and ‘Arbutus’ specimens) from or near the construction date (1930’s) or the Unthank occupation periods.</td>
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<td></td>
<td>Land, trees and buildings, including:</td>
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<td></td>
<td>Weatherboard commercial buildings, some with post supported steel verandahs, in the Frankston-Flinders Road from the inter-war, Edwardian and Victorian eras;</td>
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<td>Tyabb Scout Hall, 1580 Frankston-Flinders Road;</td>
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<td>Benton memorial flagpole, Frankston-Flinders Road;</td>
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<td>Tyabb soldiers memorial, Frankston-Flinders Road;</td>
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<td>The cited mature trees (Canary Island palm, Monterey cypress hedge, golden cypress, a ‘Quercus sp’, and orchard remnants) and house, with emphasis on the fabric from the early 20th century and the GG Cole tenure and associated landscape (arrow head picket front fence, carriage drive).</td>
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<tr>
<td></td>
<td>The former Tyabb Government Cool Store, later Tyabb Co-operative Cool Store complex, railway siding platform yard, the title land to the cool store and two weatherboard houses (14, 16 Peacock Road) and cited buildings, with emphasis on the fabric from or near the main construction dates c1914-1946</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>HO320</strong> <em>Former Tyabb Methodist Church</em></td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td>70 The Crescent, Tyabb</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>The building and title land, with emphasis on the fabric from or near the construction date of the 1920’s.</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>Aboriginal heritage place?</td>
</tr>
<tr>
<td>-----------</td>
<td>--------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>HO321</td>
<td><em>Hybrid Oak &amp; Tyabb Railway Station School SS3544</em> 98 The Crescent, Tyabb</td>
<td>yes</td>
<td>no</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>yes</td>
<td>no</td>
</tr>
</tbody>
</table>

The building, mature trees (‘Q. myrtifolia’ hybridised with ‘Q. castenefolia’, native scarlet gum (3 x ‘E. ficifolia’) and title land, with emphasis on the fabric from or near the construction date of 1912-1913.
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>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>Clause 59.05</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>Clause 59.05</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 THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO1.

TOWNSHIP DESIGN

1.0

Design objectives

- To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting.
- To protect shared viewlines where reasonable and practical.
- To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line when viewed from surrounding streets and properties.
- To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, open space areas and the coastal landscape.
- To ensure that subdivision and development proposals have proper regard to heritage values, including those of adjoining foreshore areas.
- To ensure that buildings do not encroach visually on foreshore areas or main roads.
- To ensure that the traffic generated by medium density residential development does not detrimentally affect the safety, efficiency or amenity of existing residential streets or main roads.
- To indicate residential areas adjacent to the foreshore and commercial centres of Rosebud and Dromana that will provide for a range of medium density residential living in conjunction with a limited range of service and leisure based commercial uses.

2.0

Buildings and works

No permit required

A permit is not required to construct a building or construct or carry out works for any of the following, but only if the General requirements set out in this schedule are met.

- A single dwelling on a lot. This does not include a dwelling on a lot that adjoins Point Nepean Road.
- A dependent person’s unit.

Note: The Mandatory requirements of this schedule also apply.

Permit required

An application to construct a building or construct or carry out works should meet the General requirements of this schedule.

Note: The Mandatory requirements of this schedule also apply.

In the General Residential Zone or Neighbourhood Residential Zone, an application to construct a building or construct or carry out works associated with one dwelling on a lot:

- Must comply with Clause 54.01.
- Must meet all of the objectives and should meet all of the standards of Clause 54.02, 54.03-3, 54.03-4, 54.03-5, 54.03-6, 54.03-7; 54.04-2; 54.04-3, 54.04-4, 54.04-5, 54.04-6, 54.05, 54.06-1.
- Must meet the objectives of Clauses 54.03-1, 54.03-2 and 54.04-1.
General requirements

- Buildings must be set back at least 10 metres from a Public Park and Recreation Zone, Public Conservation and Resource Zone or the Nepean Highway and the first 5 metres must be landscaped to the satisfaction of the responsible authority.
- No building may exceed a wall height of 5.5 metres or a building height of 6 metres.
- The difference between finished ground level and natural ground level as a result of excavation and filling must not exceed one metre, except for the purpose of constructing an in ground swimming pool, and all works must be properly battered or stabilised.

Mandatory requirements

The following requirements apply, as appropriate, to all buildings and works, whether or not a permit is required.

Maximum building height

A building must have a maximum building height of no more than 10 metres and must contain no more than 2 storeys above natural ground level. This does not apply to any of the following:

- A place of assembly building
- A leisure and recreation building
- A utility installation building
- A hospital
- An education centre
- A building that complies with height provisions specified in a plan approved under a schedule to the Development Plan Overlay.
- Alteration to or extension of a lawfully existing building but only if all of the following requirements are met:
  - The existing building has a building height of more than 8 metres or contains 3 or more storeys above natural ground level.
  - The maximum building height of the existing building is not exceeded.
  - The external bulk of the existing building is not significantly increased.
  - The footprint of the upper storey, existing at the approval date, is not increased by more than 10%.

These requirements cannot be varied with a permit.

Decision guidelines

Before deciding on an application the responsible authority must consider:

- The design objectives of this schedule.
- Where an objective has been applied from Clause 54.02 to 54.06, inclusive, the relevant decision guidelines from that Clause.
- Whether any loss of amenity will result from a variation to the requirements of this schedule.
- Any relevant development plan, heritage study, code or policy relating to the protection and development of land in the area.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level and staggered building forms, that follow the natural slope of the land and reduce the need for site excavation or filling.
- The effect of any proposed subdivision or development on the environmental and landscape values of site and of the local area, including the effect on streamlines, foreshores, areas of remnant vegetation, areas prone to erosion and on the amenity and accessibility of areas of public open space.

- The need to ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.

- The suitability of each lot to accommodate a dwelling.
SCHEDULE 2 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO2.

BAYSIDE AND VILLAGE DESIGN

1.0

Design objectives

- To ensure that the design of subdivision and housing is responsive to the environment, landform, site conditions and character of coastal and bayside residential areas and rural villages.

- To ensure that development densities are compatible with the environmental and infrastructure capacities of the area, including the capacity of local streets, drainage systems and sewerage systems. Where reticulated sewerage is not available, particular consideration must be given to the ability to contain all waste water onsite and the impact of development on ground water conditions. Particular attention must be given to the impact of development on streamlines, water ways and wetlands and to avoiding the development of land susceptible to stream erosion or flooding.

- To recognise areas where substantial vegetation cover is a dominant visual and environmental feature of the local area by ensuring site areas are large enough to accommodate development while retaining natural or established vegetation cover and to provide substantial areas for new landscaping and open space.

- To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting.

- To protect shared viewlines where reasonable and practical.

- To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line when viewed from surrounding streets and properties.

- To ensure that subdivision and development proposals have proper regard to heritage values, including those of areas such as the Ranelagh Estate in Mt Eliza and the Sorrento Heritage Precinct.

- To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, open space areas and the coastal landscape,

- To recognise areas where a lower intensity of residential activity and traffic movement contributes to the amenity of the area.

- To recognise areas, with limited access to infrastructure, services and facilities, including public transport, that are considered inappropriate for higher densities of occupation.

2.0

Buildings and works

No permit required

A permit is not required to construct a building or construct or carry out works for any of the following, but only if, the General requirements set out in this schedule are met.

- A single dwelling.

- A dwelling extension.

- An outbuilding.

- A dependent person’s unit.

Note: The Mandatory requirements of this schedule also apply.
Permit required

An application to construct a building or construct or carry out works should meet the General requirements of this schedule except where it has been demonstrated to the satisfaction of the responsible authority, that compliance is unreasonable or unnecessary and no significant loss of amenity will result.

Note: The Mandatory requirements of this schedule also apply.

In the General Residential Zone or Neighbourhood Residential Zone, an application to construct a building or construct or carry out works associated with one dwelling on a lot

- Must comply with Clause 54.01.
- Must meet all of the objectives and should meet all of the standards of Clause 54.02, 54.03-3, 54.03-4, 54.03-5, 54.03-6, 54.03-7; 54.04-2; 54.04-3, 54.04-4, 54.04-5, 54.04-6, 54.05, 54.06-1.
- Must meet the objectives of Clauses 54.03-1, 54.03-2 and 54.04-1.

A permit is required to construct a fence if:

- The side or rear fence is more than 2.0 metres in height.
- The front fence is more than 1.8 metres in height.
- The front fence is less than 50% transparent.
- The fence is located 6 metres or less from any public foreshore land, cliff edge or cliff face.
- The fence is constructed of fibro cement sheet materials.

General requirements

- No building may exceed a wall height of 5.5 metres or a building height of 6 metres.
- The difference between finished ground level and natural ground level as a result of excavation and filling must not exceed one metre, except for the purpose of constructing an in ground swimming pool, and all works must be properly battered or stabilised.
- All buildings must be located at least 10 metres from land within a Public Park and Recreation Zone, Public Conservation and Resource Zone, Special Use Zone Schedule 8 or Road Zone and at least 6 metres from any cliff edge.
- Buildings must be setback at least 7.5 metres from a road frontage and 3 metres from any side road boundary. Where all adjoining lots fronting the same road have been developed, the frontage setback may be reduced to the average setback of development on the adjoining lots.
- A building containing more than one storey must not provide access to a roof area, deck, verandah or the like which has a level higher than the floor level of the upper storey.
- More than half of the external wall cladding of any dwelling must consist of brick, masonry, timber, simulated weatherboards or other materials approved by the responsible authority.
- All cladding and trim must be coloured and maintained in muted tones of green, brown, beige or other colours approved by the responsible authority. The external finish of all buildings must be of a low reflectivity (less than 40% reflectivity) to minimise glare and reflection of light. This requirement includes roofing materials, unless the pitch of the roof is 5 degrees or less and is not overlooked from any adjoining buildings, land or roadways. Solar panels are exempted. Where an extension to a dwelling is proposed which does not increase the floor area by more than 25%, the colours may match that of the existing development.
- A building must not be a relocated building or moveable structure such as a tramcar or the like. This does not apply to a dependent person’s unit or a newly pre-fabricated building.
Where a minimum setback distance for a building or buildings is specified in any of the General Requirements, sunblinds, verandahs, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating and cooling equipment or other services may encroach not more than 0.5 metres into the specified setback distances.

Within the Birdrock/Clarke's Avenues precinct shown in Map 1 below:
- The total site coverage of all buildings must not exceed 50 per cent.
- At least 40 per cent of the site must remain open/permeable.
- There must be provision for at least 90 square metres of private open space for each dwelling.

**Map 1**

---

**Mandatory requirements**

The following requirements apply, as appropriate, to all buildings and works, whether or not a permit is required.

**Sewerage and drainage**

All new dwellings must be connected to:

- A reticulated sewerage system or an alternative approved by the responsible authority.
- A reticulated drainage system or an alternative approved by the responsible authority.

These requirements cannot be varied with a permit.

**Maximum building height**

A building must have a maximum building height of no more than 8 metres and must contain no more than 2 storeys above natural ground level. This does not apply to any of the following:

- A building in the area located to the north of a boundary defined by Ellerina Road West, Bruce Road, the Nepean Highway, Mornington-Flinders Road, Bittern-Dromana Road and Disney Street but only if the building is 2 storeys or less above natural ground level.
- A place of assembly building
- A leisure and recreation building
- A utility installation building
- A hospital
- An education centre
- A building that complies with height provisions specified in a plan approved under a schedule to the Development Plan Overlay.
- Alteration to or extension of a lawfully existing building but only if all of the following requirements are met:
  - The existing building has a building height of more than 8 metres or contains 3 or more storeys above natural ground level.
  - The maximum building height of the existing building is not exceeded.
  - The external bulk of the existing building is not significantly increased.
  - The footprint of the upper storey, existing at the approval date, is not increased by more than 10%.

These requirements cannot be varied with a permit.

Number of dwellings
No more than one dwelling, excluding a dependent person’s unit, may be constructed on a lot. This does not apply to dwellings that are in accordance with an approved development plan under Clause 43.04. A permit to vary the requirement that no more than one dwelling be constructed on a lot must meet the following requirements:
- The proposal involves no more than two dwellings for every 1300 square metres of site area.
- Applications for approval must include a site analysis and site development plan that responds to the design objectives of this schedule.
- This provision has not been previously applied to any of the land involved in the application.

These requirements cannot be varied with a permit except for land that has frontage to Osborne Drive, is 4 or 6 Morrisons Avenue or 3 Clarkes Avenue, Mount Martha in the Birdrock/Clarkes Avenues precinct, where all of the following requirements are met:
- The lot has an area of 900 square metres or greater.
- The application proposes no more than two dwellings on the lot.
- The total site coverage of buildings is not more than 50%.
- At least 40% of the site remains open/permeable.
- There is provision for at least 90 square metres of private open space for each dwelling.
- Existing vegetation is retained as far as practical.
- The development is served by a single driveway, except on corner lots, with a width of no more than 4.5 metres.

Subdivision
The average area of all lots within a subdivision must be no less 1300 square metres, and each lot must be able to contain a rectangle with minimum dimensions of 20 metres x 30 metres. These requirements do not apply to lots that are in compliance with a restructure plan under Clause 45.05 or a development plan under Clause 43.04.

Land that is capable of further subdivision is excluded from the calculation of average lot area. The area of land set aside as common property or land that is to be transferred to Council for public open space and recreation, over and above that which may be required under Section 18 of the Subdivision Act 1988, may be included in the calculation of average lot area.
Battle-axe lots must have a minimum frontage of six metres, shared by up to four lots. The minimum dimension of the rectangle contained within a battle-axe lot may be reduced to 18 metres. These requirements cannot be varied with a permit unless either:

- All of the following requirements are met:
  - The subdivision is proposed in conjunction with an application for the development of more than one dwelling on a lot.
  - Applications for approval must include a site analysis and site development plan that responds to the design objectives of this schedule to the satisfaction of the responsible authority.
  - The subdivision creates no more than two lots for every 1300 square metres of site area or no more than two lots from any existing lot with an area of 900 square metres or greater that has frontage to Osborne Drive, is 4 or 6 Morrisons Avenue or 3 Clarkes Avenue, Mount Martha in the Birdrock/Clarkes Avenues precinct.
  - Each of the lots is to contain a single dwelling, except that a dependent person’s unit may also be constructed on a lot.
  - This provision has not been previously applied to any of the land involved in the application.

- Any of the following requirements are met:
  - The subdivision realigns the boundary between existing lots, provided no new lot or additional subdivision potential is created.
  - Two or more dwellings have lawfully existed on a lot since the approval date and the subdivision proposes to create separate lots for each dwelling.
  - The subdivision excises land for a road, utility installation or other public purpose.

### Decision guidelines

Before deciding on an application the responsible authority must consider:

- The design objectives of this schedule.
- Where an objective has been applied from Clause 54.02 to 54.06, inclusive, the relevant decision guidelines from that Clause.
- Any relevant development plan, heritage study, code or policy relating to the protection and development of land in the area.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level and staggered building forms, that follow the natural slope of the land and reduce the need for site excavation or filling.
- The effect of any proposed subdivision or development on the environmental and landscape values of site and of the local area, including the effect on streamlines, foreshores, areas of remnant vegetation, areas prone to erosion.
- The effect of any proposed subdivision or development on the amenity and accessibility of areas of public open space.
- In areas where reticulated sewerage is not available, whether the applicant has submitted a report from a suitably qualified person to demonstrate whether effluent can be treated and retained on-site, without contaminating groundwater, in accordance with State Environment Protection Policies.
- The need to ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.
SCHEDULE 3 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO3.

COAST AND LANDSCAPE DESIGN

1.0

Design objectives

- To ensure that the design of subdivision and housing is responsive to the environment, landform, site conditions and character of coastal villages, hillsides and clifftop areas.
- To avoid higher densities of development in areas subject to instability, erosion or potential fire hazard and to minimise the extent of required earthworks.
- To ensure that development densities are compatible with the environmental and infrastructure capacities of the area, including the capacity of local streets, drainage systems and sewerage systems. Where reticulated sewerage is not available, particular consideration must be given to the ability to contain all waste water onsite and the impact of development on ground water conditions. Particular attention must be given to the impact of development on streamlines, water ways and wetlands and to avoiding the development of land susceptible to stream erosion or flooding.
- To recognise areas where substantial vegetation cover is a dominant visual and environmental feature of the local area by ensuring site areas are large enough to accommodate development while retaining natural or established vegetation cover and to provide substantial areas for new landscaping and open space.
- To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting.
- To protect shared viewlines where reasonable and practical.
- To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line when viewed from surrounding streets and properties.
- To ensure that subdivision and development proposals have proper regard to heritage values and coastal landscapes, including those of areas such as the Portsea Clifftop area, the Sorrento Heritage Precinct and the Ranelagh Estate in Mount Eliza.
- To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, open space areas and the coastal landscape.
- To recognise areas where a lower intensity of residential activity and traffic movement contributes to the amenity of the area.
- To ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.
- To recognise areas, with limited access to infrastructure, services and facilities, including public transport, that are considered inappropriate for higher densities of occupation.

2.0

Buildings and works

No permit required

A permit is not required to construct a building or construct or carry out works for any of the following, but only if, the General requirements set out in this schedule are met.

- A dwelling extension or alteration.
- An outbuilding.
A dependent person’s unit.

Note: The Mandatory requirements of this schedule also apply.

Permit required
An application to construct a building or construct or carry out works should meet the General requirements of this schedule except where it has been demonstrated to the satisfaction of the responsible authority, that compliance is unreasonable or unnecessary and no significant loss of amenity will result.

Note: The Mandatory requirements of this schedule also apply.

In the General Residential Zone or Neighbourhood Residential Zone, an application to construct a building or construct or carry out works associated with one dwelling on a lot:

- Must comply with Clause 54.01.
- Must meet all of the objectives and should meet all of the standards of Clause 54.02, 54.03-3, 54.03-4, 54.03-5, 54.03-6, 54.03-7; 54.04-2; 54.04-3, 54.04-4, 54.04-5, 54.04-6, 54.05, 54.06-1.
- Must meet the objectives of Clauses 54.03-1, 54.03-2 and 54.04-1.

A permit is required to construct a fence if:

- The side or rear fence is more than 2.0 metres in height.
- The front fence is more than 1.8 metres in height.
- The front fence is less than 50% transparent.
- The fence is located 6 metres or less from any public foreshore land, cliff edge or cliff face.
- The fence is constructed of fibro cement sheet materials.

General requirements

- All buildings and works must be located on land with a slope of less than 20%.
- Buildings must not be located on a ridge.
- No building may exceed a wall height of 5.5 metres or a building height of 6 metres.
- The difference between finished ground level and natural ground level as a result of excavation and filling must not exceed one metre and must be properly battered or retained.
- All buildings must be located at least 10 metres from any land within a Public Park and Recreation Zone, Public Conservation and Resource Zone, Special Use Zone Schedule 8 or Road Zone and at least 6 metres from any cliff edge.
- Buildings must be setback at least 7.5 metres from a road frontage and 3 metres from any side road boundary. Where a dwelling on an adjoining lot that fronts the same road is set back less than 7.5 metres, the minimum setback is the same as that of the adjoining dwelling.
- On a lot with frontage to Rendlesham Avenue, Rosserdale Crescent or Canadian Bay Rd, Mount Eliza, a building must be set back from any boundary which adjoins a Special Use Zone at least 10 metres or the average of the setbacks of any buildings on abutting lots, whichever is the greater.
- A building containing more than one storey must not provide access to a roof area, deck, verandah or the like which has a level higher than the floor level of the upper storey.
- More than half of the external wall cladding of any dwelling must consist of brick, masonry, timber, simulated weatherboards or other materials approved by the responsible authority.
All cladding and trim must be coloured and maintained in muted tones of green, brown, beige or other colours approved by the responsible authority. The external finish of all buildings must be of a low reflectivity (less than 40% reflectivity) to minimise glare and reflection of light. This requirement includes roofing materials, unless the pitch of the roof is 5 degrees or less and is not overlooked from any adjoining buildings, land or roadways. Solar panels are exempted. Where an extension to a dwelling is proposed which does not increase the floor area by more than 25%, the colours may match that of the existing development.

- A building must not be a relocated building or moveable structure such as a tramcar or the like. This does not apply to a dependent person’s unit or a newly pre-fabricated building.

Where a minimum setback distance for a building or buildings is specified in any of the General Requirements, sunblinds, verandahs, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating and cooling equipment or other services may encroach not more than 0.5 metres into the specified setback distances.

**Mandatory requirements**

The following requirements apply, as appropriate, to all buildings and works, whether or not a permit is required.

**Sewerage and drainage**

All new dwellings must be connected to:

- A reticulated sewerage system or an alternative approved by the responsible authority.
- A reticulated drainage system or an alternative approved by the responsible authority.

These requirements cannot be varied with a permit.

**Maximum building height**

A building must have a maximum building height of no more than 8 metres and must contain no more than 2 storeys above natural ground level. This does not apply to any of the following:

- A building in the area located to the north of a boundary defined by Ellerina Road West, Bruce Road, the Nepean Highway, Mornington-Flinders Road, Bittern-Dromana Road and Disney Street but only if the building is 2 storeys or less above natural ground level.
- A place of assembly building
- A leisure and recreation building
- A utility installation building
- A hospital
- An education centre
- A building that complies with height provisions specified in a plan approved under a schedule to the Development Plan Overlay.
- Alteration to or extension of a lawfully existing building but only if all of the following requirements are met:
  - The existing building has a building height of more than 8 metres or contains 3 or more storeys above natural ground level.
  - The maximum building height of the existing building is not exceeded.
  - The external bulk of the existing building is not significantly increased.
  - The footprint of the upper storey, existing at the approval date, is not increased by more than 10%.

These requirements cannot be varied with a permit.
Number of dwellings

No more than one dwelling, excluding a dependent person’s unit, may be constructed on a lot. This does not apply to dwellings that are in accordance with an approved development plan under Clause 43.04. This requirement cannot be varied with a permit.

Subdivision

Where land is within a General Residential Zone or Neighbourhood Residential Zone, the average area of all lots within a subdivision must be no less than 1500 square metres and each lot must be able to contain a rectangle with minimum dimensions of 25 metres x 35 metres. These requirements do not apply to lots that are in compliance with a restructure plan under Clause 45.05 or a development plan under Clause 43.04.

Where land is within a Low Density Residential Zone each lot within a subdivision must have an area of least 4000 square metres.

Land that is capable of further subdivision is excluded from the calculation of average lot area. The area of land set aside as common property or land that is to be transferred to Council for public open space and recreation, over and above that which may be required under Section 18 of the Subdivision Act 1988, may be included in the calculation of average lot density.

These requirements cannot be varied with a permit unless any of the following requirements are met:

- The subdivision realigns the boundary between existing lots, provided no new lot or additional subdivision potential is created.
- Two or more dwellings have lawfully existed on a lot since the approval date and the subdivision proposes to create separate lots for each dwelling.
- The subdivision excises land for a road, utility installation or other public purpose.

Decision guidelines

Before deciding on an application the responsible authority must consider as appropriate:

- The design objectives of this schedule.
- Where an objective has been applied from Clause 54.02 to 54.06, inclusive, the relevant decision guidelines from that Clause.
- Whether any loss of amenity will result from a variation to the requirements of this schedule.
- Any relevant development plan, heritage study, code or policy relating to the protection and development of land in the area.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level and staggered building forms, that follow the natural slope of the land and reduce the need for site excavation or filling.
- The effect of any proposed subdivision or development on the environmental and landscape values of site and of the local area, including the effect on streamlines, foreshores, areas of remnant vegetation, areas prone to erosion and on the amenity and accessibility of areas of public open space.
- In areas where reticulated sewerage is not available, whether the applicant has submitted a report from a suitably qualified person to demonstrate whether effluent can be treated and retained on-site, without contaminating groundwater, in accordance with State Environment Protection Policies.
- The need to ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.
ENVIRONMENTAL DESIGN

1.0 Design objectives

- To ensure the appropriate design of subdivision and housing in areas of semi stabilised dunes where the danger of soil erosion in steep and sandy conditions requires that particular care be exercised in the carrying out of all building and works and the clearing of existing natural vegetation.

- To minimise the extent of earthworks in areas prone to erosion.

- To ensure that any works associated with detached housing development within the environmentally sensitive Wildcoast area is carried out with proper regard to the physical characteristics of each site and the proximity of the area to the Point Nepean National Park.

- To avoid higher densities of development in areas subject to instability and erosion or potential fire hazard.

- To ensure that development densities are compatible with the environmental and infrastructure capacities of the area, including the capacity of local streets, drainage systems and sewerage systems. Where reticulated sewerage is not available, particular consideration must be given to the ability to contain all waste water onsite and the impact of development on ground water conditions. Particular attention must be given to the impact of development on streamlines, water ways and wetlands and to avoiding the development of land susceptible to stream erosion or flooding.

- To recognise areas, including Mt Eliza, where substantial vegetation cover is a dominant visual and environmental feature of the local area, by ensuring site areas are large enough to accommodate development while retaining natural or established vegetation cover and to provide substantial areas for new landscaping and open space.

- To ensure that subdivision and development proposals have proper regard to heritage values.

- To recognise the landscape character of environmentally sensitive areas, including the National Trust recorded landscape of the Mt Eliza escarpment.

- To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting, and to protect shared viewlines where reasonable and practical.

- To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line when viewed from surrounding streets and properties.

- To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, open space areas and the coastal landscape.

- To recognise areas where a lower intensity of residential activity and traffic movement contributes to the amenity of the area.

- To recognise areas, with limited access to infrastructure, services and facilities, including public transport, that are considered inappropriate for higher densities of occupation.
Buildings and works

No permit required

A permit is not required to construct a building or construct or carry out works for any of the following, but only if, the General requirements set out in this schedule are met.

- A single dwelling.
- A dwelling extension or alteration.
- An outbuilding.
- A dependent person’s unit.

*Note:* The Mandatory requirements of this schedule also apply.

Permit required

An application to construct a building or construct or carry out works should meet the General requirements of this schedule except where it has been demonstrated to the satisfaction of the responsible authority, that compliance is unreasonable or unnecessary and no loss of amenity will result.

*Note:* The Mandatory requirements of this schedule also apply.

In the General Residential Zone or Neighbourhood Residential Zone, an application to construct a building or construct or carry out works associated with one dwelling on a lot:

- Must comply with Clause 54.01.
- Must meet all of the objectives and should meet all of the standards of Clause 54.02, 54.03-3, 54.03-4, 54.03-5, 54.03-6, 54.03-7; 54.04-2, 54.04-3, 54.04-4, 54.04-5, 54.04-6, 54.05, 54.06-1.
- Must meet the objectives of Clauses 54.03-1, 54.03-2 and 54.04-1.

A permit is required to construct a fence if:

- The side or rear fence is more than 2.0 metres in height.
- The front fence is more than 1.8 metres in height.
- The front fence is less than 50% transparent.
- The fence is located 6 metres or less from any public foreshore land, cliff edge or cliff face.
- The fence is constructed of fibro cement sheet materials.

General requirements

- Wall and building heights must comply with the following table:

<table>
<thead>
<tr>
<th>Land</th>
<th>Wall height</th>
<th>Building height</th>
</tr>
</thead>
<tbody>
<tr>
<td>The land bounded by Truemans Road, the proposed Mornington Peninsula Freeway, Melbourne Road, Hotham Road, Back Beach Road, London Bridge Road and the boundary of the Mornington Peninsula National Park</td>
<td>4.5 metres or less</td>
<td>5 metres or less</td>
</tr>
<tr>
<td>All other land</td>
<td>5.5 metres or less</td>
<td>6 metres or less</td>
</tr>
</tbody>
</table>

- Buildings and works must not be located on a ridge top.
- The difference between finished ground level and natural ground level as a result of excavation and filling must not exceed one metre and must be properly battered or retained.
- All buildings must be located at least 10 metres from any Public Park and Recreation Zone, Public Conservation and Resource Zone or Road Zone and at least 6 metres from any cliff edge.
Buildings must be setback at least 15 metres from a road frontage and 5 metres from any side road boundary. This may be reduced to 7.5 metres from a road frontage where the lot has an area of less than 1500 square metres.

A building containing more than one storey must not provide access to a roof area, deck, verandah or the like which has a level higher than the floor level of the upper storey.

More than half of the external wall cladding of any dwelling must consist of brick, masonry, timber, simulated weatherboards or other materials approved by the responsible authority.

All cladding and trim must be coloured and maintained in muted tones of green, brown, beige or other colours approved by the responsible authority. The external finish of all buildings must be of a low reflectivity (less than 40% reflectivity) to minimise glare and reflection of light. This requirement includes roofing materials, unless the pitch of the roof is 5 degrees or less and is not overlooked from any adjoining buildings, land or roadways. Solar panels are exempted. Where an extension to a dwelling is proposed which does not increase the floor area by more than 25%, the colours may match that of the existing development.

A building must not be a relocated building or moveable structure such as a tramcar or the like. This does not apply to a dependent person’s unit or a newly pre-fabricated building.

Where a minimum setback distance for a building or buildings is specified in any of the General Requirements, sunblinds, verandahs, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating and cooling equipment or other services may encroach not more than 0.5 metres into the specified setback distances.

**Mandatory requirements**

The following requirements apply, as appropriate, to all buildings and works, whether or not a permit is required.

**Sewerage and drainage**

All new dwellings must be connected to:

- A reticulated sewerage system or an alternative approved by the responsible authority.
- A reticulated drainage system or an alternative approved by the responsible authority.

These requirements cannot be varied with a permit.

**Maximum building height**

A building must have a maximum building height of no more than 8 metres and must contain no more than 2 storeys above natural ground level.

This does not apply to any of the following:

- A building in the area located to the north of a boundary defined by Ellerina Road West, Bruce Road, the Nepean Highway, Mornington- Flinders Road, Bittern- Dromana Road and Disney Street but only if the building is 2 storeys or less above natural ground level.
- A place of assembly building
- A leisure and recreation building
- A utility installation building
- A hospital
- An education centre
- A building that complies with height provisions specified in a plan approved under a schedule to the Development Plan Overlay.

Alteration to or extension of a lawfully existing building but only if all of the following requirements are met:
The existing building has a building height of more than 8 metres or contains 3 or more storeys above natural ground level.
- The maximum building height of the existing building is not exceeded.
- The external bulk of the existing building is not significantly increased.
- The footprint of the upper storey, existing at the approval date, is not increased by more than 10%.

These requirements cannot be varied with a permit.

### Number of dwellings

No more than one dwelling, excluding a dependent person’s unit, may be constructed on a lot. This requirement cannot be varied with a permit unless the land is located within one of the following areas and the specified requirements are met:

- The land is located between Jacksons Road and Williams Road, west of Watts Parade, Mt Eliza and no more than one dwelling is proposed for every 2600 square metres of site area.
- The land is located east of Canadian Bay Road, Mt Eliza (other than in the area between Jacksons Road and Williams Road, West of Watts Parade, Mt Eliza) and no more than two dwellings are proposed for every 2600 square metres of site area.
- The land is located west of Truemans Road and north of the proposed Mornington Peninsula Freeway in Rye and no more than one dwelling is proposed for every 2000 square metres of site area.

This provision has not been previously applied to any of the land involved in the application.

### Subdivision

A subdivision must meet all of the requirements specified for the land in the table to this schedule. This does not apply to any of the following:

- A subdivision in accordance with a restructure plan under Clause 45.05 or a development plan under Clause 43.04.
- A subdivision to realign the boundary between existing lots, provided no new lot or additional subdivision potential is created.
- For land that contains two or more dwellings that lawfully existed at the approval date, a subdivision that proposes to create a separate lot for each of those dwellings.
- A subdivision to excise land for a road, utility installation or other public purpose.

### Table to Design and Development Overlay - Schedule 4

<table>
<thead>
<tr>
<th>Land</th>
<th>Subdivision requirements</th>
</tr>
</thead>
</table>
| Land located at 1/392A, 2/392A, 3/392A, 392B, 420, 422, 424 and 426 Sandy Road, St Andrews Beach located on the north side of Sandy Road, east of Banyan Street. | Each lot must be at least 5,000 square metres. Each lot must show a development envelope capable of accommodating all buildings, effluent disposal envelopes, clearings for dwelling open outdoor space and vegetation management areas to mitigate fire risk. The configuration of all lots and the delineation of development envelopes should:  
- Avoid the removal of existing vegetation and provide for revegetation, particularly on elevated areas, steep land and around the perimeter of lots; and  
- Avoid development on land with a ground slope greater than 25 percent.  
<p>| The number of access points to Sandy Road must be minimised. |</p>
<table>
<thead>
<tr>
<th>Land</th>
<th>Subdivision requirements</th>
</tr>
</thead>
</table>
| Land located at 1440 (Lot 2, LP 91280, Vol 8877 Fol 905) Frankston-Flinders Road Tyabb. | Lots abutting the northern boundary must:  
  - be at least 3,000 square metres; and,  
  - have a building envelope that is setback at least:  
    - 32 metres from a rear lot boundary;  
    - 5 metres from side boundaries; and  
    - 10 metres from a frontage.  
Other lots must be at least 1,200 square metres. |
| Land outlined in Figure 1 to this schedule. | Each lot must be at least 1 hectare. |
| Land located between Jacksons Road and Williams Road, west of Watts Parade, Mt Eliza. | Each lot must be at least 2,500 square metres and be able to contain a rectangle with minimum dimensions of 25 metres x 35 metres. |
| Land located east of Canadian Bay, Mt Eliza (other than between Jacksons Road and Williams Road, west of Watts Parade, Mt Eliza). | Each lot must be:  
  - At least 2,500 square metres and be able to contain a rectangle with minimum dimensions of 25 metres x 35 metres; or,  
  - In the case of an integrated subdivision*, there must be no more than two lots for every 2,600 square metres of site area. |
| Land located west of Truemans Road and north of the proposed Mornington Peninsula Freeway in Rye. | Each lot must be:  
  - At least 2,500 square metres and be able to contain a rectangle with minimum dimensions of 25 metres x 35 metres; or  
  - In the case of an integrated subdivision*, at least 2,000 square metres. |
| Other land | Each lot must be at least 2,500 square metres and be able to contain a rectangle with minimum dimensions of 25 metres x 35 metres. |

*An integrated subdivision is a subdivision proposed in conjunction with an application for more than one dwelling on a lot where:  
  - None of the land has been involved in a previously approved integrated subdivision;  
  - Each of the proposed lots is for a single dwelling only, except that a dependent person’s unit may also be constructed on a lot; and,  
  - The application includes a site analysis and site development plan that responds to the design objectives of the schedule to the satisfaction of the responsible authority.
These requirements cannot be varied with a permit.

**Decision guidelines**

Before deciding on an application the responsible authority must consider, as appropriate:

- The design objectives of this schedule.
- Where an objective has been applied from Clause 54.02 to 54.06, inclusive, the relevant decision guidelines from that Clause.
- Whether any loss of amenity will result from a variation to the requirements of this schedule.
- Any relevant development plan, heritage study, code or policy relating to the protection and development of land in the area.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level and staggered building forms, that follow the natural slope of the land and reduce the need for site excavation or filling.
- The effect of any proposed subdivision or development on the environmental and landscape values of site and of the local area, including the effect on streamlines, foreshores, areas of remnant vegetation, areas prone to erosion and the amenity and accessibility of open space.
- In areas where reticulated sewerage is not available, whether the applicant has submitted a report from a suitably qualified person to demonstrate whether effluent can be treated and retained on-site, without contaminating groundwater, in accordance with State Environment Protection Policies.

- The need to ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.
SCHEDULE 5 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO5.

LOW DENSITY – WILDCOAST PROTECTION AREA

Design objectives

- To ensure the appropriate design of subdivision and housing in the environmentally sensitive Wildcoast protection area and to minimise the extent of earthworks in areas prone to erosion.
- To ensure development is carried out with proper regard to the unstable nature of the dunes.
- To ensure that any works associated with development in the environmentally sensitive Wildcoast area is carried out with proper regard to the physical characteristics of each site and the proximity of the area to the Point Nepean National Park.
- To avoid higher densities of development in areas subject to instability and erosion.
- To ensure that development densities are compatible with the environmental and infrastructure capacities of the area, including the capacity of local streets, drainage systems and sewerage systems. Particular consideration must be given to the ability to contain all wastewater onsite and the impact of development on ground water conditions.
- To recognise areas where substantial vegetation cover is a dominant visual and environmental feature of the local area, by ensuring site areas are large enough to accommodate development while retaining natural or established vegetation cover and to provide substantial areas for new landscaping and open space.
- To ensure that subdivision and development proposals have proper regard to heritage values, including those of adjoining foreshore areas.
- To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting, and to protect shared viewlines where reasonable and practical.
- To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line when viewed from surrounding streets and properties.
- To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, open space areas and the coastal landscape.
- To recognise areas where a lower intensity of residential activity and traffic movement contributes to the amenity of the area.
- To recognise areas, with limited access to infrastructure, services and facilities, including public transport, that are considered inappropriate for higher densities of occupation.

Buildings and works

No permit required

A permit is not required to construct a building or construct or carry out works for any of the following, but only if, the General requirements set out in this schedule are met.

- A dependent person’s unit.

Note: The Mandatory requirements of this schedule also apply.
Permit required

An application to construct a building or construct or carry out works should meet the General requirements of this schedule except where it has been demonstrated to the satisfaction of the responsible authority, that all of the following apply:

- Where buildings or works (including effluent disposal system, earthworks and vegetation removal) are located on any ridge or on land having a slope of 20% or more, an alternative siting is not available on the land.
- Where an alternative siting of a building is proposed, a development envelope of 800 square metres meeting the siting criteria of the General requirements is not available on the land.
- Compliance is unreasonable or unnecessary and no loss of amenity will result from approval of the variation.

Note: The Mandatory requirements of this schedule also apply.

In the General Residential Zone or Neighbourhood Residential Zone, an application to construct a building or construct or carry out works associated with one dwelling on a lot:

- Must comply with Clause 54.01.
- Must meet all of the objectives and should meet all of the standards of Clause 54.02, 54.03-3, 54.03-4, 54.03-5, 54.03-6, 54.03-7; 54.04-2; 54.04-3, 54.04-4, 54.04-5, 54.04-6, 54.05, 54.06-1.
- Must meet the objectives ofClauses 54.03-1, 54.03-2 and 54.04-1.

A permit is required to construct a fence if:

- The side or rear fence is more than 2.0 metres in height.
- The front fence is more than 1.8 metres in height.
- The front fence is less than 50% transparent.
- The fence is located 10 metres or less from any public foreshore land.
- The fence is constructed of fibro cement sheet materials.

General requirements

- All buildings and works must be located on land with a slope of less than 20%.
- Buildings and works must not be located on a ridge top.
- No building may exceed a wall height of 4.5 metres or a building height of 5 metres.
- The difference between finished ground level and natural ground level as a result of excavation and filling must not exceed one metre and must be properly battered or retained.
- All buildings must be located at least 10 metres from any Public Park and Recreation Zone or Public Conservation and Resource Zone.
- Buildings must be setback at least 15 metres from a road frontage and 5 metres from any side road boundary.
- The setback of all buildings from other site boundaries must be at least 2 metres.
- A building containing more than one storey must not provide access to a roof area, deck, verandah or the like which has a level higher than the floor level of the upper storey.
- More than half of the external wall cladding of any dwelling must consist of brick, masonry, timber, simulated weatherboards or other materials approved by the responsible authority.
- All cladding and trim must be coloured and maintained in muted tones of green, brown, beige or other colours approved by the responsible authority. The external finish of all buildings must be of a low reflectivity (less than 40% reflectivity) to minimise glare and reflection of light. This requirement includes roofing materials, unless the pitch of the roof is 5 degrees or less.
and is not overlooked from any adjoining buildings, land or roadways. Solar panels are exempted. Where an extension to a dwelling is proposed which does not increase the floor area by more than 25%, the colours may match that of the existing development.

- The building must not be a relocated building or moveable structure such as a tramcar or the like. This does not apply to a dependent person’s unit or newly prefabricated building.

Where a minimum setback distance for a building or buildings is specified in any of the General Requirements, sunblinds, verandahs, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating and cooling equipment or other services may encroach not more than 0.5 metres into the specified setback distances.

**Mandatory requirements**

The following requirements apply, as appropriate, to all buildings and works, whether or not a permit is required.

**Sewerage and drainage**

All new dwellings must be connected to:

- A reticulated sewerage system or an alternative approved by the responsible authority.
- A reticulated drainage system or an alternative approved by the responsible authority.

These requirements cannot be varied with a permit.

**Maximum building height**

A building must have a maximum building height of no more than 8 metres and must contain no more than 2 storeys above natural ground level. This does not apply to any of the following:

- A building that complies with height provisions specified in a plan approved under a schedule to the Development Plan Overlay.
- Alteration to or extension of a lawfully existing building but only if all of the following requirements are met:
  - The existing building has a building height of more than 8 metres or contains 3 or more storeys above natural ground level.
  - The maximum building height of the existing building is not exceeded.
  - The external bulk of the existing building is not significantly increased.
  - The footprint of the upper storey, existing at the approval date, is not increased by more than 10%.

These requirements cannot be varied with a permit.

**Number of dwellings**

No more than one dwelling, excluding a dependent person’s unit, may be constructed on a lot. This requirement cannot be varied with a permit.

**Subdivision**

The minimum area of any lot within a subdivision must be no less than 5000 square metres. Each new lot must contain a building envelope with a minimum dimension of 20 metres and a minimum area of 800 square metres, excluding land forming a ridge or having a natural gradient in excess of 20 percent (1:5). These requirements do not apply to lots that are in compliance with a restructure plan under Clause 45.05 or a development plan under Clause 43.04.

Land that is capable of further subdivision is excluded from the calculation of average lot area.
The area of land set aside as common property or land that is to be transferred to Council for public open space and recreation, over and above that which may be required under Section 18 of the Subdivision Act 1988, may be included in the calculation of average lot density.

These requirements cannot be varied with a permit unless any of the following requirements are met:

- The subdivision realigns the boundary between existing lots, provided no new lot or additional subdivision potential is created.
- Two or more dwellings have lawfully existed on a lot since the approval date and the subdivision proposes to create separate lots for each dwelling.
- The subdivision excises land for a road, utility installation or other public purpose.

These requirements cannot be varied with a permit.

**Decision guidelines**

Before deciding on an application the responsible authority must consider, as appropriate:

- The design objectives of this schedule.
- Where an objective has been applied from Clause 54.02 to 54.06, inclusive, the relevant decision guidelines from that Clause.
- Whether any loss of amenity will result from a variation to the requirements of this schedule.
- Any relevant development plan, heritage study, code or policy relating to the protection and development of land in the area.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level and staggered building forms, that follow the natural slope of the land and reduce the need for site excavation or filling.
- The effect of any proposed subdivision or development on the environmental and landscape values of site and of the local area, including the effect on streamlines, foreshores, areas of remnant vegetation, areas prone to erosion and the amenity and accessibility of open space.
- In areas where reticulated sewerage is not available, whether the applicant has submitted a report from a suitably qualified person to demonstrate whether effluent can be treated and retained on-site, without contaminating groundwater, in accordance with State Environment Protection Policies.
- The need to ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.
- The comments of any relevant coastal management or soil conservation authority.
SCHEDULE 6 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO6.

LOW DENSITY - LANDSCAPE

1.0

Design objectives

- To ensure that the design of low density subdivision and housing is responsive to the environment, landform, site conditions and character of areas, generally on the periphery of townships, where more intensive settlement would adversely affect significant landscape values.

- To ensure that development densities are compatible with the environmental and infrastructure capacities of the area, including the capacity of local streets, drainage systems and sewerage systems. Where reticulated sewerage is not available, particular consideration must be given to the ability to contain all waste water onsite and the impact of development on ground water conditions. Particular attention must be given to the impact of development on streamlines, water ways and wetlands and to avoiding the development of land susceptible to stream erosion or flooding.

- To recognise areas where substantial vegetation cover is a dominant visual and environmental feature of the local area, by ensuring site areas are large enough to accommodate development while retaining natural or established vegetation cover and to provide substantial areas for new landscaping and open space.

- To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting.

- To protect shared viewlines where reasonable and practical.

- To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, open space areas and landscapes.

- To maintain lots of sufficient area to provide for racehorse training establishments in association with residential use in the vicinity of the Mornington racecourse and to provide additional protection to the Balcombe Creek.

2.0

Buildings and works

No permit required

A permit is not required to construct a building or construct or carry out works for any of the following, but only if, the General requirements set out in this schedule are met.

- A single dwelling.

- A dwelling extension or alteration.

- An outbuilding.

- A dependent person’s unit.

Note: The Mandatory requirements of this schedule also apply.

A permit is not required to construct a fence.

Permit required

An application to construct a building or construct or carry out works should meet the General requirements of this schedule except where it has been demonstrated to the satisfaction of the responsible authority, that compliance is unreasonable or unnecessary and no loss of amenity will result.
Note: The Mandatory requirements of this schedule also apply.

In the General Residential Zone or Neighbourhood Residential Zone, an application to construct a building or construct or carry out works associated with one dwelling on a lot:

- Must comply with Clause 54.01.
- Must meet all of the objectives and should meet all of the standards of Clause 54.02, 54.03-3, 54.03-4, 54.03-5, 54.03-6, 54.03-7; 54.04-2; 54.04-3, 54.04-4, 54.04-5, 54.04-6, 54.05, 54.06-1.
- Must meet the objectives of Clauses 54.03-1, 54.03-2 and 54.04-1.

**General requirements**

- A building must:
  - have a maximum building height of 8 metres or less;
  - contain no more than 2 storeys above natural ground level; and,
  - if more than one storey, not provide access to a roof area, deck, verandah or the like which has a level higher than the floor level of the upper storey.

- The difference between finished ground level and natural ground level as a result of excavation and filling must not exceed one metre, except for the purpose of constructing an in ground swimming pool, and all works must be properly battered or stabilised.

- Buildings and works, including tennis courts and dams must be setback at least:
  - 50 metres from the south side of Bungower Road, Somerville;
  - 40 metres from the north side of Eramosa Road West, Somerville;
  - 25 metres from any other road frontage; and,
  - 10 metres from any other boundary.

- More than half of the external wall cladding of any dwelling must consist of brick, masonry, timber, simulated weatherboards or other materials approved by the responsible authority.

- All cladding and trim must be coloured and maintained in muted tones of green, brown, beige or other colours approved by the responsible authority. The external finish of all buildings must be of a low reflectivity (less than 40% reflectivity) to minimise glare and reflection of light. This requirement includes roofing materials, unless the pitch of the roof is 5 degrees or less and is not overlooked from any adjoining buildings, land or roadways. Solar panels are exempted.

Where an extension to a dwelling is proposed which does not increase the floor area by more than 25%, the colours may match that of the existing development.

- A building must not be a relocated building or moveable structure such as a tramcar or the like. This does not apply to a dependent person’s unit or a newly pre-fabricated building.

Where a minimum setback distance for a building or buildings is specified in any of the General Requirements, sunblinds, verandahs, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating and cooling equipment or other services may encroach not more than 0.5 metres into the specified setback distances.

**Mandatory requirements**

The following requirements apply, as appropriate, to all buildings and works, whether or not a permit is required.

**Sewerage and drainage**

All new dwellings must be connected to:

- A reticulated sewerage system or an alternative approved by the responsible authority.
A reticulated drainage system or an alternative approved by the responsible authority.

These requirements cannot be varied with a permit.

**Number of dwellings**

On land situated outside the urban growth boundary, no more than one dwelling may be constructed on a lot. This does not apply to any of the following:

- The extension or alteration of a lawfully existing dwelling.
- 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.

These requirements cannot be varied with a permit.

**Subdivision**

The average area of new lots within a subdivision must be no less than 1 hectare and each lot must be able to contain a rectangle with a minimum dimension of 50 metres. Each lot must have an area of at least 4000 square metres. These requirements do not apply to lots that are in compliance with a restructure plan under Clause 45.05 or a development plan under Clause 43.04.

Battle-axe lots must have a minimum frontage of 20 metres, shared by up to 4 lots with reciprocal access rights, unless the responsible authority is satisfied that safe and appropriate access can be achieved with a lesser frontage.

Land that is capable of further subdivision is excluded from the calculation of average lot area.

The area of land set aside as common property or land that is to be transferred to Council for public open space and recreation, over and above that which may be required under Section 18 of the Subdivision Act 1988, may be included in the calculation of average lot density.

These requirements cannot be varied with a permit unless any of the following requirements are met:

- The subdivision realigns the boundary between existing lots, provided no new lot or additional subdivision potential is created.
- Two or more dwellings have lawfully existed on a lot since the approval date and the subdivision proposes to create separate lots for each dwelling.
- The subdivision excises land for a road, utility installation or other public purpose.

**Decision guidelines**

Before deciding on an application the responsible authority must consider, as appropriate:

- The design objectives of this schedule.
- Where an objective has been applied from Clause 54.02 to 54.06, inclusive, the relevant decision guidelines from that Clause.
- Any relevant development plan, heritage study, code or policy relating to the protection and development of land in the area.
- The effect of any proposed subdivision or development, including demolition, on the heritage values of the site and of the local area.
- The effect of any proposed subdivision or development on the environmental and landscape values of site and of the local area, including the effect on streamlines, foreshores, areas of remnant vegetation, areas prone to erosion and the amenity and accessibility of open space.
- In areas where reticulated sewerage is not available, whether the applicant has submitted a report from a suitably qualified person to demonstrate whether effluent can be treated and retained on-site, without contaminating groundwater, in accordance with State Environment Protection Policies.

- The need to ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.

- The comments of any relevant coastal management or soil conservation authority.
SCHEDULE 7 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO7.

LOW DENSITY - ENVIRONMENTAL

1.0 Design objectives

- To ensure that the design of low density subdivision and housing is responsive to the environment, landform, site conditions and character of areas. These are areas, generally on the periphery of townships, where more intensive settlement would adversely affect environmental features including streamlines, wetlands and bushland habitat areas or where other land use factors, including proximity to extractive industry sites, require a limited population density.

- To prevent the overdevelopment of sensitive areas resulting in environmental and landscape degradation.

- To ensure that development densities are compatible with the environmental and infrastructure capacities of the area, including the capacity of local streets, drainage systems and sewerage systems. Where reticulated sewerage is not available, particular consideration must be given to the ability to contain all waste water onsite and the impact of development on ground water conditions. Particular attention must be given to the impact of development on streamlines, water ways and wetlands and to avoiding the development of land susceptible to stream erosion or flooding.

- To recognise areas where substantial vegetation cover is a dominant environmental and landscape feature, by ensuring site areas are large enough to accommodate development while retaining natural or established vegetation cover and to provide substantial areas for new landscaping and open space.

- To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting, and to protect shared viewlines where reasonable and practical.

- To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, open space areas and landscapes.

- To maintain lots of sufficient area to provide for racehorse training establishments in association with residential use and to provide additional protection to the Balcombe Creek.

- To maintain the existing open landscape, which defines the Bittern township boundaries.

2.0 Buildings and works

No permit required

A permit is not required to construct a building or construct or carry out works for any of the following, but only if, the General requirements set out in this schedule are met.

- A single dwelling.

- A dwelling extension or alteration.

- An outbuilding.

- A dependent person’s unit.

Note: The Mandatory requirements of this schedule also apply.

A permit is not required to construct a fence.
Permit required

An application to construct a building or construct or carry out works should meet the General requirements of this schedule except where it has been demonstrated to the satisfaction of the responsible authority, that compliance is unreasonable or unnecessary and no loss of amenity will result.

Note: The Mandatory requirements of this schedule also apply.

In the General Residential Zone or Neighbourhood Residential Zone, an application to construct a building or construct or carry out works associated with one dwelling on a lot:

- Must comply with Clause 54.01.
- Must meet all of the objectives and should meet all of the standards of Clause 54.02, 54.03-3, 54.03-4, 54.03-5, 54.03-6, 54.03-7; 54.04-2; 54.04-3, 54.04-4, 54.04-5, 54.04-6, 54.05, 54.06-1.
- Must meet the objectives of Clauses 54.03-1, 54.03-2 and 54.04-1.

General requirements

- A building must:
  - have a maximum building height of 8 metres or less;
  - contain no more than 2 storeys above natural ground level; and,
  - if more than one storey, not provide access to a roof area, deck, verandah or the like which has a level higher than the floor level of the upper storey.

- The difference between finished ground level and natural ground level as a result of excavation and filling must not exceed one metre, except for the purpose of constructing an in ground swimming pool, and all works must be properly battered or stabilised.

- All buildings and works, including tennis courts and dams, must be setback at least:
  - 50 metres from the south side of Bungower Road, Somerville;
  - 50 metres from the west side of Lower Somerville Road, Somerville between Bungower Road and Golf Links Road;
  - 40 metres from the north side of Eramosa Road West, Somerville;
  - 25 metres from any other road frontage; and,
  - 10 metres from any other boundary.

- A dwelling must not be located within 200 metres of an extractive industry site.

- More than half of the external wall cladding of any dwelling must consist of brick, masonry, timber, simulated weatherboards or other materials approved by the responsible authority.

- All cladding and trim must be coloured and maintained in muted tones of green, brown, beige or other colours approved by the responsible authority. The external finish of all buildings must be of a low reflectivity (less than 40% reflectivity) to minimise glare and reflection of light. This requirement includes roofing materials, unless the pitch of the roof is 5 degrees or less and is not overlooked from any adjoining buildings, land or roadways. Solar panels are exempted. Where an extension to a dwelling is proposed which does not increase the floor area by more than 25%, the colours may match that of the existing development.

- A building must not be a relocated building or moveable structure such as a tramcar or the like. This does not apply to a dependent person’s unit or a newly pre-fabricated building.
Where a minimum setback distance for a building or buildings is specified in any of the General Requirements, sunblinds, verandahs, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating and cooling equipment or other services may encroach not more than 0.5 metres into the specified setback distances.

**Mandatory requirements**

The following requirements apply, as appropriate, to all buildings and works, whether or not a permit is required.

**Sewerage and drainage**

All new dwellings must be connected to:

- A reticulated sewerage system or an alternative approved by the responsible authority.
- A reticulated drainage system or an alternative approved by the responsible authority.

These requirements cannot be varied with a permit.

**Subdivision**

The average area of lots within a subdivision must be at least 2 hectares except that:

- The average area of lots within a subdivision between Frankston Flinders Road and Stony Point Road, north of Woolleys Road, Crib Point must be no less than 8 hectares.
- The average area of lots within a subdivision between Roberts Road and the Balcombe Creek, Mornington must be no less than 4 hectares.
- The average area of lots within a subdivision between Baldock Road, Bungower Road and the railway reserve, Mornington must be no less than 4 hectares.

Each lot must be able to contain a rectangle with a minimum dimension of 100 metres. Each lot must have a minimum area of 1 hectare. These requirements do not apply to lots that are in compliance with a restructure plan under Clause 45.05 or a development plan under Clause 43.04.

Battle axe lots must have a minimum frontage of 20 metres; shared by up to 4 lots with reciprocal access rights, unless the responsible authority is satisfied that safe and appropriate access can be achieved with a lesser frontage.

Land that is capable of further subdivision is excluded from the calculation of average lot area.

The area of land set aside as common property or land that is to be transferred to Council for public open space and recreation, over and above that which may be required under Section 18 of the Subdivision Act 1988, may be included in the calculation of average lot density.

These requirements cannot be varied with a permit unless any of the following requirements are met:

- The subdivision realigns the boundary between existing lots, provided no new lot or additional subdivision potential is created.
- Two or more dwellings have lawfully existed on a lot since the approval date and the subdivision proposes to create separate lots for each dwelling.
- The subdivision excises land for a road, utility installation or other public purpose.

These requirements cannot be varied with a permit.

**Decision guidelines**

Before deciding on an application the responsible authority must consider, as appropriate:

- The design objectives of this schedule.
Where an objective has been applied from Clause 54.02 to 54.06, inclusive, the relevant decision guidelines from that Clause.

Any relevant development plan, heritage study, code or policy relating to the protection and development of land in the area.

The effect of any proposed subdivision or development, including demolition, on the heritage values of the site and of the local area.

The effect of any proposed subdivision or development on the environmental and landscape values of site and of the local area, including the effect on streamlines, foreshores, areas of remnant vegetation, areas prone to erosion and the amenity and accessibility of open space.

In areas where reticulated sewerage is not available, whether the applicant has submitted a report from a suitably qualified person to demonstrate whether effluent can be treated and retained on-site, without contaminating groundwater, in accordance with State Environment Protection Policies.

The need to ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.

The comments of any relevant coastal management or soil conservation authority.

The maintenance of an appropriate separation between housing and extractive industry sites in accordance with buffer distances recommended by the Environment Protection Authority or Department of Natural Resources and Environment.
SCHEDULE 8 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO8.

PIPELINE POLICY AREA

1.0 Design objective
   - To ensure that all buildings and works and in particular buildings designed to accommodate people are sufficiently separated from oil and gas pipelines to avoid a safety hazard.

2.0 Buildings and works
   No permit is required to construct a dwelling or a building designed to accommodate 20 or more people more than:
   - 3 metres from a type A pipeline alignment.
   - 3 metres from a type B pipeline alignment.
   - 200 metres from a type C pipeline alignment.

   No permit is required to construct any other building or to construct or carry out other works more than 3 metres from any pipeline.

3.0 Decision guidelines
   Before deciding on an application the responsible authority must consider the comments of the authority responsible for the administration of the Pipelines Act 1967.
SCHEDULE 9 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO9.

ACOUSTIC DESIGN

1.0 Design objectives

To protect residents from external noise that may reasonably be expected from nearby industrial or business uses.

2.0 Buildings and works

Buildings must be sited and designed to locate noise-sensitive rooms and secluded private open spaces away from noise sources and be protected by appropriate noise shielding techniques.

Dwellings or other accommodation must be designed to limit noise levels in habitable rooms to those implied by State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No N-1 (SEPP N-1) and to achieve the requirements of State Environment Protection Policy (Control of Music Noise from Public Premises) No N-2 (SEPP N-2) as assessed indoors with windows closed.

3.0 Decision guidelines

Before deciding on an application the responsible authority must consider:

- Whether the applicant has provided a report prepared by a suitably qualified acoustic consultant for any new dwelling or other accommodation, including any significant extensions or alterations.
SCHEDULE 10 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO10.

OCEAN BEACH ROAD, SORRENTO

1.0

Design objectives

- To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale, building materials and siting.
- To ensure that development proposals are based on an appropriate site analysis and design response process that demonstrates respect for the historic and built form character of the Sorrento town centre.
- To promote the creation of a high quality public space along Ocean Beach Road, including the maintenance of visual connection between existing historic buildings and the street.
- To ensure that any new development properly addresses the Ocean Beach Road frontage.
- To ensure that the existing limestone buildings continue to be a major feature of the streetscape by maintaining the existing building line along Ocean Beach Road.
- To ensure the provision of a pedestrian connection between Ocean Beach Road and the Morce Avenue car parking area.
- To ensure the proper, safe and efficient functioning of Morce Avenue as an access road to the adjacent public car park.
- To provide for a graduated change in building height from both the Ocean Beach Road and Morce Avenue frontages.

2.0

Buildings and works

General requirement

An application to construct a building or construct or carry out works must meet the following requirement:

- All new development must provide for pedestrian connection between Ocean Beach Road and Morce Avenue to the satisfaction of the responsible authority.

A permit may be granted to vary this requirement provided the responsible authority is satisfied that the provision of a pedestrian connection on a specific site is not required.

Note: The mandatory requirements of this schedule also apply.

Mandatory requirements

- An application must include a site analysis and design response explaining in detail how the design of the proposed development responds to the design objectives of this schedule and demonstrates respect for the existing character of the Sorrento town centre, particularly having regard to Local Policy 22.17 Sorrento Historic Precinct Policy - Ocean Beach Road Area sub policy.
- All new development must be connected to:
  - A reticulated sewerage system or an alternative approved by the responsible authority.
  - A reticulated drainage system or alternative approved by the responsible authority.
- No building may exceed a building height of more than 8 metres or contain more than two storeys above natural ground level at either the Morce Avenue or Ocean Beach Road frontage.
- No building may exceed a maximum building height of 12 metres above natural ground level.
- No building may be erected closer to Ocean Beach Road than any existing limestone building on the lot.
- The prevailing building line along the Ocean Beach Road frontage must be maintained.
- No development may provide for a retail frontage to Morce Avenue.

These requirements cannot be varied with a permit.

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design objectives of this schedule.
- Any relevant development plan, heritage study, code or policy relating to the protection and development of land in the area.
- Whether the siting and height of any proposed building is consistent with the existing streetscape character, including whether provision for an increased building setback for higher sections of a proposed building is appropriate.
MT ELIZA (NORTH OF TOWER ROAD) DEVELOPMENT DESIGN

1.0
19/01/2006
VC37

Design objectives

- To provide for the site responsive design of subdivision and housing on land generally bounded by Tower Road, Wooralla Drive, The Peninsula School, Marlo Grove and Grice Avenue in Mt Eliza.

- To ensure a high standard of subdivision and streetscape design, with guidelines to ensure that private development contributes to the preferred future character of the area as a distinctive and sustainable residential landscape, with a garden setting of indigenous and native canopy trees in the front yards and a silhouette of canopy trees in rear yards.

- To provide for development densities that recognise the low density character of the area.

- To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting.

- To provide for the retention and protection of native vegetation in accordance with Victoria’s Native Vegetation Management – A Framework for Action (Department of Natural Resources and Environment 2002), with a net gain outcome as defined in the Framework where native vegetation is proposed to be removed as part of a land use or development proposal.

- To provide for the location of roads and, where appropriate, provision of expanded road reserves to encourage the retention of existing native vegetation and to minimise vehicular access from lots directly on to Wooralla Drive and Tower Road.

- To support better utilization of existing public infrastructure.

- To provide for infrastructure services in a manner which minimises environmental impact.

- To provide for appropriate traffic management along Tower Road and Wooralla Drive.

- To provide for storm water management which results in no net increase in the rate of off site stormwater discharge to the local creek system.

- To ensure equitable contributions from land owners to the provision and/or upgrading of required infrastructure, including open space areas.

- To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line when viewed from surrounding streets and properties.

- To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings and open space areas, including road side areas.

- To recognise areas where a lower intensity of residential activity and traffic movement contributes to the amenity of the area.

- To recognise areas, with limited access to infrastructure, services and facilities, including public transport, that are considered inappropriate for higher densities of occupation.

2.0
11/05/2017
C205

Buildings and works

No permit required

A permit is not required to construct a building or construct or carry out works for any of the following, but only if the general requirements set out in this schedule are met:

- A single dwelling.
A dwelling extension.
- An outbuilding.
- A dependent person’s unit.

Note: The mandatory requirements of this schedule also apply.

Permit required

An application to construct a building or construct or carry out works must meet the general requirements of this schedule except where it has been demonstrated to the satisfaction of the responsible authority that compliance is unreasonable or unnecessary and no significant loss of amenity will result.

Note: The mandatory requirements of this schedule also apply.

In the General Residential Zone or Neighbourhood Residential Zone, an application to construct a building or construct or carry out works associated with one dwelling on a lot:

- Must comply with Clause 54.01.
- Must meet all of the objectives and should meet all of the standards of Clause 54.02, 54.03-3, 54.03-4, 54.03-5, 54.03-6, 54.03-7; 54.04-2; 54.04-3, 54.04-4, 54.04-5, 54.04-6, 54.05 and 54.06-1.
- Must meet the objectives of Clauses 54.03-1, 54.03-2 and 54.04-1.

A permit is required to construct a fence if either:

- The side or rear fence is more than 2.0 metres in height.
- The front fence is more than 1.8 metres in height.
- The front fence is less than 50% transparent.
- The fence is constructed of fibro cement sheet materials.

General requirements

The following requirements apply, as appropriate, to all buildings and works, whether or not a permit is required:

- No building may exceed a building height of 6 metres.
- The difference between finished ground level and natural ground level as a result of excavation and filling must not exceed one metre, except for the purpose of constructing an in-ground swimming pool, and all works must be properly battered or stabilised.
- Buildings must be set back at least 7.5 metres from a road frontage and 3 metres from any side road boundary. Buildings adjoining either Tower Road or Wooralla Drive must be set back at least 12 metres from the frontage, with the first 6 metres of the setback landscaped to the satisfaction of the responsible authority.
- A building containing more than one storey must not provide access to a roof area, deck, verandah or the like which has a level higher than the floor level of the upper storey.
- More than half of the external wall cladding of any dwelling must consist of brick, masonry, timber, simulated weatherboards or other materials approved by the responsible authority.
- All cladding and trim must be coloured and maintained in muted tones of green, brown, beige or other colours approved by the responsible authority. The external finish of all buildings must be of a low reflectivity to minimise glare and reflection of light. This requirement includes roofing materials, unless the pitch of the roof is 5 degrees or less and is not overlooked from
any adjoining buildings, land or roadways. Solar panels are exempted. Where an extension to a dwelling is proposed which does not increase the floor area by more than 25%, the colours may match those of the existing development.

- A building must not be a relocated building or moveable structure such as a tramcar or the like. This does not apply to a dependent person’s unit or a newly pre-fabricated building.

Where a minimum setback distance for a building or buildings is specified in any of the General Requirements, sunblinds, verandahs, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating and cooling equipment or other services may encroach not more than 0.5 metres into the specified setback distances.

**Mandatory requirements**
The following requirements apply, as appropriate, to all buildings and works, whether or not a permit is required:

**Sewerage and drainage**
All new dwellings must be connected to:
- A reticulated sewerage system or an alternative approved by the responsible authority.
- A reticulated drainage system or an alternative approved by the responsible authority.
These requirements cannot be varied with a permit.

**Maximum building height**
A building must contain no more than 2 storeys above natural ground level. This does not apply to any of the following:
- A place of assembly building.
- A leisure and recreation building.
- A utility installation building.
- A hospital.
- An education centre.
This requirement cannot be varied with a permit.

**Number of dwellings**
No more than one dwelling, excluding a dependent person’s unit, may be constructed on a lot. This requirement cannot be varied with a permit.

**Subdivision**
The average area of all lots within a subdivision must be no less than 2,000 square metres, and each lot must have a minimum area of 1,500 square metres and be able to contain a rectangle with minimum dimensions of 20 metres x 30 metres.

Land that is capable of further subdivision is excluded from the calculation of average lot area. The area of land set aside as common property or land that is to be transferred to Council for public open space and recreation, over and above that which may be required under section 18 of the Subdivision Act 1988, may be included in the calculation of average lot area.

Battle-axe lots must have a minimum frontage of six metres, shared by up to four lots. The minimum dimension of the rectangle contained within a battle-axe lot may be reduced to 18 metres.

Prior to the issue of any permit, the following information must be submitted and approved to the satisfaction of the responsible authority:
Details of the proposed stormwater system, including provision for a stormwater tank for each proposed lot, must be provided to demonstrate no net increase in the rate of off-site discharge to the local creek system or alternative drainage arrangements to the satisfaction of the responsible authority.

A flora and fauna impact assessment by a suitably qualified person, including the identification of trees to be retained or removed and proposals to ensure a net gain outcome in accordance with Victoria’s Native Vegetation Management – A Framework for Action (Department of Natural Resources and Environment 2002).

Landscape Guidelines, generally in accordance with the Landscape Issues Report, Wallbrink Consulting, March 2004 Document No. 787RIB.doc, for all road reserves and proposed lots.

The Landscape Guidelines must address the following matters, as appropriate:

- the management of existing vegetation, including:
- the location of all existing and proposed planting of vegetation;
- an assessment of the current condition of significant vegetation;
- the means of retention and protection of native vegetation, including the provision of an appropriate vegetation corridor adjacent to the natural water course;
- the monitoring and eradication of weeds; and
- the location of all vegetation to be removed.

Maximizing landscape opportunities, including the staged establishment /regeneration of a substantial vegetation corridor along Tower Road and Wooralla Drive, including both the road reserves and adjoining private land.

Guidelines to achieve a net gain outcome in accordance with Victoria’s Native Vegetation Management – A Framework for Action (Department of Natural Resources and Environment 2002).

Energy efficiency and sustainable landscape management and site design.

Access road design and landscaping.

In considering any application for subdivision, the responsible authority must be satisfied that appropriate provision has been made for:

- The provision of a public open space/walkway connection between Clendon Close and Marlo Grove.

- Provision for traffic impact mitigation works, limited to the portions of Tower Road or Wooralla Drive abutting the subject land, in accordance with a traffic management plan to be submitted and approved to the satisfaction of VicRoads and the responsible authority.

- Minimisation of the number of new access points to Wooralla Drive and Tower Road.

- The construction of any group of driveways providing access to more than two lots as a shared access street.

- No vehicular access from any new lot to Marlo Grove.

- The provision, stabilization and revegetation of a buffer zone along the Earimil Creek water course, complemented by provision for a building envelope on any lot adjacent to the watercourse.

Any permit for subdivision or additional residential development, other than a single dwelling on a lot existing at the approval date, must include the following condition:

- Prior to commencement of development or the issue of a statement of compliance, an Agreement under section 173 of the Planning and Environment Act 1987 must be entered into between the land owner and the responsible authority that requires:
- The full provision of infrastructure, including reticulated sewerage, to service any new lot or development, generally in accordance with the requirements of Clause 55 and 56 of the planning scheme and in accordance with plans and specifications to be submitted and approved to the satisfaction of the responsible authority. All costs of infrastructure provision and upgrading must be met by the landowners with no costs to Mornington Peninsula Shire Council.

- Provision for development contributions, generally in accordance with the Development Contributions Report – Tower Road, Mt Eliza (Option 1) March 2004, prepared by Beveridge Williams & Co Pty Ltd.

- Where proposed development abuts Tower Road or gains access from a road which intersects with Tower Road, the plans must include provision for a roundabout or other traffic control devices to the satisfaction of the responsible authority.

- Provision for contributions to public open space:
  - equal to five percent (5%) of the site area or five percent (5%) of the site value of the land to be subdivided; and
  - a further five percent (5%) of either the site area or as a cash in lieu contribution to be applied towards environmental improvement (including conservation land acquisition) in the Mt Eliza area generally, provided the calculation of this further 5% may be discounted by the area or site value of any lot that contains a dwelling that exists at the approval date; provided that the total public open space contribution is equivalent to not less than $10,000, indexed in accordance with the CPI, for every new lot created.

- Provision for any works or contributions necessary to achieve a net gain outcome in accordance with Victoria’s Native Vegetation Management – A Framework for Action (Department of Natural Resources and Environment 2002).

- Prior to the further development of any lot, a site development and landscape management plan, demonstrating provision for landscaping generally in accordance with the Landscape Guidelines must be submitted and approved to the satisfaction of the responsible authority.

A plan must be endorsed as part of any permit showing, as appropriate:

- The orientation and size of lots, including the ability of each lot containing existing native vegetation to accommodate a building envelope that encourages the retention of existing native vegetation.

- The accurate identification of significant native vegetation to be retained or removed as part of the subdivision of the land and development of each lot.

- The delineation of building envelopes for each lot containing native vegetation, that encourages the retention of existing native vegetation.

- Provision for landscaping to replace vegetation removed and which will assist to enhance the existing landscape and environmental values of the land, as well as any other measures necessary to achieve a net gain outcome in accordance with Victoria’s Native Vegetation Management – A Framework for Action (Department of Natural Resources and Environment 2002).

- The location and design of internal roads and external access and egress points, providing for shared property access where practical to do so, with particular regard to safety, efficiency, minimising indigenous vegetation removal and maintaining the existing streetscape and neighbourhood character.

These requirements cannot be varied with a permit unless one of the following applies:

- The subdivision realigns the boundary between existing lots, provided that any lot that is reduced in area retains an area of no less than 2,000 square metres and meets the minimum lot dimension requirements specified in this schedule.
Two or more dwellings have lawfully existed on a lot since the approval date and the subdivision proposes to create separate lots for each dwelling.

The subdivision excises land for a road, utility installation or other public purpose.

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design objectives of this schedule.
- Where an objective has been applied from Clause 54.02 to 54.06, inclusive, the relevant decision guidelines from that Clause.
- Any relevant development plan, heritage study, code or policy relating to the protection and development of land in the area.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level and staggered building forms, that follow the natural slope of the land and reduce the need for site excavation or filling.
- The effect of any proposed subdivision or development on the environmental and landscape values of the site and the local area, including the effect on streamlines, foreshores, areas of remnant vegetation and areas prone to erosion.
- The effect of any proposed subdivision or development on the amenity and accessibility of areas of public open space.
- In areas where reticulated sewerage is not available, whether the applicant has submitted a report from a suitably qualified person to demonstrate whether effluent can be treated and retained on-site, without contaminating groundwater, in accordance with State Environment Protection Policies.
- The need to ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.
1.0 Design objectives

- To protect the amenity of existing residents in Clarkestown Avenue and Davies Avenue.
- To ensure that future development has regard for the established streetscape character and development pattern of the neighbourhood, in terms of building height, scale and siting.
- To encourage a form of development which will have no adverse impact on the amenity of nearby residents.
- To ensure that future development, including the location of vehicular crossings and car parking areas, respects and responds to the residential interface with Clarkestown Avenue and Davies Avenue.
- To achieve an appropriate transition between commercial and residential precincts, in terms of built form, landscaping, traffic management and associated features.
- To provide for adequate on-site parking in order to limit potential congestion on streets providing access to nearby residential properties.

2.0 Buildings and works

All buildings and works must be in accordance with the following requirements:

Height

- Buildings and works must not exceed two storeys or a building height of more than 10 metres above natural ground level.

This requirement cannot be varied with a permit.

Building siting and design

- Development should include articulation of building facades and provision of a greater setback for any upper storey to reduce the apparent height and mass of buildings.

- Building design should incorporate features to achieve an appropriate transition between commercial and residential precincts. This may include the use of pitched roofs, tiling, face brick work etc which reflect characteristics of residential development in the area.

- Where possible and practical buildings should be orientated primarily towards the existing adjoining car parking areas.

- Development must be designed to limit noise impact on nearby residential areas, including the use of acoustic fencing where appropriate.

- All aspects of development including external security lighting, the location of rubbish storage and collection areas, loading and unloading facilities etc must be designed and located to minimise potential impact on the amenity of the adjacent residential areas.

Access

- Vehicular crossovers must be located so as to ensure the continued safe and efficient use of the road. Vehicular crossovers must not be constructed onto Clarkestown Avenue and if any vehicular access to Davies Avenue is required it should be located as far from the intersection with Clarkestown Avenue as possible.
Proposals for development of either site must include provision of either a financial contribution or works in kind, to the satisfaction of the responsible authority, for the construction of traffic control devices at the intersections of Clarkestown Avenue and Canadian Bay Road and Clarkestown Avenue and Davies Avenue, to discourage through traffic and as far as possible to limit the use of Clarkestown Avenue to local traffic only.

Proposals for development of either site should make provision for pedestrian pathways to link on street parking areas on Clarkestown Avenue and Davies Avenue to the new developments.

Landscaping

- A landscaping plan, to the satisfaction of the responsible authority, must be submitted with applications for buildings and works.
- Landscaping must include vegetation screening along the residential interfaces (which may include the road verges) of Clarkestown Avenue and Davies Avenue to protect the privacy and amenity of adjacent dwellings and to complement the appearance and design of proposed buildings.

Advertising signs

Advertising sign requirements are at Clause 52.05. This zone is in Category 1 – Business Area.

Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- The affect of the development of proposed buildings on the amenity of abutting residents.
- The character of the area as a whole including a design that is responsive to both the shopping centre, the streetscape and the neighbouring residential dwellings.
- The graduation of development height across the shopping centre, and abutting residential areas.
- The architectural quality and innovative response of the building design.
- The interface with existing housing to the south of Clarkestown Avenue and to the east of Davies Avenue.
- Any loss of privacy caused by overlooking of residential properties to the south of Clarkestown Avenue and to the east of Davies Avenue.
- Whether building setbacks provided along Clarkestown Avenue and Davies Avenue demonstrate appropriate consideration of the streetscape and the residential interface.
- The inclusion of design elements which protect the amenity of abutting residents.
SCHEDULE 13 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO13.

MORNINGTON ACTIVITY CENTRE

In this Schedule any reference to the “ring road” refers to all of the roads comprising the “ring road” identified on Map 1 that forms part of this Schedule.

1.0

Design objectives

- To ensure that development makes a positive contribution to the low scale, coastal village character of the Mornington Activity Centre.
- To ensure that development enhances the unique character of Main Street between Esplanade and Cromwell Street, including the scale, shape and rhythm of built form and the variety of building heights, roof forms, setbacks and building designs.
- To ensure that development enhances the ‘gateway’ character of Main Street between Cromwell Street and the Nepean Highway, including the provision of generous landscaped setbacks.
- To ensure that buildings along the ring road provide a sympathetic interface with existing residential development on the opposite side of that road.
- To ensure that development is designed to maintain the safety and efficiency of the ring road in the long term.
- To ensure development optimises principles of environmentally sustainable design.

2.0

Buildings and works

No permit required

A permit is not required for any of the following:

- The installation of an automatic teller machine.
- An alteration to an existing building façade but only if:
  - 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.
- An awning that projects over a road, but only if it is authorised by the relevant public land manager.

Permit required

A permit is required to construct a fence.

The following general and mandatory requirements apply, as appropriate, to all buildings and works.

General requirements

- An application to construct a building that exceeds a building height of 7 metres should be accompanied by a representation of the building in an electronic format, suitable for inclusion in the ‘Simurban’ computer model for the Mornington Activity Centre to the satisfaction of the responsible authority.
- An application to construct a building that exceeds a building height of 7 metres should be accompanied by a site context and design response report that demonstrates how the proposal achieves the design objectives and the requirements of this schedule.
Buildings should be of a high quality in terms of architecture and urban design, make a positive contribution to the coastal village character of Main Street and reinforce that character in all other streetscapes.

Buildings in Main Street between Cromwell Street and the Nepean Highway should in addition make a positive contribution to the ‘gateway’ character of this section of Main Street in terms of generous landscaped setbacks and design.

Buildings should be designed to demonstrate respect for the existing scale and character of streetscapes when viewed from the pedestrian network.

Buildings should be designed to face all adjoining street and open space reserves and buildings should facilitate continuous active frontages at ground level and weather protection along key pedestrian links. Blank, inactive frontages should be avoided.

Buildings should be designed to minimise visual bulk to the street, with adequate detailing and articulation of facades, as well as an adequate use of materials and colours.

Buildings should be designed in a way that respects the view lines from the public realm to Port Phillip Bay, Mornington Harbour, Mornington Park, the foreshore and the Grand Hotel.

Buildings should be designed to minimise the visual exposure of car parking facilities to adjoining land, street reserves and other reserves.

Buildings should be designed to optimise opportunities for basement car parking and should not include car spaces at ground level that are exposed to the public realm.

Buildings that only include multi-deck car parking should not contain more than three levels of car parking.

Buildings along the ring road should be designed without vehicle access points to that road and should provide high quality landscaping within frontage setbacks.

Buildings in Main Street, between Cromwell Street and the Nepean Highway, should be designed without or a minimal number of vehicle access points to that street.

Buildings should be designed in a way that optimises principles of environmentally sustainable design.

A “roof deck”, being an area that is located above the upper storey of a building and that is designed and used as open space for any use in the building, should:

- be setback at least 2 metres from the roof edge on all sides;
- not include any structures or elements that exceed a height of 1.7 metres, apart from an access structure;
- be accessed by a structure that does not enclose any useable floor space (other than for the purpose of access) and does not exceed 2.4 metres in height (measured from floor level at the point of access onto the roof deck);
- not be located above any fourth storey of a building.

**Height and setback requirements**

A building must not exceed the maximum building height and the number of storeys specified in Column 2 of the Table to this schedule. This requirement cannot be varied with a permit. This does not apply to architectural features, masts, building services or enclosed stairwells that do not exceed any required height limit by more than 4 metres. The combined floor area of these features must not exceed 10% of the gross floor area of the top storey of the building.

A building should be setback at least the distances specified in Column 3 of the Table to this schedule.
- A building in Main Street located between the Esplanade and Cromwell Street must have a setback from Main Street that is at least the distance specified in Column 3 of the Table to this schedule. This requirement cannot be varied with a permit.

3.0

24/09/2009

C95

Decision guidelines

Before deciding on an application the responsible authority must consider:

- Any representation of a building in an electronic format, included in the ‘Simurban’ computer model for the Mornington Activity Centre and any site context and design response report, submitted with the application.

- The extent to which proposed buildings respect the preferred scale and form of development, particularly when viewed from the pedestrian network.

- Whether proposed buildings are compatible with and respect the character of neighbouring buildings within the same streetscape.

- Whether proposed buildings on sites that are in the vicinity of a heritage place are respectful of that heritage place.

- Whether proposed buildings obscure view lines from the public realm to Port Phillip Bay, Mornington Harbour, Mornington Park, the foreshore or the Grand Hotel.

- The extent to which any roof deck is integrated with the architectural style and form of the building; minimises the visual impact on the street, coastal environs and adjoining properties and avoids views into secluded private open spaces and habitable room windows of dwellings on adjacent land.

- The extent to which the design of buildings optimises principles of environmentally sustainable design.

4.0

09/10/2014

C179

Reference

- Mornington Activity Centre Structure Plan – A plan for a coastal town (MPSC July 2007).

Table to schedule 13

In this Table references to storeys do not include any basement.

The Areas referred to in Column 1 of this Table are the areas shown on Maps 1 and 2 forming part of this Schedule, as specified in the legend of those maps.

<table>
<thead>
<tr>
<th>Column 1 Areas</th>
<th>Column 2 Maximum building height</th>
<th>Column 3 Minimum building setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO13-1</td>
<td>11 metres, comprising up to 3 storeys</td>
<td>Any 3rd storey: 5 metres from Main Street 3 metres from any other street reserves</td>
</tr>
<tr>
<td></td>
<td></td>
<td>DDO13-2 11 metres, comprising up to 3 storeys</td>
</tr>
<tr>
<td></td>
<td></td>
<td>DDO13-3 14 metres, comprising up to 4 storeys</td>
</tr>
</tbody>
</table>

Page 698 of 1271
<table>
<thead>
<tr>
<th>Areas</th>
<th>Maximum building height</th>
<th>Minimum building setback</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>6 metres from a common boundary with the Mornington Primary School.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Any 3rd and 4th storey:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>9 metres from the ring road</td>
</tr>
<tr>
<td></td>
<td></td>
<td>9 metres from a common boundary with the Mornington Primary School.</td>
</tr>
<tr>
<td>DDO13-4</td>
<td>11 metres, comprising up to 3 storeys</td>
<td>Any 1st (ground floor) and 2nd storey, 8 metres from Main Street, Any 3rd storey, 8 metres from Main Street, 9 metres from adjoining land in General Residential Zone or Neighbourhood Residential Zone</td>
</tr>
</tbody>
</table>
SCHEDULE 14 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO14.

FLINDERS VILLAGE CENTRE

1.0

Design objectives

- To reinforce the scale and character of the Flinders “village” centre in a small coastal town.
- To ensure that new development has proper regard for the established character streetscape, topography and development pattern of the Flinders village centre in terms of building height, scale, form, siting, building materials, colours, signs and landscaping.
- To create a sense of space around and between buildings.
- To ensure that development aids in the creation of high quality public spaces within the Flinders village centre.
- To promote active frontages so that development properly addresses Cook Street.
- To maintain visual connections from within the Flinders village centre to the surrounding residential areas, reserves and landscape.
- To ensure that the existing historic buildings continue to be a major feature of the streetscape and that future development on adjacent land is consistent with retaining and enhancing the dominant urban design characteristics of the Flinders village centre heritage architecture.

2.0

Buildings and works

General requirements

- The upper storey of any two storey building should be setback sufficient distance from the frontage to ensure that the single storey component of the building fronting Cook Street reads as the dominant built form element from the street. Eaves may encroach into setback areas.
- Development along Cook Street should present as single storey when viewed from the street. Single storey components of a building height should be no higher than 6 metres.
- Development, including any basement level, should not exceed a maximum site coverage of 50%.
- At least 20% of the site area should be set aside for landscaping including the use of medium and high canopy native species.
- Boundary to boundary construction should be avoided to allow views to areas beyond. Spaces between buildings (side and rear) are encouraged and these spaces should be landscaped.
- Where practical having regard to the width of a lot, car parking should be accessible via driveways along the sideage. Basement access fronting Cook Street should be avoided.
- Simple building styles and materials are encouraged, including the use of timber. Render finishes and highly reflective glass are discouraged.
- The layout of development should promote an active street frontage and at least 66% of the width of a building frontage should consist of active display windows. Building entry points should address the street.
- Provision should be made particularly in food and drink premises for outdoor spaces, preferably at the street frontage or in the form of court yards providing for interaction with the public realm. At least 30% of the open space or courtyard areas should be landscaped and hard surfaces should not dominate.
- Buildings should be designed having regard to any slope of the land. Buildings across wide frontages should be designed as modules, with a module width of approximately 7 metres to reflect traditional shop widths.
- The use of verandahs, recessed entry points and eaves is encouraged.
- Roof forms to Cook Street should preferably be pitched, hip or gambrel. Roof pitch should be between 25-35 degrees. Flat roofs are strongly discouraged but skillion roofs may be appropriate if they are set back from the street and the primary presentation to the street is of the preferred form.
- The adaptation and re-use of existing buildings with heritage value is encouraged.
- Signage should be integrated within the built form. Sign colours should complement the character of the village setting.
- Building colours should be harmonious and based on local colour cues. Brighter colours, particularly in detailing, may be appropriate to reflect the seaside village location. Roof materials may be unpainted galvanised steel or bonded paint finished steel sheeting.

**Mandatory requirements**

- All new development must be connected to:
  - A reticulated sewerage system or an alternative approved by the responsible authority.
  - A reticulated drainage system or alternative approved by the responsible authority.

A building must have a maximum building height of no more than 8.5 metres and must contain no more than 2 storeys above natural ground level.

Mandatory requirements cannot be varied with a permit.

### 3.0 Application requirements

Any development application must be accompanied by:

- A site analysis and design response explaining how the design has responded to the design objectives of this schedule and demonstrates respect for the existing character of the Flinders village centre.
- An analysis which demonstrates that regard has been given to the provisions contained in the Flinders Village Centre Design Guidelines for New Development (MPSC 2010).

The responsible authority may waive some or all of these requirements if it deems appropriate.

**Reference documents**

- Flinders Village Centre Design Guidelines for New Development (MPSC 2010)
- Flinders Village Centre Statement of Significance (November 2009)
SCHEDULE 15 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO15.

SHOREHAM VILLAGE CENTRE

1.0

Design objectives

- To reinforce the scale and character of the Shoreham ‘village’ centre in a small coastal town.
- To ensure that new development has proper regard for the established character streetscape, topography and development pattern of the Shoreham village centre in terms of building height, scale, form, siting, building materials, colours, signs and landscaping.
- To create a sense of space around and between buildings.
- To protect visual connections from the village centre to the surrounding landscape by limiting the scale of development.
- To ensure development aids in the creation of high quality public spaces within the Shoreham village centre.
- To ensure that any development is designed to properly address the street frontage and to enable activity and passive surveillance of the public realm through building siting and design.
- To strengthen pedestrian connections between the commercial areas in the village centre.
- To define the entrances into the village centre through landscaping and signature building elements.

2.0

Buildings and works

General requirements

- Development should generally present as single storey when viewed from the street and the upper storey of any two-storey building should be a relatively minor element of a development. Single storey components of a building should be no more than 6 metres in height.
- No development should protrude above the tree canopy line when viewed from the street or significantly obstruct existing view lines to the rural landscape beyond the village centre.
- Development including any basement level should not exceed a maximum site coverage of 60 per cent.
- Development should be designed to provide space around and between buildings, rather than boundary to boundary construction.
- Buildings should generally be setback from side boundaries to provide for breaks in the built form and access to the rear of the site.
- Simple building styles and materials are encouraged, including the use of timber, but large exposed areas of rendered wall, tiled roofing or highly reflective glass should be avoided.
- The layout of new development should promote activation at the street frontage through use of windows, logical placement of building entry points which address the street and outdoor seating to provide passive surveillance of the public realm.
- Ground floor street frontage setbacks should be between zero and 3 metres to provide for public/private realm amenity.
- Provision should be made, particularly in association with food and drink premises, for outdoor spaces preferably at the street frontage or in the form of courtyards. Open space or courtyard areas should be landscaped.
• Buildings should be designed having regard to any slope of the land rather than requiring the extensive use of cut and fill to level sites. Buildings across wide frontages should be designed as modules, with a module width of approximately 7 metres to reflect traditional shop widths.

• The use of verandahs, recessed entry points and eaves is encouraged.

• Roof forms to adjoining streets should be pitched, hip, gabled or skillion. Flat roofs are strongly discouraged.

• Building colours should be selected based on local coastal character cues which incorporate muted tones which allow landscape elements to prevail to the satisfaction of the responsible authority.

• New development should provide for safe and convenient pedestrian connections.

• Where practical having regard to the width of a lot car parking should be accessible via driveways along the sideage. Basement access fronting the street should be avoided.

• Signage should be integrated within the built form. Sign colours should complement the character of the village setting.

• Landscaping of 20 per cent of the site should be provided so that any building does not dominate its setting.

• Reference to landscaping in this schedule is intended to incorporate canopy and medium sized trees at the side and rear of all developments and within the frontage if appropriate. This landscaping is to be predominantly native or locally indigenous species.

*Note: The mandatory requirements of this schedule also apply.*

**Mandatory requirements**

- All new development must be connected to:
  - A reticulated sewerage system or an alternative approved by the responsible authority.
  - A reticulated drainage system or alternative approved by the responsible authority.

- A building must have a maximum building height of no more than 8.5 metres and must contain no more than 2 storeys above natural ground level.

These requirements cannot be varied with a permit.

**Application requirements**

Any development application must be accompanied by:

- A site analysis and design response explaining how the design has responded to the design objectives of this schedule and demonstrates respect for the existing character of the Shoreham village centre.

- An analysis which demonstrates that regard has been given to the provisions contained in the Shoreham Design Guidelines, Dec 2007.

The responsible authority may waive some or all of these requirements if it deems appropriate.

**Reference document**

Shoreham Design Guidelines (Dec 2007)
SCHEDULE 16 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO16.

MCCRAE VILLAGE CENTRE

1.0 Design objectives

- To ensure that new development has proper regard for the established character streetscape, topography and development pattern of the McCrae village centre in terms of building height, scale, form, space between buildings, siting, building materials, colours, signs, and landscaping.

- To ensure that development proposals are based on an appropriate site analysis and design response process that demonstrates respect for the built form and character of the McCrae village centre.

- To reinforce the “village” scale and character of this part of McCrae.

- To reflect the role of this centre as part of the hierarchy of commercial centres on the Mornington Peninsula.

- Protect visual connections from the village centre to the surrounding landscape, including the Arthur’s Seat range and Port Phillip Bay, by limiting the height and scale of development.

- To create a sense of space around and between buildings.

- To promote the creation of high quality public spaces within the McCrae village centre and to ensure a positive relationship between proposed development and the public spaces.

- To ensure that any new development properly addresses the street frontage.

- To provide for the continuation of the existing pattern of rear parking areas accessed from the street frontage.

- To strengthen pedestrian connections within the village centre and between the centre and the foreshore.

2.0 Buildings and works

General requirements

- Retain the existing pattern of separate small scale buildings on large sites and avoid the extension of continuous built form across a number of block frontages.

- Development, including any basement level, should not exceed a maximum site coverage of 50% and at least 20% of the site area should be set aside for landscaping including the use of medium and high canopy native species. Open space should be consolidated into frontyard and/or backyard spaces.

- Single storey development is preferred and any second storey development should be designed to avoid blocking existing view lines to the surrounding landscape including the Arthurs Seat range.

- Built forms should avoid the creation of 'landmarks' or prominent 'gateways'.

- Simple building styles and materials are encouraged, including the use of low pitched hipped, gabled and skillion roofs, so that built form reflects the village character of this part of McCrae. Large exposed areas of rendered wall, and a high proportion of unmodulated glazed walls and glazed balconies, particularly in street elevations, should not be included in proposed development designs. The use of brickwork, timber and corrugated iron, in both traditional and innovative forms and utilisation of a range of darker muted colours, is encouraged.
Buildings should be sited in accordance with provisions outlined in Table 1 and to maintain the existing pattern of separate building forms with variations in frontage setback and providing for the creation of open space at the front of buildings.

Setbacks should be considered in relationship to neighbouring properties as well as the overall setback pattern of the street to repeat and maintain the overall pattern of varied setbacks. High quality small spaces attached to individual shops are encouraged.

Boundary to boundary construction should be avoided and setbacks from all side boundaries should be provided to allow for pedestrian circulation and to enable views to areas beyond. Exposed side wall elevations should be well articulated and additional side and rear entries are encouraged.

The development of active frontages is encouraged, and at least 66% of the width of a building frontage should consist of active display windows. The main building entry point should face the street.

Provision should be made for outdoor spaces, particularly in developments incorporating food and drink premises, preferably at the street frontage or in the form of court yards providing for interaction with the public realm. At least 30% of the open space or courtyard areas should be landscaped and hard surfaces should not dominate.

Landscaping should be informal to complement and link to the informal coastal bush setting and use native and indigenous species. The visual joining up of landscaped areas across properties and public space is encouraged, solid fences or barriers between commercial properties and to public spaces are discouraged.

The use of verandahs, recessed entry points and eaves is encouraged. Awnings or canopies should not be continued across shopfronts in order to maintain the sense of separate buildings.

New development should provide for safe and convenient pedestrian connections, without adversely impacting upon residential properties.

The total number and width of access ways should be minimised.

Carparking areas should be located to the side and to the rear of buildings.

On site carparks should be landscaped and include shade trees. Alternative permeable ground surfaces to bitumen are encouraged.

Access from the road frontage to rear parking areas should be combined with existing access ways where possible to reduce the number of crossovers.

A separation setback with a width of at least 3 metres should be provided between any access laneway or car parking area and the adjoining residential boundaries. The setback along residential boundaries should be effectively landscaped and fenced.

The adaptation of existing buildings for reuse is encouraged.

Signage should be integrated within the built form. Encourage signage to be painted onto side walls, parapets and windows rather than on separately made panels that fix to the building or fascia or roof. Sign colours should complement the character of the village setting.

Table 1 to Schedule 16

<table>
<thead>
<tr>
<th>Proposed development</th>
<th>Frontage Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single storey development for the purpose of maintaining or enhancing existing built form at 663 – 667 and 675 – 677 Point Nepean Road</td>
<td>Should maintain the current setback, adjoining the front boundary.</td>
</tr>
<tr>
<td>Any other single storey development</td>
<td>Should be maximised, with a setback of at least 1.5 metres, and varied from the front setback of a building on adjoining land to avoid a continuous built form</td>
</tr>
</tbody>
</table>
Proposed development | Frontage Setback
--- | ---
Two storey development | Should be setback a distance at least equivalent to the maximum height of the building above the natural ground level.
The upper storey of any second storey | Should not be recessed from the front wall of the ground storey.

Note: The mandatory requirements of this schedule also apply.

**Mandatory requirements**

- All new development must be connected to:
  - A reticulated sewerage system or an alternative approved by the responsible authority.
  - A reticulated drainage system or alternative approved by the responsible authority.
- No building may exceed a building height of more than 8 metres or contain more than two storeys above natural ground level.

These requirements cannot be varied with a permit.

**Application requirements**

- Any development application must be accompanied by:
  - A site and context analysis and design response, including a landscaping plan, explaining in detail how the design of the proposed development responds to the design objectives of this schedule and demonstrates respect for the existing character of the McCrae village centre and adjoining residential properties.
  - An analysis which demonstrates that regard has been given to the provisions contained in the McCrae Village Design Statement (MPSC 2011).
- The responsible authority may waive some or all of these requirements if it deems appropriate.

**Reference documents**

McCrae Village Design Statement (MPSC 2011)
**Design objectives**

- To maintain the remnant bush landscape setting and to strengthen the general sense of “…living on the foreshore of Capel Sound” within a safe and secluded low profile coastal village environment.
- To ensure that buildings and extensions do not dominate the streetscape and wider landscape setting.
- To promote building design which complements the coastal landscape environment.
- To ensure that adequate space is available on private land for the retention and planting of vegetation.
- To reflect the existing rhythm of dwelling spacing and to promote the appearance of dwellings within a landscaped setting.
To maintain and enhance visual connection between the shared street space and private properties and between front yards and enable the continuous flow of vegetation between roadsides and private space.

To retain the appearance of the meandering unmade streets that underscore and contribute to the neighbourhood character.

2.0

Buildings and works

No permit required

If the following conditions are met, a permit is not required to construct a building or construct or carry out works for the purposes of a dwelling outbuilding, alteration, or extension or a dependent persons unit:

- The floor area of the dwelling must not be increased by more than 25%, whether for an outbuilding or extension.
- The building must be setback from the frontage by at least the same distance as the existing dwelling or, if there is no existing dwelling on the land:
  - The front setback must be not less than the average setback of dwellings on adjoining lots or 7.5 metres (whichever is the greater),
  - A building must have a front setback to land in a Road Zone of not less than 10 metres,
  - A building must be setback 3 metres or more from any side road boundary.
- Must not create more than one crossover.
- Must be single storey construction with a wall height of 5.5 metres or less and a building height of 7 metres or less.
- The total building site coverage must be 35% or less.
- The total hard surface site coverage (including buildings, swimming pools and impervious surfaces) must be 50% or less.
- The external finish must match that of an existing building or otherwise be to the satisfaction of the responsible authority.
- Any earthworks must be one metre or less in depth.

A permit is not required to carry out earthworks that are one metre or less in depth.

Permit requirements

A permit is required to construct a fence. This does not apply to any of the following:

- A fence on a lot with an existing building but only if:
  - The side or rear fence is more than 2.0 metres in height.
  - The front fence is more than 1.8 metres in height.
  - The front fence is less than 50% transparent.
  - The distance the fence is setback from any road that abuts the lot is equal to or greater than the setback of that building from the road.
- A post and wire fence with a height of 1.2 metres or less.

An application to construct a building or construct or carry out works should meet all of the general requirements of this schedule and must meet the mandatory requirements of this schedule.
General requirements

An application should meet all of the requirements contained in Clause 54 or Clause 55 of this Scheme, as relevant, as if those Clauses applied subject to the modifications shown in Table 1 of this Schedule.

Table 1 Modifications to Clause 54 and Clause 55 standards

<table>
<thead>
<tr>
<th>Standard</th>
<th>Modified Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Neighbourhood character</strong></td>
<td></td>
</tr>
<tr>
<td>Standard A1</td>
<td>Additional requirements:</td>
</tr>
<tr>
<td>Standard B1</td>
<td>• The Woodthorpe area is characterised by the following key existing character elements:</td>
</tr>
<tr>
<td></td>
<td>• Dwellings sit within the landscape and are partially or wholly hidden by vegetation from the adjacent roads</td>
</tr>
<tr>
<td></td>
<td>• The built form is almost entirely low profile and single storey, with relatively low site coverage.</td>
</tr>
<tr>
<td></td>
<td>• The dwellings are well set back and are generally positioned centrally on large ‘quarter acre blocks’.</td>
</tr>
<tr>
<td></td>
<td>• Front fences are normally non-existent or consist of low wire fences.</td>
</tr>
<tr>
<td></td>
<td>• Post and wire side fences are common.</td>
</tr>
<tr>
<td></td>
<td>• There is often little distinction in appearance between the private gardens and the roadside vegetation and driveways and paths do not dominate the streetscape.</td>
</tr>
<tr>
<td></td>
<td>• The location of the roadway is influenced by the positioning of the roadside trees and ground covers, avoiding a rigid alignment.</td>
</tr>
<tr>
<td></td>
<td>• At most points in the estate the width of the roadway allows the passage of only a single vehicle at any one time.</td>
</tr>
<tr>
<td></td>
<td>• Car parking is exclusively off-street and carports are more prevalent than garages. Driveways are constructed of either gravel or brick paving in preference to concrete.</td>
</tr>
<tr>
<td></td>
<td>The design of new buildings should complement the general low profile built form of the area.</td>
</tr>
<tr>
<td></td>
<td>The difference between finished ground level and natural ground level as a result of excavation and filling should be one metre or less and properly battered or retained.</td>
</tr>
<tr>
<td></td>
<td>A building containing more than one storey should not provide access to a roof area, deck, verandah or the like which has a level higher than the floor level of the upper storey.</td>
</tr>
<tr>
<td></td>
<td>The building should not be a relocated building or moveable structure such as a tramcar or the like. This does not apply to a dependent person’s unit or a newly pre-fabricated building.</td>
</tr>
<tr>
<td></td>
<td>Car parking areas should be provided on site and sited either adjacent to or behind a dwelling or residential building.</td>
</tr>
<tr>
<td></td>
<td>The construction of a garage at the front of a dwelling or residential building should be avoided.</td>
</tr>
<tr>
<td><strong>Integration with street</strong></td>
<td>Additional requirements:</td>
</tr>
<tr>
<td>Standard A2</td>
<td>• There should be no more than one vehicular crossing per property.</td>
</tr>
<tr>
<td>Standard B5</td>
<td>• There should be no front fencing or only low open fencing forward of the line of the dwelling or residential building.</td>
</tr>
<tr>
<td></td>
<td>• Car parking areas should be provided on site and sited either adjacent to or behind the dwelling or residential building.</td>
</tr>
<tr>
<td></td>
<td>• The construction of a garage at the front of a dwelling or residential building should be avoided.</td>
</tr>
<tr>
<td></td>
<td>• Any building should be visually integrated with the existing single storey streetscape and have a similar height to adjoining buildings.</td>
</tr>
<tr>
<td>Standard</td>
<td>Modified Requirement</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Minimum street setback</td>
<td>The front setback should be not less than the average setback of dwellings on adjoining lots or 7.5 metres (whichever is the greater) and should enable the retention of any significant existing vegetation. A building should have a 10 metre setback from a Road Zone. A building should be setback 3 metres or more from any side road boundary.</td>
</tr>
<tr>
<td>Street setback</td>
<td></td>
</tr>
<tr>
<td>Standard A3</td>
<td></td>
</tr>
<tr>
<td>Street setback</td>
<td></td>
</tr>
<tr>
<td>Standard B6</td>
<td></td>
</tr>
<tr>
<td>Building height</td>
<td><strong>Overlay specification of maximum height:</strong></td>
</tr>
<tr>
<td>Standard A4</td>
<td>* A building should have a wall height of 5.5 metres or less and a building height of 7 metres or less.</td>
</tr>
<tr>
<td>Standard B7</td>
<td>* A building should not protrude above any mature tree canopy.</td>
</tr>
<tr>
<td>Site coverage</td>
<td>The total building site coverage should be 35% or less.</td>
</tr>
<tr>
<td>Standard A5</td>
<td></td>
</tr>
<tr>
<td>Standard A8</td>
<td></td>
</tr>
<tr>
<td>Standard B8</td>
<td></td>
</tr>
<tr>
<td>Permeability Standard A6</td>
<td>The total hard surface site coverage (including buildings, swimming pools and impervious surfaces) should be 50% or less.</td>
</tr>
<tr>
<td>Standard B9</td>
<td></td>
</tr>
<tr>
<td>Significant trees</td>
<td><strong>Additional requirements:</strong></td>
</tr>
<tr>
<td>Standard A8</td>
<td>Buildings and works should be sited and designed to:</td>
</tr>
<tr>
<td>Landscaping</td>
<td>* Retain large, established native trees and understorey.</td>
</tr>
<tr>
<td>Standard B13</td>
<td>* Incorporate space for the planting of substantial vegetation (with footings located outside of the root zone).</td>
</tr>
<tr>
<td></td>
<td>* Have a front setback sufficient to enable the retention of any significant existing vegetation.</td>
</tr>
<tr>
<td></td>
<td>* Have setbacks sufficient to provide for on-site screening by bushy vegetation.</td>
</tr>
<tr>
<td></td>
<td>* Provision should be made for the planting of new native trees, consistent with the existing composition of vegetation in the area.</td>
</tr>
<tr>
<td></td>
<td>* New dwellings should have a landscape plan that includes substantial native trees and shrubs.</td>
</tr>
<tr>
<td>Side and rear setbacks</td>
<td><strong>Additional requirements:</strong></td>
</tr>
<tr>
<td>Standard A10</td>
<td>Buildings should be setback sufficient distance from all boundaries to enable all of the following:</td>
</tr>
<tr>
<td>Standard B17</td>
<td>* The planting of bushy screening vegetation.</td>
</tr>
<tr>
<td></td>
<td>* The retention or planting of more than one substantial tree in the backyard.</td>
</tr>
<tr>
<td></td>
<td>* A building should be setback at least 10 metres from a Public Park and Recreation Zone or a Public Conservation and Resource Zone</td>
</tr>
<tr>
<td>Design detail</td>
<td><strong>Additional requirements:</strong></td>
</tr>
<tr>
<td>Standard A19</td>
<td>* Building materials, forms, textures and colours should be compatible with the existing coastal landscape setting</td>
</tr>
<tr>
<td>Standard B31</td>
<td>* More than half of the external wall cladding of any dwelling should consist of brick, masonry, timber, simulated weatherboards or other materials approved by the responsible authority.</td>
</tr>
<tr>
<td></td>
<td>* All cladding and trim should be coloured and maintained in muted tones of green, brown, beige or other colours to the satisfaction of the responsible authority.</td>
</tr>
<tr>
<td></td>
<td>* The external finish of all buildings should be of a low reflectivity (less than 40% reflectivity) to minimise glare and reflection of light. This requirement does not apply to:</td>
</tr>
<tr>
<td></td>
<td>* Solar panels.</td>
</tr>
<tr>
<td></td>
<td>* Roofing but only if the pitch of the roof is 5 degrees or less and not overlooked from any adjoining building, land or road.</td>
</tr>
</tbody>
</table>
MORNINGTON PENINSULA PLANNING SCHEME

<table>
<thead>
<tr>
<th>Standard</th>
<th>Modified Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• The finish of a building extension, but only if the floor area is increased by</td>
</tr>
<tr>
<td></td>
<td>25% or less and the colour matches that of the existing building.</td>
</tr>
<tr>
<td></td>
<td>• Any side or backyard fencing that does not abut a road should have a height</td>
</tr>
<tr>
<td></td>
<td>of less than 1.8 metres.</td>
</tr>
</tbody>
</table>

| Front fence height | There should be no front fencing or only low open fencing forward of the line of      |
|--------------------| the dwelling or residential building.                                                |
| Standard A20       |                                                                                      |
| Standard B32       |                                                                                      |

**Mandatory requirements**

The following requirements apply, as appropriate, to all buildings and works, whether or not a permit is required.

**Maximum building height**

A building must have a maximum building height of no more than 8 metres and must contain no more than 2 storeys above natural ground level. This does not apply to any of the following:

- A place of assembly building
- A leisure and recreation building
- A utility installation building
- A hospital
- An education centre
- A building that complies with height provisions specified in a plan approved under a schedule to the Development Plan Overlay.
- Alteration to or extension of a lawfully existing building but only if all of the following requirements are met:
  - The existing building has a building height of more than 8 metres or contains 3 or more storeys above natural ground level.
  - The maximum building height of the existing building is not exceeded.
  - The external bulk of the existing building is not significantly increased.
  - The footprint of the upper storey, existing at the approval date, is not increased by more than 10%.

These requirements cannot be varied with a permit.

**Number of dwellings**

No more than one dwelling, excluding a dependent person’s unit, may be constructed on a lot. This does not apply to dwellings that are in accordance with an approved development plan under Clause 43.04. This requirement cannot be varied with a permit.

**Subdivision**

The average area of all lots within a subdivision must be no less than 700 square metres and each lot must be able to contain a rectangle with minimum dimensions of 20 metres x 35 metres. These requirements do not apply to lots that are in compliance with a restructure plan under Clause 45.05 or a development plan under Clause 43.04.

Land that is capable of further subdivision is excluded from the calculation of average lot area.
The area of land set aside as common property or land that is to be transferred to Council for public open space and recreation, over and above that which may be required under Section 18 of the Subdivision Act 1988, may be included in the calculation of average lot density.

These requirements cannot be varied with a permit unless any of the following requirements are met:

- The subdivision realigns the boundary between existing lots, provided no new lot or additional subdivision potential is created.
- Two or more dwellings have lawfully existed on a lot since the approval date and the subdivision proposes to create separate lots for each dwelling.
- The subdivision excises land for a road, utility installation or other public purpose.

### Decision guidelines

Before deciding on an application the responsible authority must consider as appropriate:

- Whether any loss of amenity will result from a variation to the general requirements of this schedule.
- Whether it would be impractical to apply a general requirement to any of the smaller lots within the Woodthorpe area.
SCHEDULE 18 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO18.

MOUNT ELIZA WOODLAND AREA

Figure 1 Mount Eliza woodland area precincts

(includes four precincts shown below which refer to the Siting and Design Guidelines for the Mt Eliza Woodland Area, MPSC 2006.)
Design objectives

- To recognise the character of the Mt Eliza woodland area, where substantial vegetation cover is a dominant visual and environmental feature of the local area, by ensuring site areas are large enough to accommodate development while retaining natural or established vegetation cover and to provide substantial areas for new landscaping and open space.

- To recognise and protect the landscape character of environmentally sensitive areas, including the National Trust recorded landscape of the Mt Eliza escarpment and to ensure the screening of buildings as part of this landscape.

- To site and design buildings in precinct 1 so that they are absorbed into the landscape in a way that emphasises a natural vegetated setting for the Mt Eliza escarpment and minimises their visibility in long range views to the escarpment and, as a second priority, shorter range streetscape views.

- To encourage a vegetation-dominated landscape setting including tall tree canopies that are prominent in long range views towards and within the Mount Eliza woodland.

- To enhance environmental values through planting and maintaining indigenous vegetation particularly in precinct 1, along waterways and parks and in areas that broadly connect these features in the wider landscape setting.

- To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, open space areas and the landscape.

- To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting, and to protect shared viewlines where reasonable and practical.

- To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line when viewed from surrounding streets and properties.

- To reflect the existing rhythm in the spacing of dwellings in the streetscape and to maintain a sense of spaciousness by requiring generous front and side setbacks.

- To maintain open, informal and well landscaped street frontages as a key characteristic of the area.

- To ensure that new buildings or extensions do not dominate the streetscape or wider landscape setting.

- To maintain relatively low site coverage to ensure that adequate space is available on private land for the retention and planting of vegetation.

- To ensure that development densities are compatible with the environmental and infrastructure capacities of the area, including the capacity of local streets, drainage systems and sewerage systems. Particular attention must be given to the impact of development on streamlines and water ways and to avoiding the development of land susceptible to stream erosion or flooding.

- To minimise the extent of earthworks in areas prone to erosion.

- To avoid higher densities of development in areas subject to instability and erosion or potential fire hazard.

- To recognise areas where a lower intensity of residential activity and traffic movement contributes to the amenity of the area.

- To recognise areas with limited access to infrastructure, services and facilities, including public transport, that are considered inappropriate for higher densities of occupation.

- To ensure that subdivision and development proposals have proper regard to heritage values.
Buildings and works

No permit required

A permit is not required to construct a building or construct or carry out works for any of the following, but only if the General requirements set out in this schedule are met.

- In precinct 2, 3 or 4; a dwelling, excluding any outbuilding, that is the only dwelling on the lot.
- In precinct 2, 3 or 4; an outbuilding of 10 square metres or less.
- In precinct 2, 3 or 4; a garage or carport that is 70 square metres or less and the only outbuilding of more than 10 square metres on the lot.

Note: The Mandatory requirements of this schedule also apply.

Permit requirements

An application to construct a building or construct or carry out works should meet the General requirements of this schedule, except where it has been demonstrated to the satisfaction of the responsible authority that compliance is unreasonable or unnecessary and no loss of amenity will result.

Note: The Mandatory requirements of this schedule also apply.

An application to construct a building or construct or carry out works associated with one dwelling on a lot:

- Must comply with Clause 54.01.
- Must meet all of the objectives and should meet all of the standards of Clause 54.02, 54.03-5, 54.03-6, 54.03-7, 54.04-2, 54.04-3, 54.04-4, 54.04-5, 54.04-6, 54.05, 54.06-1.
- Must meet the objectives and should meet all of the standards of Clauses 54.03-1, 54.03-2, 54.03-3, 54.03-4, 54.04-1 and 54.06-2, subject to any different requirements that are applied in this Schedule to the Design and Development Overlay.

An application to construct a building or construct or carry out works associated with two or more dwellings on a lot or a residential building:

- Must comply with Clause 55.01.
- Must meet all of the objectives and should meet all of the standards of Clause 55.02, 55.03-2, 55.03-5, 55.03-6, 55.03-7, 55.03-8, 55.03-9, 55.03-10, 55.04-3, 55.04-4, 55.04-5, 55.04-5, 55.04-7, 55.04-8, 55.05, 55.06-1, 55.06-3, 55.06-4,.
- Must meet the objectives and should meet all of the standards of Clause 55.03-1, 55.03-3, 55.03-4, 55.04-1, 55.04-2 and 55.06-2, subject to any different requirements that are applied in this Schedule to the Design and Development Overlay.

A permit is required to construct a fence if:

- The fence has a height greater than 1.8 metres.
- The fence is constructed of fibro cement sheet materials.
- The fence abuts a road and has a height of 1.5 metres or more.
- The fence abuts a road and less than 70% of the total fence structure is open or transparent.

General requirements

The following requirements apply, as appropriate, to all applications for buildings and works and can be varied with a permit.

- No building may exceed a wall height of 5.5 metres or a building height of 6 metres.
- The difference between finished ground level and natural ground level as a result of excavation and filling must not exceed one metre and must be properly battered or retained.

- All buildings must be located at least 10 metres from any Public Park and Recreation Zone, Public Conservation and Resource Zone or Road Zone and at least 6 metres from any cliff edge.

- A building must be setback as shown in Table 1 below.

**Table 1**

<table>
<thead>
<tr>
<th>Lot size</th>
<th>Existing conditions</th>
<th>Minimum setback from road frontage</th>
<th>Minimum setback from side road boundary</th>
<th>Minimum setback from a side or rear boundary</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than 2,500 square metres</td>
<td>A lot with a frontage of 30 metres or more.</td>
<td>15 metres*</td>
<td>10 metres</td>
<td>10 metres or at least the same setback as a building on an adjoining lot sharing the same boundary but not less than 5 metres.</td>
</tr>
<tr>
<td>More than 2,500 square metres</td>
<td>A lot with a frontage of less than 30 metres.</td>
<td>15 metres*</td>
<td>7.5 metres</td>
<td>7.5 metres for a side boundary and 10 metres for a rear boundary; or at least the same setbacks as any buildings on adjoining lots sharing the same boundary but not less than 5 metres.</td>
</tr>
<tr>
<td>Less than 2,500 square metres but more than 1,500 square metres</td>
<td>Any</td>
<td>15 metres*</td>
<td>5 metres</td>
<td>5 metres for a side boundary and 10 metres for a rear boundary; or at least the same setbacks as any buildings on adjoining lots sharing the same boundary but not less than 5 metres.</td>
</tr>
<tr>
<td>Less than 1,500 square metres</td>
<td>There is an existing building on an abutting lot facing the same street.</td>
<td>At least the same distance as the setback of the front wall of the existing building on the abutting lot or 7.5 metres, whichever is greater.*</td>
<td>5 metres</td>
<td>5 metres for a side boundary and 10 metres for a rear boundary; or at least the same setbacks as any buildings on adjoining lots sharing the same boundary but not less than 5 metres.</td>
</tr>
<tr>
<td>Less than 1,500 square metres</td>
<td>There are existing buildings on both abutting lots facing the same street.</td>
<td>At least the same distance as the average distance of the setbacks of front walls of the existing buildings on the abutting lots, or 7.5 metres, whichever is greater.*</td>
<td>5 metres</td>
<td>5 metres for a side boundary and 10 metres for a rear boundary; or at least the same setbacks as any buildings on adjoining lots sharing the same boundary but not less than 5 metres.</td>
</tr>
<tr>
<td>Less than 1,500 square metres</td>
<td>There are no buildings on abutting lots facing the same street.</td>
<td>7.5 metres*</td>
<td>5 metres</td>
<td>5 metres for a side boundary and 10 metres for a rear boundary; or at least the same setbacks as any buildings on adjoining lots sharing the same boundary but not less than 5 metres.</td>
</tr>
</tbody>
</table>

*Any garage, carport or outbuilding must be located no further forward on a lot than the dwelling on the same lot.

- A building containing more than one storey must not provide access to a roof area, deck, verandah or the like which has a level higher than the floor level of the upper storey.
More than half of the external wall cladding of any dwelling must consist of brick, masonry, timber, simulated weatherboards or other materials approved by the responsible authority.

All cladding and trim must be coloured and maintained in muted tones of green, brown, beige or other colours approved by the responsible authority. Where an extension to a dwelling is proposed which does not increase the floor area by more than 25%, the colours may match those of the existing development.

The external finish of all buildings must be of a low reflectivity (less than 40% reflectivity) to minimise glare and reflection of light. This requirement includes roofing materials, unless the pitch of the roof is 5 degrees or less and is not overlooked from any adjoining buildings, land or roadways. Solar panels are exempted.

A building must not be a relocated building or moveable structure such as a tramcar or the like. This does not apply to a dependent person’s unit or a newly pre-fabricated building.

Site coverage must comply with Table 2 below.

**Table 2**

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Maximum site area covered by all buildings on the lot</th>
<th>Maximum site area covered by all buildings and any other impervious surfaces on the lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Precinct 1 or 2</td>
<td>10 %</td>
<td>20 %</td>
</tr>
<tr>
<td>Precinct 3 or 4</td>
<td>15 %</td>
<td>25 %</td>
</tr>
</tbody>
</table>

Where a minimum setback distance for a building or buildings is specified in any of the General Requirements, sunblinds, verandahs, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating and cooling equipment or other services may encroach not more than 0.5 metres into the specified setback distances.

**Mandatory requirements**

The following requirements apply, as appropriate, to all applications for buildings and works and cannot be varied with a permit.

**Sewerage and drainage**

All new dwellings must be connected to:

- A reticulated sewerage system or an alternative approved by the responsible authority.
- A reticulated drainage system or an alternative approved by the responsible authority.

These requirements cannot be varied with a permit.

**Maximum building height**

A building must contain no more than 2 storeys above natural ground level. This does not apply to any of the following:

- A place of assembly building
- A leisure and recreation building
- A utility installation building
- A hospital
- An education centre
- A building that complies with height provisions specified in a plan approved under a schedule to the Development Plan Overlay.
Alteration to or extension of a lawfully existing building but only if all of the following requirements are met:
- The existing building has a building height of more than 8 metres or contains 3 or more storeys above natural ground level.
- The maximum building height of the existing building is not exceeded.
- The external bulk of the existing building is not significantly increased.
- The footprint of the upper storey, existing at the approval date, is not increased by more than 10%.

These requirements cannot be varied with a permit.

**Number of dwellings**

A lot must not contain any more than one dwelling. This does not apply to any of the following:
- A lot that has potential for subdivision in accordance with the minimum subdivision area specified in this Schedule where the number of dwellings to be contained by the lot would not exceed the number of lots that may be so created.
- An application that meets all of the following requirements:
  - The lot must be at least 2,600 square metres in area.
  - The lot must contain only two dwellings, including any existing or proposed dwellings.
  - One of the dwellings must have a floor area of 100 square metres or less.
  - The two dwellings must be substantially attached and designed to appear as if they were only one dwelling on the lot.
  - The two dwellings must share a single crossover.
  - The total site coverage of all buildings, including garages and other outbuildings, must not exceed 15% of the total lot area for any lot located in precinct 1 or 2, or 20% of the total lot area for any lot in precinct 3 or 4.
  - This provision must not have been previously applied to any of the land involved in the application.
  - A section 173 Agreement must be created to prevent the subdivision of the subject land. The agreement must be registered on title.

Except for the single crossover requirement, these requirements cannot be varied with a permit.

**Subdivision**

The minimum area of any lot within a subdivision must be not less than 2000 square metres and each lot must be able to contain a rectangle with a minimum dimension of 25 metres x 35 metres.

These requirements cannot be varied with a permit, except for applications proposing any of the following:
- A subdivision in accordance with a restructure plan under Clause 45.05 or a development plan under Clause 43.04.
- A subdivision to realign the boundary between existing lots, provided no new lot or additional subdivision potential is created.
- A subdivision of land that contains two or more dwellings that lawfully existed at the approval date of Mornington Peninsula Planning Scheme Amendment C162, that proposes to create a separate lot for each of those dwellings.
- A subdivision to excise land for a road, utility installation or other public purpose.
4.0 Decision guidelines

Before deciding on an application the responsible authority must consider, as appropriate:

- The design objectives of this schedule.
- Where an objective has been applied from Clause 54.02 to 54.06, inclusive, the relevant decision guidelines from that Clause.
- Whether any loss of amenity will result from a variation to the requirements of this schedule.
- Any relevant development plan, heritage study, code or policy relating to the protection and development of land in the area.
- The effect of any proposed subdivision or development on the environmental and landscape values of site and of the local area, including the effect on streamlines, foreshores, areas of remnant vegetation, areas prone to erosion and the amenity and accessibility of open space.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level and staggered building forms, that follow the natural slope of the land and reduce the need for site excavation or filling.
- The need to ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.

Reference document

The Siting and Design Guidelines for the Mt Eliza Woodland Area, MPSC 2006 contained in Appendix 4 to Mt Eliza Woodland Neighbourhood Character Study Report, Planisphere October 2006.
SCHEDULE 19 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO19**.

BITTERN AND CRIB POINT TOWNSHIP RESIDENTIAL AREA

1.0

27/03/2014
C163(Part 2)

**Design objectives**

- To promote the preferred future character of the township as a low density country town on the coast with a low profile built form where housing is set within the landscape and canopy trees are retained and re-established.

- To maintain the amenity of this area, which is associated with the relatively low intensity of residential development and traffic movement.

- To encourage forms of development that provide for housing diversity.

- To ensure the design of subdivision and housing is responsive to the environment, landform, site conditions and character of Crib Point’s residential areas.

- To ensure sites are large enough to accommodate development and substantial areas of open space while considering any bushfire risk and retaining or planting new vegetation.

- To ensure that development densities are compatible with the environmental, infrastructure and service capacities of the area, including the capacity of local streets, drainage systems and sewerage systems.

- To ensure that the height, scale and siting of new development has proper regard for the established streetscape and development pattern.

- To encourage building materials, forms, textures and colours that are compatible with the landscape setting.

- To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line when viewed from surrounding streets and properties.

- To ensure that subdivision and development proposals have regard to heritage values.

- To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, streetscape and open space areas.

- To ensure that any subdivision and development incorporates adequate bushfire protection measures in areas at risk from bushfire.

2.0

11/05/2017
C205

**Buildings and works**

**No permit required**

A permit is not required if the development is for the purpose of a single dwelling on a lot but only if all of the following conditions are met:

- The lot has a single crossover.

- Any building is set back from:
  - the frontage: the average setback of dwellings on adjoining lots or 7.5 metres (whichever is greater).
  - a side road boundary: 3 metres.
  - a Road Zone: 10 metres or more.
  - a Public Park and Recreation Zone or a Public Conservation and Resource Zone: 10 metres or more.
• Any building has a single storey construction with a wall height of 5.5 metres or less and a building height of 6.5 metres or less.

• Total site coverage is 35% or less.

• No more than 40% of the lot is covered by buildings, swimming pools, driveways and other impervious surfaces.

• More than half of any external wall cladding consists of brick, masonry, timber, or simulated weatherboards.

• The external finish of any building is of a low reflectivity (less than 40% reflectivity) and cladding and trims are coloured in muted tones. This does not apply to any of the following:
  - Solar panels.
  - Roofing, if the pitch of the roof is 5 degrees or less and not overlooked from any adjoining building, land or road.
  - A building extension if the floor area is increased by 25% or less and the colour matches that of the existing building.

• Any earthworks have a vertical dimension of one metre or less.

**Permit requirements**

A permit is required to construct a fence. This does not apply to any of the following:

• A fence on a lot which contains an existing building if:
  - The fence has a height of 1.5 metres or less; or
  - The fence is located more than 3 metres from any road frontage.

• A post and wire fence with a height of 1.2 metres or less.

**Requirements**

An application should meet all of the requirements contained in Clause 54 or Clause 55 of this Scheme.

The Additional Requirements in Table 1 of this Schedule should also be met except where it has been demonstrated to the satisfaction of the responsible authority that compliance is unreasonable or unnecessary and no loss of amenity will result.

The Mandatory Requirements of Table 1 cannot be varied with a permit.

**Table 1: Design and siting requirements**

<table>
<thead>
<tr>
<th>Standard</th>
<th>Modified Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighbourhood character</td>
<td>The design of new buildings should complement the general low profile built form of</td>
</tr>
<tr>
<td>Standards A1/B1</td>
<td>the area.</td>
</tr>
<tr>
<td></td>
<td>The difference between finished ground level and natural ground level as a result of</td>
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<tr>
<td></td>
<td>excavation and filling should be one metre or less and all earthworks must be properly</td>
</tr>
<tr>
<td></td>
<td>battered or retained.</td>
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<tr>
<td></td>
<td>A building containing more than one storey should not provide access to a roof area,</td>
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<tr>
<td></td>
<td>deck, verandah or the like which has a level higher than the floor level of the upper</td>
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<tr>
<td></td>
<td>storey.</td>
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<tr>
<td></td>
<td>A relocated building or moveable structure should be either a dependant person’s unit</td>
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<td></td>
<td>or a newly pre-fabricated building.</td>
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<td>Car parking areas should be provided on site and sited either adjacent to or behind a</td>
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<td>dwelling or residential building.</td>
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<tr>
<td>Integration with street</td>
<td>There should be no more than one vehicular crossing per property.</td>
</tr>
<tr>
<td>Standard</td>
<td>Modified Requirement</td>
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</tr>
<tr>
<td>Standard A2</td>
<td>The front setback should be not less than the average setback of dwellings on adjoining lots or 7.5 metres (whichever is greater).</td>
</tr>
<tr>
<td>Standard B5</td>
<td>The setback from a Road Zone should be 10 metres or more.</td>
</tr>
<tr>
<td>Standard A3</td>
<td>The setback from any side road boundary should be 3 metres or more.</td>
</tr>
<tr>
<td>Street setback</td>
<td>A building should be set back at least 10 metres from a Public Park and Recreation Zone or Public Conservation and Resource Zone.</td>
</tr>
<tr>
<td>Standard B6</td>
<td>Sunblinds, verandahs, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating and cooling equipment or other services may encroach not more than 0.5 metres into the specified setback distances.</td>
</tr>
<tr>
<td>Building height Standards A4/B7</td>
<td>A building should have a wall height of 5.5 metres or less and a building height of 6.5 metres or less.</td>
</tr>
<tr>
<td></td>
<td>A building should not protrude above any mature tree canopy.</td>
</tr>
<tr>
<td><strong>Mandatory Requirement</strong></td>
<td>A building must have a maximum building height of no more than 8 metres and must contain no more than 2 storeys above natural ground level. This does not apply to any of the following:</td>
</tr>
<tr>
<td></td>
<td>- A place of assembly building</td>
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<td></td>
<td>- A leisure and recreation building</td>
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<td>- An education centre</td>
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<td>- Alteration to or extension of a lawfully existing building if all of the following requirements are met:</td>
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<td></td>
<td>- The maximum building height of the existing building is not exceeded.</td>
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<tr>
<td></td>
<td>- The external bulk of the existing building is not significantly increased.</td>
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<tr>
<td></td>
<td>- The footprint of the upper storey, existing at the approval date is not increased by more than 10%.</td>
</tr>
<tr>
<td>Site coverage and permeability Standards A5/B8</td>
<td>The total building site coverage should be 35% or less.</td>
</tr>
<tr>
<td>Standards A6/B9</td>
<td>No more than 40% of a lot may be covered by buildings, swimming pools, driveways and other impervious surfaces except:</td>
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<tr>
<td></td>
<td>- On lots with an area of less than 600 square metres that existed prior to 27 March 2014; or</td>
</tr>
<tr>
<td></td>
<td>- Where a lot is created to provide a separate title for a dwelling which existed before 27 March 2014 and the total impervious surface site coverage of the overall development on the parent lot does not exceed 40%.</td>
</tr>
<tr>
<td>Significant trees / Landscaping Standards A8/13</td>
<td>Buildings and works should be sited and designed to:</td>
</tr>
<tr>
<td></td>
<td>- Retain large, established native trees and understorey.</td>
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<td></td>
<td>- Incorporate space for the planting of substantial vegetation (with footings located outside of the root zone).</td>
</tr>
<tr>
<td></td>
<td>- Have boundary setbacks and open space sufficient to enable:</td>
</tr>
<tr>
<td></td>
<td>- the retention of any significant existing vegetation.</td>
</tr>
<tr>
<td></td>
<td>- the planting of one substantial tree in both the front setback and in the backyard.</td>
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<td></td>
<td>New dwellings should have a landscape plan that includes substantial native trees and shrubs consistent with the composition of vegetation in the area.</td>
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<tr>
<td>Private open space</td>
<td>Private open space for one or more dwellings should be provided to meet all of the following requirements:</td>
</tr>
</tbody>
</table>
### Standard A17
- There should be at least 90 square metres of private open space per dwelling, which may include communal open space.
- Individual private open space for each dwelling should include one space with a minimum dimension of 5 metres.

### Standard B28
- Individual private open space for each dwelling should include one space with a minimum dimension of 5 metres.

### Design detail
- More than half of the external wall cladding of any dwelling should consist of brick, masonry, timber, simulated weatherboards or other materials approved by the responsible authority.
- All cladding and trim should be coloured and maintained in muted tones.
- The external finish of all buildings should have a reflectivity less than 40%. This requirement does not apply to:
  - Solar panels.
  - Roofing but only if the pitch of the roof is 5 degrees or less and not overlooked from any adjoining building, land or road.
  - The finish of a building extension if the floor area is increased by 25% or less and the colour matches that of the existing building.

### Fence height
- Fencing along a street frontage should have a maximum height of 1.5 metres.
- Any fencing that is 3 metres or more from a road should have a height of less than 1.8 metres.

### Number of dwellings
- No more than one dwelling for every 650 sqm of site area, excluding a dependant person's unit, may be constructed on a lot of less than 1,950 sqm.
- No more than one dwelling for every 550 sqm of site area, excluding a dependant person's unit, may be constructed on a lot of more than 1,950 sqm in area.

### Subdivision

The average area of all lots within a subdivision should be no less than 650 square metres. The calculation of average lot area should:

- exclude land that is capable of further subdivision, and
- include land set aside as common property or land that is to be transferred to Council for public open space and recreation, over and above that which may be required under Section 18 of the Subdivision Act 1988, and
- each lot must be able to contain a rectangle with minimum dimensions of 18m x 25m.

These requirements cannot be varied with a permit except where:

- Two or more dwellings lawfully exist and the purpose of the subdivision is to create a separate lot for each of those dwellings.
- The subdivision is proposed in conjunction with an application for two or more dwellings on a lot with an area of more than 1,950sqm, and the subdivision will create a separate lot for each of these dwellings.
- The subdivision is in compliance with a restructure plan under Clause 45.05.
- The subdivision is in compliance with a development plan under Clause 43.04.
- The subdivision realigns the boundary between existing lots, provided no additional lot or additional subdivision potential is created.

### Decision guidelines

Before deciding on an application the responsible authority must consider as appropriate:

- The effect of the preferred character for Crib Point and Bittern.
• Whether any loss of amenity will result from a variation to the general requirements of this schedule.

• Whether it would be impractical to apply a general requirement to a lot with an area of less than 650sqm.

• Whether adequate fire protection measures are proposed, particularly where the Bushfire Management Overlay applies.

Transitional provisions

The requirements of the planning scheme as in force immediately before the approval date of Amendment C163 Part 2 continue to apply to a permit application made before 27 March 2014.
SCHEDULE 20 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO20.

CRIB POINT TOWN CENTRE RESIDENTIAL AREA

1.0

Design objectives

- To promote the preferred future character of the township Point in the vicinity of the town centre and rail station as a low density country town on the coast with a low profile built form where housing is set within the landscape and canopy trees are retained and re-established.

- To maintain the amenity of this area, which is associated with the relatively low intensity of residential development and traffic movement.

- To encourage forms of development that provide for housing diversity.

- To ensure the design of subdivision and housing is responsive to the environment, landform, site conditions and character of Crib Point’s residential areas.

- To ensure sites are large enough to accommodate development and substantial areas of open space while considering any bushfire risk and retaining or planting new vegetation.

- To ensure that development densities are compatible with the environmental, infrastructure and service capacities of the area, including the capacity of local streets, drainage systems and sewerage systems.

- To ensure that the height, scale and siting of new development has proper regard for the established streetscape and development pattern.

- To encourage building materials, forms, textures and colours that are compatible with the landscape setting.

- To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line when viewed from surrounding streets and properties.

- To ensure that subdivision and development proposals have regard to heritage values.

- To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, streetscape and open space areas.

- To ensure that any subdivision and development incorporates adequate bushfire protection measures in areas at risk from bushfire.

2.0

Buildings and works

No permit required

A permit is not required if the development is for the purpose of a single dwelling on a lot but only if all of the following conditions are met:

- The lot has a single crossover.

- Any building is set back from:
  - the frontage: the average setback of dwellings on adjoining lots or 7.5 metres (whichever is greater).
  - a side road boundary: 3 metres.
  - a Road Zone: 10 metres or more.
  - a Public Park and Recreation Zone or a Public Conservation and Resource Zone: 10 metres or more.
Any building has a single storey construction with a wall height of 5.5 metres or less and a building height of 6.5 metres or less.

Total site coverage is 40% or less.

No more than 50% of the lot is covered by buildings, swimming pools, driveways and other impervious surfaces.

More than half of any external wall cladding consists of brick, masonry, timber, or simulated weatherboards.

The external finish of any building is of a low reflectivity (less than 40% reflectivity) and cladding and trims are coloured in muted tones. This does not apply to any of the following:
- Solar panels.
- Roofing, if the pitch of the roof is 5 degrees or less and not overlooked from any adjoining building, land or road.
- A building extension if the floor area is increased by 25% or less and the colour matches that of the existing building.

Any earthworks have a vertical dimension of one metre or less.

**Permit requirements**

A permit is required to construct a fence. This does not apply to any of the following:

- A fence on a lot which contains an existing building if:
  - The fence has a height of 1.5 metres or less; or
  - The fence is located more than 3 metres from any road frontage.

- A post and wire fence with a height of 1.2 metres or less.

**Requirements**

An application should meet all of the requirements contained in Clause 54 or Clause 55 of this Scheme.

The Additional Requirements in Table 1 of this Schedule should also be met except where it has been demonstrated to the satisfaction of the responsible authority that compliance is unreasonable or unnecessary and no loss of amenity will result.

The Mandatory Requirements of Table 1 cannot be varied with a permit.

**Table 1: Design and siting requirements**

<table>
<thead>
<tr>
<th>Standard</th>
<th>Modified Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighbourhood character</td>
<td>The design of new buildings should complement the general low profile built form of the area.</td>
</tr>
<tr>
<td>Standards A1/B1</td>
<td>The difference between finished ground level and natural ground level as a result of excavation and filling should be one metre or less and all earthworks must be properly battered or retained.</td>
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<td></td>
<td>A building containing more than one storey should not provide access to a roof area, deck, verandah or the like which has a level higher than the floor level of the upper storey.</td>
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<td>A relocated building or moveable structure should be either a dependant person’s unit or a newly pre-fabricated building.</td>
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<td>Car parking areas should be provided on site and sited either adjacent to or behind a dwelling or residential building.</td>
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</tr>
<tr>
<td>------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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<td>Standard A2</td>
<td>The front setback should be not less than the average setback of dwellings on adjoining lots or 7.5 metres (whichever is greater).</td>
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<td>The setback from a Road Zone should be 10 metres or more.</td>
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<td>The setback from any side road boundary should be 3 metres or more.</td>
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<tr>
<td>Minimum setback</td>
<td>A building should be set back at least 10 metres from a Public Park and Recreation Zone or Public Conservation and Resource Zone.</td>
</tr>
<tr>
<td>from streets and public</td>
<td>Sunblinds, verandahs, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating and cooling equipment or other services may encroach not more than 0.5 metres into the specified setback distances.</td>
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<td>land</td>
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</tr>
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<td>Standard A3</td>
<td>A building should be set back at least 10 metres from a Public Park and Recreation Zone or Public Conservation and Resource Zone.</td>
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<td>A building must have a maximum building height of no more than 8 metres and must contain no more than 2 storeys above natural ground level. This does not apply to any of the following:</td>
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<td>Street setback</td>
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<td>Standard B6</td>
<td>- A utility installation building</td>
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<td>- A hospital</td>
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<td>- Alteration to or extension of a lawfully existing building if all of the following requirements are met:</td>
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<td>Building height</td>
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</tr>
<tr>
<td>Standards A4/B7</td>
<td>- The external bulk of the existing building is not significantly increased.</td>
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<tr>
<td></td>
<td>- The footprint of the upper storey, existing at the approval date is not increased by more than 10%.</td>
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<tr>
<td>Site coverage and</td>
<td>The total building site coverage should be 40% or less.</td>
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<tr>
<td>permeability</td>
<td>No more than 50% of a lot may be covered by buildings, swimming pools, driveways and other impervious surfaces except:</td>
</tr>
<tr>
<td>Standards A5/B8</td>
<td>- On lots with an area of less than 600 square metres that existed prior to 27 March 2014; or</td>
</tr>
<tr>
<td>Standards A6/B9</td>
<td>- Where a lot is created to provide a separate title for a dwelling which existed before 27 March 2014 and the total impervious surface site coverage of the overall development on the parent lot does not exceed 40%.</td>
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<td>Significant trees /</td>
<td>Buildings and works should be sited and designed to:</td>
</tr>
<tr>
<td>Landscaping</td>
<td>- Retain large, established native trees and understorey.</td>
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<tr>
<td>Standards A8/13</td>
<td>- Incorporate space for the planting of substantial vegetation (with footings located outside of the root zone).</td>
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<td>- the planting of one substantial tree in both the front setback and in the backyard.</td>
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<td></td>
<td>New dwellings should have a landscape plan that includes substantial native trees and shrubs consistent with the composition of vegetation in the area.</td>
</tr>
</tbody>
</table>

MORNINGTON PENINSULA PLANNING SCHEME
Modified Requirement

Private open space

- **Standard A17**
  - Private open space for one or more dwellings should be provided to meet all of the following requirements:
    - There should be at least 90 square metres of private open space per dwelling, which may include communal open space.
    - Individual private open space for each dwelling should include one space with a minimum dimension of 5 metres.

- **Standard B28**
  - There should be at least 90 square metres of private open space per dwelling, which may include communal open space.

Design detail

- **Standard A19**
  - More than half of the external wall cladding of any dwelling should consist of brick, masonry, timber, simulated weatherboards or other materials approved by the responsible authority.
  - All cladding and trim should be coloured and maintained in muted tones.
  - The external finish of all buildings should have a reflectivity less than 40%. This requirement does not apply to:
    - Solar panels.
    - Roofing but only if the pitch of the roof is 5 degrees or less and not overlooked from any adjoining building, land or road.
    - The finish of a building extension if the floor area is increased by 25% or less and the colour matches that of the existing building.

- **Standard B31**
  - No more than one dwelling for every 500sqm of site area, excluding a dependent person’s unit, may be constructed on a lot.

Fence height

- **Standards A20/B32**
  - Fencing along a street frontage should have a maximum height of 1.5 metres.
  - Any fencing that is 3 metres or more from a road should have a height of less than 1.8 metres.

Number of dwellings

- No more than one dwelling for every 500sqm of site area, excluding a dependent person’s unit, may be constructed on a lot.

### 3.0 Subdivision

The average area of all lots within a subdivision should be no less than 600 square metres. The calculation of average lot area should:

- exclude land that is capable of further subdivision, and
- include land set aside as common property or land that is to be transferred to Council for public open space and recreation, over and above that which may be required under Section 18 of the Subdivision Act 1988, and
- each lot must be able to contain a rectangle with minimum dimensions of 18m x 25m.

These requirements cannot be varied with a permit except where:

- Two or more dwellings lawfully exist and the purpose of the subdivision is to create a separate lot for each of those dwelling.
- The subdivision is proposed in conjunction with an application for two or more dwellings on a lot and the subdivision will create a separate lot for each of these dwellings.
- The subdivision is in compliance with a restructure plan under Clause 45.05.
- The subdivision is in compliance with a development plan under Clause 43.04.
- The subdivision realigns the boundary between existing lots, provided no additional lot or additional subdivision potential is created.

### 4.0 Decision guidelines

Before deciding on an application the responsible authority must consider as appropriate:

- The effect of the preferred character for Crib Point and Bittern.
- Whether any loss of amenity will result from a variation to the general requirements of this schedule.
- Whether it would be impractical to apply a general requirement to a lot with an area of less than 600 sqm.
- Whether adequate fire protection measures are proposed, particularly where the Bushfire Management Overlay applies.

**Transitional provisions**

The requirements of the planning scheme as in force immediately before the approval date of Amendment C163 Part 2 continue to apply to a permit application made before 27 March 2014.
CRIB POINT TOWN CENTRE

Design objectives

- To ensure that new development has proper regard for the established character streetscape and development pattern of the Crib Point town centre in terms of building height, scale, form, space between buildings, siting, building materials, colours, signs, and landscaping.
- To ensure that development proposals are based on an appropriate site analysis and design response process that demonstrates respect for the built form and character of the Crib Point town centre.
- To reinforce the “village” scale and character of the Crib Point town centre.
- To reflect the role of the Crib Point town centre as part of the hierarchy of commercial centres on the Mornington Peninsula.
- To encourage rear-of-shop housing and domestic building forms for mixed residential and commercial use.
- To avoid further development of medium density housing within the Commercial 1 Zone but retain mix of detached single houses and shops within a landscaped setting.
- To retain and strengthen the informal landscape setting and sense of space around and between buildings.
- To ensure a positive relationship between proposed development and the public spaces.
- To ensure that any new development properly addresses the street frontage.
- To strengthen pedestrian connections within the commercial areas.
- To encourage retention and reuse of historic buildings.

Buildings and works

General requirements

- Retain the existing pattern of separate small scale buildings on large sites and avoid the extension of continuous built form across a number of block frontages. Buildings should be single width (of title) or maximum of a pair (sharing party wall) in order to retain the fine grain building pattern. Boundary to boundary construction should be avoided and setbacks from all side boundaries should be provided to allow for pedestrian circulation and to enable views to areas beyond. Exposed side wall elevations should be well articulated and additional side and rear entries are encouraged.
- New development should respect the strong character set up by the historic shops and should not dominate through scale, form, colour or materials. Big box development should be avoided.
- Buildings should be designed as individual buildings with separate footprints, materials, varied set backs, window and entry design.
- Buildings and forms should avoid the creation of 'landmarks' or excessively prominent 'gateways'.
- Development, including any basement level, should not exceed a maximum site coverage of 50% and at least 20% of the site area should be set aside for landscaping including the use of medium and high canopy native species.
- Single storey development is preferred and any two storey buildings should be set back on their site a distance at least equivalent to half the maximum height of the building above the natural ground level. Setback areas should be designed and landscaped to blend with the adjacent public/pedestrian space.

- Varied building setbacks are encouraged to create setback gardens and niches. Street setback should be assessed according to an individual site response.

- Provision should be made, particularly in developments incorporating food and drink premises for outdoor spaces, preferably at the street frontage or in the form of courtyards providing for interaction with the public realm. At least 30% of the open space or courtyard areas should be landscaped and hard surfaces should not dominate.

- Simple building styles and materials are encouraged, including of simple plans and volume forms, roof shapes and restrained material palettes with high quality detail elements such as window frames and articulated entries. Historic shops and verandahs should be retained where possible. The application of multiple cladding materials and complicated volumetric and roof forms should be avoided.

- The development of active frontages is encouraged, and at least 66% of the width of a building frontage should consist of active display windows. The main building entry point should face the street.

- The use of verandahs, recessed entry points and eaves is encouraged. Historic verandahs should be retained. Awnings or canopies should not be continued across shopfronts in order to maintain the sense of separate buildings.

- Unsympathetic materials and forms such as box shaped, concrete tilt up slab and blind concrete walls, tinted glass, aluminium box section window frames and bitumen sealed ground (including to laneways) should be avoided.

- The retention and reuse of historic houses within the ‘strip’ (212, 220, 226 Stony Point Road) is encouraged.

- The spatial pattern of backyards and interfaces with laneways should be retained. Provide a rear setback of at least 6 metres with provision of at least one canopy tree. The use of backyards (north facing) for dining or display is encouraged.

- Rear lanes should be retained as part of the informal pedestrian network.

- No front fence, or only low (1.2m) and see through fencing, should be erected between Point Road and Park Road.

- Car parking areas should be located to the side and to the rear of buildings. Use of street car parking and shared A.W. Peterson Reserve parking in lieu of on-site car parking is encouraged.

- On site car parks should be landscaped and include shade trees.

- Access from the road frontage to rear parking areas should be combined with existing access ways where possible to reduce the number of crossovers.

- Signage should be integrated within the built form. Signage that is painted onto side walls, parapets and windows rather than on separately made panels that fix to the building or fascia or roof is encouraged. Sign colours should complement the character of the village setting.

**Note:** The mandatory requirements of this schedule also apply.

**Mandatory requirements**

- All new development must be connected to:
  - A reticulated sewerage system or an alternative approved by the responsible authority.
  - A reticulated drainage system or alternative approved by the responsible authority.
No building may exceed a building height of more than 8.5 metres or contain more than two storeys above natural ground level.

These requirements cannot be varied with a permit.

Application requirements

Any development application must be accompanied by a site and context analysis and design response, including a landscaping plan, explaining in detail how the design of the proposed development responds to the design objectives of this schedule and demonstrates respect for the existing character of the Crib Point town centre.

The responsible authority may waive this requirement if it deems appropriate.
SCHEDULE 22 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO22.

MORNINGTON NORTH OUTLINE DEVELOPMENT PLAN – PRECINCT 1B

1.0

Design objectives

- To promote the preferred character of the area as part of a well-landscaped, low density residential edge to Mornington that contributes to Mornington’s sense-of-place as a township in a rural setting.
- To ensure the design of subdivision and housing is responsive to the low-density residential character of the area, to the location at the entry to the Mornington township and to the need for an interface that is sensitive to the landscape values of the Green Wedge adjacent to the area.
- To ensure that the height, siting and density of residential development has proper regard for the low-density residential character and streetscape of the area.
- To site and design buildings and public spaces in a way that encourages a vegetation-dominated landscape setting, including tall tree canopies that are prominent in long range views towards and views within the area.
- To ensure the area contributes to the open space network and non-vehicular linkages in the locality.
- To encourage the design of all development to incorporate Environmentally Sustainable Design principles.

2.0

Buildings and works

No permit required

A permit is not required to construct a building or constructor carry out works for any of the following, but only if, the General requirements set out in this schedule are met:

- A single dwelling.
- A dwelling extension or alteration.
- An outbuilding.
- A dependent person’s unit.

*Note: The Mandatory requirements of this schedule also apply.*

Permit required

An application to construct a building or construct or carry out works should meet the General requirements of this schedule.

A permit is required to construct a fence. This does not apply to any of the following:

- A fence that is setback 7.5 metres or more from the frontage of the lot.
- A fence that is a post and wire fence with a height of 1.2 metres or less.

*Note: The Mandatory requirements of this schedule also apply.*

General requirements

- All lots must have a single crossover.
Mandatory requirements
The following requirements apply, as appropriate, to all buildings and works, whether or not a permit is required.

Sewerage and drainage
All new dwellings must be connected to:

- A reticulated sewerage system or an alternative approved by the responsible authority.
- A reticulated drainage system or an alternative approved by the responsible authority.

These requirements cannot be varied with a permit.

Number of dwellings
No more than one dwelling, excluding a dependent person’s unit, may be constructed on a lot. This requirement cannot be varied with a permit.

Maximum building height
A building must have a maximum building height of no more than 9 metres and must contain no more than 2 storeys above natural ground level. This requirement cannot be varied with a permit.

Minimum building setbacks and site coverage

- A building must be setback at least 5 metres from the frontage, 3 metres from a side boundary and 7.5 metres from a rear boundary.
- A building on a lot along Baldock Road must be setback at least 20 metres from a rear boundary.
- The site coverage of a lot must not be more than 30% or 1,000 square metres, whichever is the lesser.

Sunblinds, verandahs, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating and cooling equipment or other services may encroach not more than 0.5 metres into the specified setback distances. These requirements cannot be varied with a permit.

Subdivision

Minimum lot size
A subdivision must meet all of the following requirements:

- All lots along Bungower Road must be at least 3,000 square metres.
- All lots along Baldock Road must be at least 6,000 square metres.

These requirements cannot be varied with a permit.

Exemption
An application for a fence or a single dwelling, a dwelling extension or alteration, an outbuilding or a dependent person’s unit 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 the responsible authority must consider, as appropriate:
- Whether any loss of amenity or the low-density residential character of the area will result from a variation to the requirements of this schedule.
- Whether the siting and design of a building adequately contributes to the low-density residential character and the vegetation-dominated landscape setting of the area.
SCHEDULE 23 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO23.

HENDERSONS – CRESWELL RESIDENTIAL PRECINCT

1.0

Design objectives

- To promote the preferred future character of the area as a low density edge to the Bittern township with a low profile built form where housing is set within the landscape and canopy trees are retained and re-established.
- To maintain the amenity of this area, which is associated with the relatively low intensity of residential development and traffic movement.
- To ensure the design of subdivision and housing is responsive to the environment, landform, site conditions and existing character of the Hendersons – Creswell Residential Precinct.
- To ensure sites are large enough to accommodate development and substantial areas of open space while considering any bushfire risk and retaining or planting new vegetation.
- To ensure that development densities are compatible with the environmental, infrastructure and service capacities of the area, including the capacity of local streets, drainage systems and sewerage systems.
- To ensure that the height, scale and siting of new development has proper regard for the established streetscape and development pattern.
- To encourage building materials, forms, textures and colours that are compatible with the landscape setting.
- To ensure that buildings are designed and sited to avoid being visually obtrusive, when viewed from surrounding streets and properties.
- To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, streetscape and open space areas.

2.0

Buildings and works

No permit required

A permit is not required if the development is for the purpose of a single dwelling on a lot but only if all of the following conditions are met:

- The lot has a single crossover.
- Any building is set back from:
  - the frontage: the average setback of dwellings on adjoining lots or 7.5 metres (whichever is greater).
  - a Public Park and Recreation Zone: 10 metres or more.
- Any building is single storey with a wall height of 5.5 metres or less and a building height of 6.5 metres or less.
- Total site coverage is 35% or less.
- No more than 40% of the lot is covered by buildings, swimming pools, driveways and other impervious surfaces.
- More than half of any external wall cladding consists of brick, masonry, timber, simulated weatherboards or powder coated metal.
The external finish of any building is of a low reflectivity, and cladding and trims are coloured in muted tones. This does not apply to any of the following:

- Solar panels.
- Roofing, if the pitch of the roof is 5 degrees or less and not overlooked from any adjoining building, land or road.
- A building extension if the floor area is increased by 25% or less and the colour matches that of the existing building.

- Any earthworks have a vertical dimension of one metre or less.

**Permit requirements**

A permit is required to construct a fence. This does not apply to any of the following:

- A fence on a lot which contains an existing building if:
  - The fence has a height of 1.5 metres or less; or
  - The fence is located more than 3 metres from any road frontage.

- A post and wire fence with a height of 1.2 metres or less.

**Requirements**

An application should meet all of the requirements contained in Clause 54 or Clause 55 of this Scheme.

The additional design and siting requirements in Table 1 of this Schedule should also be met except where it has been demonstrated to the satisfaction of the responsible authority that compliance is unreasonable or unnecessary and no loss of amenity will result.

The Mandatory Requirements for Building Height and Number of Dwellings specified in Table 1 cannot be varied with a permit.

**Table 1: Design and siting requirements**

<table>
<thead>
<tr>
<th>Standard</th>
<th>Modified Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Neighbourhood character</strong></td>
<td><strong>A1</strong> The design of new buildings should complement the general low profile built form of the area.</td>
</tr>
<tr>
<td>Standard A1</td>
<td>The difference between finished ground level and natural ground level as a result of excavation and filling should be one metre or less and all earthworks must be properly battered or retained.</td>
</tr>
<tr>
<td>Standard B1</td>
<td>A building containing more than one storey should not provide access to a roof area, deck, verandah or the like which has a level higher than the floor level of the upper storey.</td>
</tr>
<tr>
<td></td>
<td>A relocated building or moveable structure should be either a dependant person’s unit or a newly pre-fabricated building.</td>
</tr>
<tr>
<td></td>
<td>Car parking areas should be provided on site and sited either adjacent to or behind a dwelling or residential building.</td>
</tr>
<tr>
<td><strong>Integration with street</strong></td>
<td><strong>A2</strong> There should be no more than one vehicular crossing per property.</td>
</tr>
<tr>
<td>Standard A2</td>
<td></td>
</tr>
<tr>
<td>Standard B5</td>
<td></td>
</tr>
<tr>
<td><strong>Street setback</strong></td>
<td><strong>A3</strong> The front setback should be not less than the average setback of dwellings on adjoining lots or 7.5 metres (whichever is greater),</td>
</tr>
<tr>
<td>Standard A3</td>
<td>Sunblinds, verandahs, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating and cooling equipment or other services may encroach not more than 0.5 metres into the specified setback distances.</td>
</tr>
<tr>
<td>Standard B6</td>
<td></td>
</tr>
<tr>
<td>Standard</td>
<td>Modified Requirement</td>
</tr>
<tr>
<td>----------</td>
<td>----------------------</td>
</tr>
<tr>
<td><strong>Public land setback</strong></td>
<td>A building should be set back at least 10 metres from a Public Park and Recreation Zone.</td>
</tr>
<tr>
<td><strong>Building height</strong></td>
<td>A building should have a wall height of 5.5 metres or less and a building height of 6.5 metres or less. A building should not protrude above any mature tree canopy.</td>
</tr>
<tr>
<td><strong>Mandatory Requirement</strong></td>
<td>A building must have a maximum building height of no more than 8 metres and must contain no more than 2 storeys above natural ground level. This does not apply to any of the following: - A place of assembly building - A leisure and recreation building - A utility installation building - A hospital - An education centre - A minor extension or alteration to a lawfully existing building where the proposed maximum building height would not exceed the existing building height.</td>
</tr>
<tr>
<td><strong>Site coverage</strong></td>
<td>The total building site coverage should be 35% or less.</td>
</tr>
<tr>
<td><strong>Permeability</strong></td>
<td>No more than 40% of a lot may be covered by buildings, swimming pools, driveways and other impervious surfaces.</td>
</tr>
<tr>
<td><strong>Significant trees</strong></td>
<td>Buildings and works should be sited and designed to: - Retain large, established native trees and understorey. - Incorporate space for the planting of substantial vegetation (with footings located outside of the root zone). - Have boundary setbacks and open space sufficient to enable:  - the retention of any significant existing vegetation.  - the planting of one substantial tree in both the front setback and in the backyard. New dwellings should have a landscape plan that includes substantial native trees and shrubs consistent with the composition of vegetation in the area.</td>
</tr>
<tr>
<td><strong>Private open space</strong></td>
<td>Private open space for one or more dwellings should be provided to meet all of the following requirements: - There should be at least 90 square metres of private open space per dwelling, which may include communal open space. - Individual private open space for each dwelling should include one space with a minimum dimension of 5 metres.</td>
</tr>
<tr>
<td><strong>Design detail</strong></td>
<td>More than half of the external wall cladding of any dwelling should consist of brick, masonry, timber, simulated weatherboards or other materials approved by the responsible authority. All cladding and trim should be coloured and maintained in muted tones. The external finish of all buildings should be in muted tones. This requirement does not apply to: - Solar panels. - Roofing but only if the pitch of the roof is 5 degrees or less and not overlooked from any adjoining building, land or road.</td>
</tr>
</tbody>
</table>
### Standard  Modified Requirement

- The finish of a building extension if the floor area is increased by 25% or less and the colour matches that of the existing building.

<table>
<thead>
<tr>
<th>Fence height</th>
<th>Modified Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard A20</td>
<td>Fencing along a street frontage should have a maximum height of 1.5 metres.</td>
</tr>
<tr>
<td>Standard B32</td>
<td>Any fencing that is 3 metres or more from a road should have a height of less than 1.8 metres.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of dwellings</th>
<th>Mandatory Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No more than one dwelling, excluding a dependant person’s unit, may be constructed on each lot.</td>
</tr>
</tbody>
</table>

### 3.0 Subdivision

A subdivision must meet all of the following requirements:

- Each lot must be at least 900 square metres,
- Each lot must be able to contain a rectangle with minimum dimensions of 18 metres x 25 metres.

This does not apply to any of the following:

- A subdivision of Lot 58 L.P.6682 into five lots or less, with one of the lots containing the existing dwelling.
- A subdivision by a public authority or utility service provider which does not create an additional lot other than for the sole purpose of open space or a minor utility installation.
- A subdivision that realigns the boundary between existing lots and no additional lot or additional subdivision potential is created.

Any subdivision application must be supported by a site analysis and site development plan that responds to the design objectives of this Schedule.

### 4.0 Decision guidelines

Before deciding on an application the responsible authority must consider as appropriate:

- The effect on the preferred character for Bittern.
- Whether any loss of amenity will result from a variation to the general requirements of this schedule.
- Whether it would be impractical to apply a general requirement to a lot with an area of less than 900 square metres.
SCHEDULE 24 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO24.

BELEURA HILL, MORNINGTON

MAP 1 – Beleura Hill Area with the Precincts referred to in Clause 2.0 of this Schedule.

1.0 Design objectives

To ensure that the design of subdivision and buildings and works is responsive to the existing and preferred character of the area as set out in the Beleura Hill Design Guidelines – April 2015.

- To recognise that Beleura Hill is an area where substantial vegetation cover is a dominant visual and environmental feature by ensuring site areas are large enough to accommodate development while retaining natural or established vegetation cover and providing for new landscaping and private open space.

- To maintain the landscape and ‘hillside’ character of the Beleura Hill area and its function as a landmark and green backdrop for Mornington.
To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting, by reflecting the existing rhythm of dwelling spacing and development density, and to promote the appearance of dwellings within a landscaped setting.

To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line when viewed from surrounding streets and properties.

To protect shared viewlines where reasonable and practical.

To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, open space areas and the hillside landscape.

To maintain and enhance visual connection between the shared street space and private properties and between front yards, and enable the continuous flow of vegetation between roadsides and private space.

2.0 Buildings and works

No permit required

If all of the following conditions are met, a permit is not required to construct a building or construct or carry out works for the purposes of a single dwelling, dwelling extension, outbuilding or a dependent persons unit:

- All of the modified Clause 54 standards specified in Table 1 are met.
- The difference between finished ground level and natural ground level as a result of excavation and filling must not exceed one metre, except for the purpose of constructing an in ground swimming pool, and all works must be properly battered or stabilised.

Note: The Mandatory requirements of this schedule also apply.

Permit required

A permit is required to construct a front fence within 3 metres of a street with a height of more than 1.5 metres.

Requirements

An application to construct a building or construct or carry out works must meet all of the Design Objectives of this Schedule and should meet all of the variations of Clause 54 or Clause 55 shown in Table 1.

Table 1: Modified Requirements of Clause 54 (One Dwelling on a Lot) and Clause 55 (Two or More Dwellings on a Lot and Residential Buildings) Standards

<table>
<thead>
<tr>
<th>Standard</th>
<th>Modified Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Integration with the street</td>
<td>There should be no more than one single-width vehicular access point to the street.</td>
</tr>
<tr>
<td></td>
<td>This does not apply to an application for the purpose of a dwelling extension or an outbuilding.</td>
</tr>
<tr>
<td>Street setback</td>
<td>The minimum setback from a front street should be at least 7.5 metres.</td>
</tr>
<tr>
<td>Building height</td>
<td>The maximum building height should not exceed 8 metres (or 9 metres on a slope of 2.5 per cent).</td>
</tr>
<tr>
<td>Standard</td>
<td>Modified Requirement</td>
</tr>
<tr>
<td>----------</td>
<td>----------------------</td>
</tr>
</tbody>
</table>
| Site coverage | Standard A5 Standard B8 The site area covered by buildings should not exceed:  
  - In Precinct 1: 40 per cent;  
  - In Precincts 2 and 3: 3.50 per cent. |
| Permeability | Standard A6 Standard B9 The site area covered by pervious surfaces should be at least:  
  - In Precinct 1: 40 per cent;  
  - In Precincts 2 and 3: 30 per cent. |
| Side and rear setbacks | Standard A10 Standard B17 A new building should be setback the following distance from a side boundary:  
  - In Precincts 1 and 2: a total of 4 metres for both setbacks, with a minimum setback of 1 metre, plus 0.3 metre of setback for every metre of height over 3.6 metres up to 6.0 metres, plus 1 metre of setback for every metre over 6.9 metres.  
A new building should be setback the following distance from a rear boundary:  
  - In Precinct 1: at least 8 metres;  
  - In Precincts 2 and 3: at least 6 metres.  
A new building should be setback at least 10 metres from land in a Public Park and Recreation Zone. |
| Private open space | Standard B28 The construction of two or more dwellings on a lot should have private open space for each dwelling consisting of:  
  - In Precinct 1: secluded private open space at the side or rear of the dwelling with a minimum area of 60 square metres, a minimum dimension of 4 metres and convenient access from a living room.  
  - In Precincts 2 and 3: secluded private open space at the side or rear of the dwelling with a minimum area of 40 square metres, a minimum dimension of 3 metres and convenient access from a living room. |

**Mandatory Requirements**

**Maximum building height**

A building must have a maximum building height of no more than 10 metres and must contain no more than 2 storeys above natural ground level.

This does not apply to any of the following:

- A place of assembly building  
- A leisure and recreation building  
- A utility installation building  
- A hospital  
- An education centre  
- A building that complies with height provisions specified in a plan approved under a schedule to the Development Plan Overlay of Clause 43.04.

- Alteration to or extension of a lawfully existing building but only if all of the following requirements are met:  
  - The existing building has a building height of more than 8 metres or contains 3 or more storeys above natural ground level.  
  - The maximum building height of the existing building is not exceeded.
- The external bulk of the existing building is not significantly increased.
- The footprint of the upper storey, existing at the approval date, is not increased by more than 10%.

These requirements cannot be varied with a permit.

**Number of dwellings**

If there is more than one dwelling on a lot, then the maximum number of dwellings on a lot must meet the requirements of Table 2 of this Schedule. This does not apply to dwellings that comply with a plan approved under a schedule to the Development Plan Overlay of Clause 43.04.

**Table 2: Maximum number of dwellings on a lot**

<table>
<thead>
<tr>
<th>Precinct shown on Map 1 to this clause</th>
<th>Maximum number of dwellings on a lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Precinct 1</td>
<td>No more than one dwelling for every 700 square metres of the total area of the lot.</td>
</tr>
<tr>
<td>Precinct 2</td>
<td>No more than one dwelling for every 500 square metres of the total area of the lot.</td>
</tr>
<tr>
<td>Precinct 3</td>
<td>No more than one dwelling for every 400 square metres of the total area of the lot.</td>
</tr>
</tbody>
</table>

These requirements cannot be varied with a permit.

**Subdivision**

**Mandatory Requirements**

The average area of all lots within a subdivision must be no less than the area specified in Table 3 of this Schedule. These requirements do not apply to lots that are in compliance with a restructure plan under Clause 45.05 or a plan approved under a schedule to the Development Plan Overlay of Clause 43.04.

Land that is capable of further subdivision is excluded from the calculation of average lot area. The area of land set aside as common property or land that is to be transferred to Council for public open space and recreation, over and above that which may be required under Section 18 of the Subdivision Act 1988, may be included in the calculation of average lot area.

Battle-axe lots must have a minimum frontage of six metres, shared by up to four lots.

**Table 3: Minimum average lot size for subdivision**

<table>
<thead>
<tr>
<th>Precinct shown on Map 1 to this clause</th>
<th>Minimum average lot size for subdivision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Precinct 1</td>
<td>700 square metres</td>
</tr>
<tr>
<td>Precinct 2</td>
<td>500 square metres</td>
</tr>
<tr>
<td>Precinct 3</td>
<td>400 square metres</td>
</tr>
</tbody>
</table>

These requirements cannot be varied with a permit except if one of the following applies:

- The subdivision realigns the boundary between existing lots, provided no new lot or additional subdivision potential is created.
- Two or more dwellings have lawfully existed or been lawfully approved on a lot before the approval date and the subdivision proposes to create separate lots for each dwelling.
- The subdivision excises land for a utility installation or other public purpose.
Decision guidelines

Before deciding on an application the responsible authority must consider as appropriate:

- The design objectives of this schedule.
- Where an application does not meet a requirement in Table 1 to this Schedule, whether the departure from the requirement assists in attainment of the preferred character statement and design objectives for the relevant Precinct set out in the Beleura Hill Design Guidelines – April 2015.
- The extent to which the application responds to the Beleura Hill Design Guidelines – April 2015.

Transitional Provisions

The requirements of this schedule do not apply to an application made before the commencement of Amendment C189. For applications made before the commencement of Amendment C189 the requirements of this scheme, as they were in force immediately before the commencement of Amendment C189, continue to apply.

Reference documents

Beleura Hill Neighbourhood Character Study – November 2014

Beleura Hill Design Guidelines – April 2015
SCHEDULE 26 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO26**.

ROSEBUD ACTIVITY CENTRE

![Map 1 - DDO26 area.](image)

**Design objectives**

- To ensure that development makes a positive contribution to the low scale, coastal character of the Rosebud Activity Centre.
- To ensure that development enhances the unique character of Point Nepean Road, including the scale, shape and rhythm of built form and the variety of building heights, roof forms, setbacks and building designs.
- To ensure development incorporates of environmentally sustainable design.

**Buildings and works**

**Permit required**

The following general requirements apply to an application to construct a building or construct or carry out works:

**Height requirements**

- A building should not exceed the maximum building height and the number of storeys specified in Column 2 of Table 1 to this schedule.

**Setback requirements**

- A building should be setback at least the distances specified in Column 3 of Table 1.
- A building with a frontage to Point Nepean Road should have a setback from that road that is at least the distance specified in Column 3 of Table 1.
- Elevated balconies should be set within the principal façades.
- A “roof deck”, being an area that is located above the upper storey of a building and that is designed and used as open space associated with any use in the building, should:
  - be setback at least 2 metres from the roof edge on all sides.
  - not include any structures or elements that exceed a height of 1.7 metres, apart from an access structure.
  - be accessed by a structure that does not enclose any useable floor space (other than for the purpose of access) and does not exceed 2.4 metres in height (measured from floor level at the point of access onto the roof deck).
  - not be located above any fourth storey of a building.

**Table 1 Height and Setback Requirements**

*Note: References to storeys do not include any basement.*

<table>
<thead>
<tr>
<th>Areas</th>
<th>Maximum building height</th>
<th>Minimum building setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area 1</td>
<td>14 metres (4 storeys)</td>
<td>Minimum side setback for development fronting Point Nepean Road is zero.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Any third storey:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 5 metres from any road reserve, except Wannaeue Place.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 9 metres from land in a residential zone.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Any fourth storey:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 9 metres from Wannaeue Place and McComb Street (between Boneo Road and Rosebrook Street) and Rose Avenue.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 20 metres from any other road or from land in a residential zone.</td>
</tr>
<tr>
<td>Area 2</td>
<td>11 metres (3 storeys)</td>
<td>Any third storey:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 5 metres from any road reserve.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 9 metres from land in a residential zone.</td>
</tr>
</tbody>
</table>

**3.0**

*22/11/2019 C206morn*

**Subdivision**

A permit is not required to subdivide land.

**4.0**

*22/11/2019 C206morn*

**Signs**

None specified.

**5.0**

*22/11/2019 C206morn*

**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:

- Whether proposed buildings are compatible with and respect the character of neighbouring buildings within the same streetscape.
- Whether proposed buildings obscure view lines from the public realm to Port Phillip or the foreshore.
- Whether proposed buildings front adjoining streets and open space reserves, provide for continuous active frontages at ground level and for weather protection along key pedestrian links.
- The extent to which the proposal exceeds the number of vehicle access points to Point Nepean Road prescribed by traffic requirements.
- The extent to which the design of buildings incorporates environmentally sustainable design.

If an application includes a proposal for a building height above the preferred specified in Table 1, the responsible authority must also consider:

- Site context and amenity of adjoining buildings.
- Contribution of the proposal to the character of Rosebud.
- Achieving excellence in architectural design.
- Achieving heritage restoration and adaptive re-use, if applicable.
- Enhancing the amenity of public land and open spaces.
- Protection of views to the upper half of Arthurs Seat when viewed from the northern side of Point Nepean Road.
- Impact on views from public land to Arthurs Seat and Port Phillip.
- Protection of adequate solar access to public spaces including Wannaeue Place.
SCHEDULE 27 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO27.

HASTINGS ACTIVITY CENTRE RETAIL CORE

Design objectives

- To ensure that development makes a positive contribution to the low scale, ‘country town on the coast’ character of the Hastings Activity Centre.

- To ensure that development enhances the unique character of High Street, including the scale, shape and rhythm of built form and the variety of building heights, roof forms, setbacks and building designs.

- To ensure that buildings along Queen, Church, Elizabeth and Herring Streets provide a sympathetic interface with residential development on the opposite side of those streets.

- To ensure development incorporates environmentally sustainable design principles.

- To encourage the rear or side elevation of buildings that open onto laneways or public spaces to have an ‘active frontage’ to these spaces.

Buildings and works

Permit required

The following requirements apply to an application to construct a building or construct or carry out works.

General requirements

- An application to construct a building that exceeds a building height of 7 metres should be accompanied by a site context and design response report that demonstrates how the proposal achieves the design objectives and the requirements of this schedule.

- Buildings should be:
- of a high quality in terms of architecture and urban design, make a positive contribution to
  the ‘country town on the coast’ character of High Street and reinforce that character in all
  other streetscapes.
- designed to respond to the existing scale and character of streetscapes when viewed from
  the pedestrian network.
- designed to address all adjoining streets and open space reserves.
- designed to provide continuous active frontages at ground level and weather protection
  along key pedestrian links.
- designed to ensure that visual bulk to the street is minimised by the use of materials and
  colours and detailing and articulation of facades.
- designed in a way that respects the view lines from the public realm to Western Port and
  the foreshore.
- designed to minimise the visibility of car parking facilities from adjoining land, street
  reserves and other reserves.
- oriented towards the foreshore environment, where applicable, to maximise opportunities
  for views over the foreshore and water, both at the ground level and upper level balconies.

- A ‘roof deck’, being an area that is located above the upper storey of a building that is designed
  and used as open space for any use in the building, should:
  - be setback at least 2 metres from the roof edge on all sides.
  - not include any structures or elements that exceed a height of 1.7 metres, apart from an
    access structure.
  - be accessed by a structure that does not enclose any useable floor space (other than for the
    purpose of access) and does not exceed 2.4 metres in height (measured from floor level at
    the point of access onto the roof deck).

- Building frontages in the core retail areas and along main pedestrian links should have at least
  75% ‘active’ frontages, to add to the activity and vitality of the streets. This can be achieved
  through design elements such as clear glazing, locating entrances off principal street spaces,
  providing balconies or terraces at the upper levels and others.

- Minimise the width of driveway entrances and the visual impact of garage doors on building
  frontages.

- Provide vehicle access from rear laneways wherever possible.

**Height and setback requirements**

- Building heights should not exceed 11 metres (3 storeys).
- Any first (ground floor) and second storey should be setback 3 metres from Queen, Church
  and Elizabeth Street.
- Any third storey should be setback:
  - 5 metres from High Street
  - 9 metres from Queen, Church and Elizabeth Street
  - 3 metres from any other road reserves
  - 9 metres from land in the General Residential Zone.

*Note: references to storeys do not include any basement.*
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:

- The extent to which proposed buildings respect the preferred scale and form of development, particularly when viewed from the pedestrian network.
- Whether the design of public spaces increases the planting of indigenous vegetation.
- Whether proposed buildings obscure view lines from the public realm to Western Port or the foreshore.
- Whether the proposal applies Environmentally Sustainable Design and Water Sensitive Urban Design techniques.

Before making any determination of an appropriate building height the responsible authority must consider:

- The site context
- Impact on amenity of adjoining buildings.
- Impact on overall excellence in architectural design.
- Implementation of environmental sustainability principles.
- Achievement of heritage restoration and adaptive re-use, where applicable.
- Any impact on the amenity of public land, where applicable.
SCHEDULE 28 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO28.

OCEAN BEACH ROAD COMMERCIAL PRECINCT

1.0

Design objectives

- To ensure that development makes a positive contribution to the low scale, coastal and historical character of the Ocean Beach Road commercial precinct.
- To ensure that development enhances the unique character of Ocean Beach Road and Point Nepean Road, including the scale, shape and rhythm of built form and the variety of building heights, roof forms, setbacks and building designs.
- To promote the creation of a high quality public spaces within the Precinct including the maintenance of visual connection between existing historic buildings and the street.
- To ensure the provision of safe and convenient pedestrian connections throughout the Precinct.
- To ensure the proper, safe and efficient functioning of the street network in providing access to the adjacent public car parks.
- To ensure that new development addresses the Ocean Beach Road frontage.
- To ensure that the existing limestone buildings continue to be a major feature of the streetscape by maintaining the existing building line along Ocean Beach Road.
- To provide for a graduated change in building height from both the Ocean Beach Road and Morce Avenue frontages.
- To ensure that building additions and infill development achieves design and architecture excellence.
- To ensure that views of significant heritage buildings are protected.

2.0

Buildings and works

- An application for development within Ocean Beach Road commercial precinct (as defined in Map 1) must be accompanied by a planning report, site context analysis and design response report that demonstrates how the proposal achieves the design objectives and the requirements of this schedule and set out in the Ocean Beach Road Commercial Precinct Sorrento Heritage Policy – For Planning Applications for Places in the Heritage Overlay – September 2015 by HLCD Pty Ltd.
- An application for development exceeding 8m in height within Ocean Beach Road commercial precinct (as defined in Map 1) must be accompanied by a sightline diagram that demonstrates general compliance with the sightlines shown in Diagram 1.
- Detailed plans, including palette of materials and finishes.
- A perspective or photomontage detailing how the proposed development will sit within the streetscape.

A permit cannot 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.

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

- A building with a frontage to Ocean Beach Road, Point Nepean Road, Melbourne Road, Constitution Hill Road, Darling Road or Kerferd Road, must not exceed the maximum height at road frontage specified in Column 2 of Table 1.
- A building must not exceed the maximum building height and the number of storeys specified in Column 3 of Table 1.

- A building must be setback at least the distance specified in Column 4 of Table 1 where it has
  a frontage to Ocean Beach Road, Point Nepean Road, Melbourne Road, Constitution Hill Road,
  Darling Road or Kerferd Road.

- The mandatory requirements in Table 1 do not apply to:
  - Architectural features, masts, building services (including lift overrun) or enclosed stairwells
      that do not exceed the required height limit specified in Column 3 by more than 4 metres.
      The combined floor area of these features must not exceed 10% of the gross floor areas of
      the top storey of the building.
  - Any building which is listed on the Victorian Heritage Register.
  - Alterations or additions to a lawfully existing building that exceeds the height limits set out
      in Column 3 of Table 1, provided the existing maximum building height is not increased
      and the development is consistent with the Design Objectives and decision guidelines of
      this Schedule.

Table 1:

<table>
<thead>
<tr>
<th>Sub Precincts</th>
<th>Column 2</th>
<th>Column 3</th>
<th>Column 4</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Maximum building height at road frontage</td>
<td>Maximum building height at the minimum building setbacks specified in Column 4</td>
<td>Minimum building setback</td>
</tr>
<tr>
<td>East</td>
<td>8 metres (comprising no more than 2 storeys)</td>
<td>8 metres (comprising no more than 2 storeys)</td>
<td>Any first (ground floor) and second storey must:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• match the setback of the building on the adjoining lot or the average of the setback the buildings on either side of the lot.</td>
</tr>
<tr>
<td>Central</td>
<td>8 metres (comprising no more than 2 storeys)</td>
<td>11 metres (comparing no more than 3 storeys)</td>
<td>Any third storey must be setback:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• a minimum of 8 metres from the front building line of the second storey below; and</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• where the site is on a corner with a named road or lane, a minimum of 3 metres from the side street building line or the second storey below.</td>
</tr>
<tr>
<td>North West</td>
<td>8 metres (comprising no more than 2 storeys)</td>
<td>11 metres (comparing no more than 3 storeys)</td>
<td>Any first (ground floor) and second storey:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• 5 metres from Ocean Beach Road. Any third storey must be setback:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• a minimum of 8 metres from the front building line of the second storey below; and</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• where the site is on a corner with a named road or lane, a minimum of 3 metres from the side street building line or the second storey below.</td>
</tr>
<tr>
<td>South West</td>
<td>8 metres (comparing no more than 2 storeys)</td>
<td>11 metres (comparing no more than 3 storeys)</td>
<td>Any third storey must be setback:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• a minimum of 8 metres from the front building line of the second storey below; and</td>
</tr>
<tr>
<td>Sub Precincts</td>
<td>Column 2</td>
<td>Column 3</td>
<td>Column 4</td>
</tr>
<tr>
<td>---------------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
</tr>
<tr>
<td></td>
<td>Maximum building height at road frontage</td>
<td>Maximum building height at the minimum building setbacks specified in Column 4</td>
<td>Minimum building setback</td>
</tr>
</tbody>
</table>

- where the site is on a corner with a named road or lane, a minimum of 3 metres from the side street building line or the second storey below.

**Notes regarding Table 1:**

- In Table 1, references to storeys do not include any basement.
- The Sub Precincts referred to in Column 1 Table 1 are the areas shown on Map 1 forming part of this Schedule.
- The maximum building heights referred to in Column 2 and 3 are to be measured from natural ground level to the ridge of the roof or top of the parapet.
- The setback of a third storey as defined under Column 4 is to be measured from the front wall of the second storey of the building.
- The setbacks do not apply to un-named lanes.
- The “building” (in the phrase ‘front building line’ under Column 4) has the same meaning as defined under Section 3(1) of the Planning and Environment Act 1987.

**MAP 1: Sub Precincts of Ocean Beach Road**
DIAGRAM 1: Sightlines for Development Exceeding 8M in Height

3.0  
25/01/2018  
C204  

Subdivision  
None specified.

4.0  
25/01/2018  
C204  

Advertising signs  
None specified.

5.0  
22/01/2020  
C268morn  

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 proposed buildings respect the preferred scale and form of development, particularly when viewed from the pedestrian network.

- Whether proposed buildings obscure view lines to the identified significant features within the Sorrento township, as detailed in the “Ocean Beach Road Commercial Precinct Sorrento Heritage Policy – For Planning Applications for Places in the Heritage Overlay – September 2015 by HLCD Pty Ltd”.

- The extent to which the design responds to the design requirements for each Sub Precinct as set out in the “Ocean Beach Road Commercial Precinct Sorrento Heritage Policy – For Planning Applications for Places in the Heritage Overlay – September 2015 by HLCD Pty Ltd”.

Expiry  
The requirements of this overlay cease to apply after 31 January 2022.
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 2 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO2.

MORNINGTON PARKLAND INDUSTRIAL AREA

This schedule applies to the Parkland Industrial area located on the Nepean Highway, between Oakbank Road and Bungower Road, Mornington. A development plan is required to ensure an appropriate standard of development for this prominent area, including a consistent building setback from the Nepean Highway frontage.

1.0 Requirement before a permit is granted

A permit may be granted for a change of use within an existing building, the construction of a caretaker’s dwelling or the display of advertising signs before a development plan has been prepared.

2.0 Requirements for development plan

The development plan must describe:

- A minimum building setback of 90 metres from the Nepean Highway frontage and 58 metres from any Bungower Road frontage.
- A minimum setback from side and rear boundaries of 15 metres.
- A maximum plot ratio of 0.35.
- A minimum of 50 percent of any site set aside for landscaping.

The responsible authority may vary these requirements.
SCHEDULE 3 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO3.

HASTINGS FUTURE TOWN CENTRE DEVELOPMENT PLAN

The Shire of Hastings Commercial Centres Strategy 1991 identified land in the Hastings township that is considered suitable for future development, provided the land is utilised to strengthen the commercial function of Hastings by including opportunities for retailing based on larger floor areas.

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 but only if it is for:

- a change of use within an existing building; or,
- the construction of a single dwelling and associated outbuildings on a lot existing at the approval date, provided it is the only dwelling on the lot.

2.0

Requirements for development plan

The development plan must describe:

- The location of all existing and proposed buildings and their use.
- Building elevations and treatments which enhance the identity of the existing centre.
- Proposals for the staging of development.
- The location of car parking, storage and loading areas.
- The number and layout of car parking spaces and access lanes.
- The separation of pedestrian and vehicular traffic movements.
- Access to surrounding roads.
- Streetscape and landscaping treatments.
- The location and size of advertising signs.
- The provision of all necessary infrastructure.

In addition, for the Site shown on Figure 1 to this schedule:

- The requirement to contribute to an appropriate traffic management upgrade at the intersection of Queen Street and High Street.
- The requirement to construct, on the land in Area B shown on Figure 1 to this schedule, a landscaped pedestrian precinct including provision for a cross vehicular traffic flow at its northern and southern ends.

In addition, for the land in Area A shown on Figure 1 to this schedule:

- The closure and discontinuance of Alfred Street.
- Development including large format retail premises.
- Development over the discontinued Alfred Street with zero setback to the existing development to the east.
- Car parking located at the north-eastern corner of Queen Street and Elizabeth Street.
- An east west pedestrian link along the northern boundary of Area A that is part of a broader link connecting Queen Street and Victoria Street.
- An active frontage along north elevations (to be continuous with the existing active retail frontage to the east) that is adjacent to a footpath with a width of at least 3.5 metres forming part of that east west pedestrian link.

- An active frontage along the west elevation that is adjacent to a footpath forming part of a generally north south pedestrian link connecting the east west pedestrian link to Elizabeth Street.

Figure 1 to Development Plan Overlay Schedule 3
SCHEDULE 4 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO4.

BALNARRING TOWN CENTRE DEVELOPMENT PLAN

The Balnarring Village centre provides a focus for shopping and tourism activities in the district. The requirement for a development plan is to provide for the future integrated development of land on the east and west sides of Russell Street and to maintain the current high standard of design. Land on the east side of Russell Street is intended to remain the main retail core area, including the site of any supermarket. Land on the west side of Russell Street is intended to perform a complementary function, providing a combination of service and retail activities including restaurants, offices and consulting rooms. The maximum retail area of any single premises on the west side of Russell Street is not anticipated to exceed 240 sqm.

1.0 Requirement before a permit is granted

A permit may be granted for a change of use within an existing building or the display of advertising signs before a development plan has been prepared.

A permit may be granted for the use and development of land on the east side of Russell Street, Balnarring before a development plan has been approved.

2.0 Requirements for development plan

The development plan must describe:

- The location of all existing and proposed buildings, their floor area and proposed use.
- Plans indicating building design, scale and elevations, including street elevations which are consistent with and enhances the special character of the existing Balnarring Village shopping centre. This may include the use of external brick cladding, the incorporation of verandahs, the provision of paved pedestrian paths, and a consistent standard of signage.
- A maximum height of any part of building, excluding plumbing and other fittings, no greater than 8 metres above natural ground level.
- All buildings setback at least 20 metres from the west side of Russell Street, unless otherwise approved by the responsible authority.
- Landscaped open space provided within 5 metres of Russell Street, unless otherwise approved by the responsible authority.
- Proposals for the staging of development.
- The location of car parking, storage and loading areas.
- The number and layout of car parking spaces and access lanes.
- The separation of pedestrian and vehicular traffic movements.
- Access to surrounding roads.
- Streetscape and landscaping treatments.
- The location and size of advertising signs.
- The provision of all necessary infrastructure.
- An assessment of commercial impact and the net community benefits and costs of development may be required in relation to any retail development proposed on the west side of Russell Street.
SCHEDULE 5 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO5.

MORNINGTON COMPREHENSIVE REDEVELOPMENT AREA

The Main Street Shopping Centre Structure Plan (1987) identified areas for new retail and commercial facilities within the Mornington Town Centre. Following a more recent review of commercial centre planning in Mornington a development plan is required to provide for the integrated development of a retail shopping centre in the identified area. The plan must make provision for associated car parking, in conjunction with the provision of further car parking, pedestrian walkways and plaza areas on adjoining Council land.

Requirement before a permit is granted

A permit may be granted for a change of use within an existing building or the display of advertising signs before a development plan has been prepared.

Requirements for development plan

The development plan must describe:

- The layout and design of the development generally consistent with Mornington Development Plans 1 (site plan), 2 (elevations and signage), and 3 (landscaping) dated October 22 1998 and Council Car Park Concept Plan (drawing no 110998 DWG) dated September 11 1998. Which provide for:
  - 523 car parking spaces.
  - The responsible authority may vary this requirement.
- The layout of all buildings and works.
- The shopping centre comprised in the development centre (other than any verandah, awning architectural feature or the like) contained wholly within land bounded by Gordon Street, Franklin Street, Railway Grove and Barkly Street, Mornington.
- A maximum overall height of any building not exceeding 33.1 metres AHD, excluding architectural features, plant, machinery and equipment, unless otherwise approved by the Responsible Authority.
- Provision for the construction by Council of not less than 272 car parking spaces and a plaza on land bounded by Barkly Street, Blake Street, McLaren Place and Railway Grove Mornington. This land may be used for no other purpose.
- The layout of the public car park and plaza area including provision for pedestrian links to ensure that new development is linked as closely as possible with the existing Main Street Shopping Centre.
- The basement, mezzanine office and storage areas being excluded from use for the direct display and retail sales of goods.
- The number location and layout of car parking spaces.
- Loading bays and waste collection areas.
- Materials of construction, finishes and colours to be used.
- Paving and street lighting details.
- Public amenities including any baby change facilities and any community facilities.
- Any major external advertising and directional signs on the facade of buildings.
- Splay on the corner of Barkly Street and Gordon Street, and Barkly Street and Railway Grove.
- Details of proposed landscaping in and around the proposed development.
• Provision for commencement of development within 5 years from the approval date.

• A management plan which provides for:
  - Protection of amenity during construction, including hours of construction work, control of noise and external lighting.
  - Operational matters relating to bulk waste collection, vehicle loading times, trolley control and other like matters.
  - The lighting, landscaping, maintenance, hours of access controls on parking and after hours security of the car parking areas.

• The matters to be included in an agreement under Section 173 of the Act to facilitate the transfer of land required for road widening and access roads shown on the development plan.
SCHEDULE 6 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO6.

PARK ROAD ESTATE REDEVELOPMENT PLAN

The Park Road Estate, Mt Martha is generally bounded by Park Road, Finlayson Avenue, the Joseph Harris Scout Camp, Churchill Road, Stanley Crescent, Seaside Parade and Wonderland Terrace, Mt Martha. This area was subdivided prior to the turn of the century, but has remained undeveloped. A development plan is considered appropriate to facilitate the redesign of the subdivision pattern to produce a more appropriate and environmentally responsive form of development, having regard to the topography of the site, existing vegetation and proximity to Seaside Creek.

1.0 Requirement before a permit is granted

A permit may be granted to construct a single dwelling and associated outbuildings on any lot existing at the approval date, provided it is the only dwelling on the lot, before a development plan has been prepared.

2.0 Requirements for development plan

The development plan must describe:

- An improved subdivisional layout with an average lot size of 1400 square metres in more environmentally sensitive areas. The responsible authority may vary this requirement.

- Five percent of the area north of Park Road as public open space.

- Siting and design provisions, including provisions relating to building heights and the protection of shared viewlines. The responsible authority may vary this requirement.
SCHEDULE 7 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO7.

NORTH BITTERN DEVELOPMENT PLAN

An area north of the Bittern township and adjoining the existing Kinfauns Estate has been identified for future low density residential development into lots with an area of approximately one hectare. It is important that development in this area be properly coordinated to maintain the appearance of an inter urban break between the Hastings and Bittern townships. Development of this area should also complement the public open space areas provided through the Kinfauns Estate and ensure the efficient and equitable provision of services, including, where necessary, the upgrading of Henderson’s Road.

1.0 Requirement before a permit is granted

A permit may be granted to contract a single dwelling and associated outbuildings on any lot existing at the approval date, provided it is the only dwelling on the lot, before a development plan has been prepared.

A permit may be granted to use and develop land for purposes other than subdivision in accordance with the provisions of the Low Density Residential Zone, before a development plan has been prepared.

2.0 Requirements for development plan

The objectives of this development plan are:

- To facilitate rural residential development in an environmentally sensitive manner.
- To identify, conserve and link remnant indigenous vegetation areas.
- To assist in the protection and enhancement of the Warringine Heritage Park by requiring appropriate public open space contributions.
- To ensure that appropriate drainage and sewerage services are provided to avoid detriment to the water quality of creeks, wetlands or of Western Port.
- To ensure that lots fronting the Frankston-Flinders Road are of a size and configuration to provide a non-urban buffer between Bittern and Hastings.
- To provide for equitable contributions to the provision of infrastructure, including the upgrading of Henderson’s Road.

The development plan must describe:

- The average lot size of any proposed subdivision is at least one hectare. The responsible authority may vary this requirement having regard to the provision of public open space with the proposed subdivision.
- A scheme of drainage for the area to the satisfaction of Melbourne Water.
- Treatment of water run-off in a manner designed to ensure that the water quality of nearby creeks, wetlands and Western Port does not deteriorate as a result of the development of the estate and must ensure volume does not exceed rural discharge levels. This may necessitate land close to the run-off source within the estate to be utilised for the retarding, settlement and filtration of the run-off water.
- Provision for all necessary infrastructure and the equitable distribution of infrastructure costs.
- Provision for a Site Design Plan for each stage of development showing for each lot:
  - Proposed building setbacks.
- Maximum building height.
- Maximum site coverage.

- A detailed Landscape Plan for progressive stages of development showing:
  - The location and kind of indigenous species to be planted.
  - The areas for the proposed planting of indigenous native vegetation in linkage corridors between park reserves.
  - A management prescription for the maintenance of the landscaping. The areas of indigenous native vegetation in park reserves to be protected.

The Landscape Plan must be prepared having considered the views of the Warringine Heritage Park Advisory Committee.
SCHEDULE 8 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO8.

PORT PHILLIP PLAZA DEVELOPMENT PLAN

The Port Phillip Plaza development, on land bounded by Boneo Road, Nepean Highway, Rose Avenue, McCombe Street, Rosebrook Street, Hope Street, Donald Street and Maysbury Avenue, Rosebud consists of a comprehensive retail centre. A development plan is considered appropriate to provide for the ongoing structure and coordination of development on the 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 any of the following:

- A change of use within an existing building or the display of advertising signs.
- Buildings and works affecting the land, which are the subject of a planning permit application made to the responsible authority and lodged prior to 1 January 2004.

2.0

Conditions and requirements for permits

The boundary of the site abutting Maysbury Avenue, Donald Street and Rosebrook Street, Rosebud, together with other boundaries abutting private residential properties must be fenced or landscaped to prevent vehicular and pedestrian access to the development and to provide an effective screen of the development from these streets and nearby properties to the satisfaction of the responsible authority. This requirement may be varied with a permit.

3.0

Requirements for development plan

The development plan must describe:

- The detailed distribution of floorspace indicating leasable areas, common or public areas and service areas.
- A total of 861 car spaces to be provided in association with leasable floor area up to 17,860 square metres with any additional leasable floor area to have a car parking rate of not less than 4 spaces per 100 square metres.
- An appropriate active frontage to the south side of McCombe Street.
- The location of all existing and proposed buildings and their use.
- A building height of not more than 8 metres, except that the location of any identification/advertising structure and architectural features with a height in excess of 8 metres is to be shown.
- The location of car parking, storage and loading areas.
- The number and layout of car parking spaces and access lanes.
- The separation of pedestrian and vehicular traffic movements.
- Access to surrounding roads.
- Streetscape and landscaping treatments.
- The provision of all necessary infrastructure including traffic signals at the Boneo Road/McCombe Street intersection.
SCHEDULE 9 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO9.

BAXTER GATEWAY

The Baxter Gateway site consists of a triangular area, bounded on two sides by the Baxter Tooradin Road and Frankston Flinders Road, with the third defined by the Mornington Peninsula Freeway reservation. The purpose of the development plan is to recognise the constraints and opportunities associated with this location. It is intended to facilitate the development of a service-based precinct, with services directed primarily to Peninsula visitors and the broader district catchment, rather serving Baxter residents only or establishing a further retail node. Given the location of the site, with a high degree of exposure to main roads, it is essential to ensure the integrated design and coordinated development.

1.0

Requirement before a permit is granted

A permit may be granted for a change of use within an existing building or the display of advertising signs before a development plan has been prepared.

2.0

Requirements for development plan

The development plan must describe:

- A site land use plan, indicating the type, location and operational characteristics of all proposed land uses on the site and demonstrating compatibility between proposed land uses and adjacent roadways and nearby residential areas. Details should include:
  - Hours of operation.
  - Anticipated traffic and parking generation.
  - Anticipated noise levels.
  - Security lighting requirements.
- Arrangements for the provision of services, including drainage and sewerage.
- The location, layout, elevations and external materials of all buildings and works.
  - The plot ratio of all development must not exceed 0.5.
  - Site coverage must not exceed 50 percent.
  - Proposed development must not exceed a maximum building height of 10 metres.
- The area and dimensions of all proposed lots.
- The location and width of all vehicle crossings and pedestrian ways.
- The layout and construction details of all roads, carparking areas and paths, ensuring separation of pedestrian and vehicular movement.
- The provision and location of loading areas.
- The location, size and design of all advertising signs.
- Detailed landscaping plans for the land, including the location and species of all plantations and the location and type of all fencing.
  - At least 25 percent of the site area must be set aside for landscaping.
  - Landscaped areas must include all land within 10 metres of the Baxter Tooradin Road and Frankston Flinders Road frontages, other than to provide for vehicular or pedestrian access.
- The landscaping plan must include provision for the screening of all storage areas and a management plan for controlling and maintaining landscaped areas.

- Proposals for staged development of the site.

The responsible authority may vary these requirements if it is satisfied that compliance would be unreasonable or impractical and that any proposed variation will not prejudice the amenity of the area.
SCHEDULE 10 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO10.

611-613 POINT NEPEAN ROAD, MCCRAE DEVELOPMENT PLAN

The land at 611-613 Point Nepean Road, McCrae – being Lot 7 PS11038 and PC361036B – has been identified as a strategic redevelopment site that provides opportunities for residential development at a density greater than can be permitted under the Design and Development Overlay, Schedule 3 – Coast and landscape design. A development plan is required to ensure that the development approved for the site respects the neighbourhood character of the adjoining residential areas and the site’s landscape setting adjacent to the foreshore reserve and the McCrae escarpment.

1.0

Requirement before a permit is granted

A permit may be granted to construct a single dwelling and associated outbuildings on any lot existing at the approval date, provided it is the only dwelling on the lot, before a development plan has been prepared.

If a development plan generally conforming to the requirements of this schedule has not been prepared for the land to the satisfaction of the responsible authority within two years of the approval date, a permit may be granted for any use that could be approved under the Residential 1 Zone, taking into account the Overlays that apply to the site.

2.0

Conditions and requirements for permit

Any planning permit issued for development (including subdivision) of the site must include a requirement for the owners of all lots to enter into a section 173 Agreement with Council to ensure ongoing monitoring of ground water quality through a Groundwater Quality Management Plan.

3.0

Requirements for development plan

The development plan must describe:

- The area and dimensions of all proposed lots, with not more than five lots and not more than five dwellings.
- A maximum coverage by buildings (including garages), paving and other hard surfaces of 60 per cent of the site area.
- Building envelopes showing setbacks and building heights that meet the following requirements:
  - No more than three building envelopes adjacent to the Point Nepean Road frontage with a building height not exceeding 4.5 metres above natural ground level.
  - No more than three building envelopes adjacent to the rear (south) boundary of the land with a building height not exceeding 8.0 metres above natural ground level and containing two storeys or less above natural ground level.
  - Staggered setbacks from Point Nepean Road, with a minimum setback of not less than 7.0 metres.
  - Setbacks from the rear (south) boundary of a minimum of 3.0 metres.
  - East-west separation of at least:
    - 6.0 metres between building envelopes adjacent to Point Nepean Road.
    - 10.0 metres between building envelopes adjacent to the rear (south) boundary of the land.
- Use of building materials and roof and façade articulations that respect the prevailing built form in the neighbourhood and the coastal character of the site.
- Appropriate acoustic screening of dwellings fronting Point Nepean Road.
- Landscaping of the site with indigenous species to create substantial screen planting at the front and establishment of significant vegetation within the site.
- A maximum of one carriageway accessing the site from Point Nepean Road. The eastern leg of Penny Lane may also be used to access up to two lots. Pedestrian access from Point Nepean Road may be provided in addition to the vehicle carriageway.
- Any other matters required by the responsible authority.
SCHEDULE 11 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO11.

6 MASON STREET, MT ELIZA

Land at 6 Mason St, Mount Eliza is suitable for infill development consistent with the surrounding neighbourhood character.

1.0

Requirement before a permit is granted

A permit may be granted to use land, construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the responsible authority.

2.0

Requirements for development plan

The development plan must show:

- A residential subdivision and no other use or development.
- The area and dimensions of the proposed lots, with no more than two lots being created.

Note: An application to construct a building or construct or carry out works is not exempt from the notice and decision requirements and the review rights under Clause 43.04-2.
SCHEDULE 12 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO12.

3405 POINT NEPEAN ROAD, SORRENTO

This schedule applies to the land located at 3405 Point Nepean Road, Sorrento. A development plan is considered appropriate to provide for the co-ordinated development of the land, consistent with the character of the area and heritage values of the site.

1.0 Requirement before a permit is granted

A permit may be granted before a development plan has been approved for any of the following:

- Buildings and works in accordance with a planning permit application lodged with the responsible authority prior to August 2003.

- The construction of a single dwelling and associated outbuildings on the land provided all new development on the site has a maximum building height of no more than 8 metres and contains no more than 2 storeys above natural ground level, excluding plumbing and other fittings. This does not apply to alterations or extensions to an existing building on the site if all of the following requirements are met:
  - The existing building has a building height of more than 8 metres.
  - The maximum building height of the existing building is not exceeded.
  - The external bulk of the building is not significantly increased.

2.0 Requirements for development plan

The development plan must include:

Dwelling density, design and private open space

- Provision for no more than 19 dwellings, generally in accordance with Drawing No. DA-01 Sorrento House Development Jan. 2005.

- Each dwelling to be provided with private open space in compliance with the standards (or alternatively to satisfy the relevant objectives) of Clause 55 of the Planning Scheme.

- Window treatments to all dwellings to provide an outlook and allow for natural ventilation.

- A private courtyard to be provided on the west side (rear) of each of the dwellings in ‘Sol Green House’.

- Separation of the private open space of the three dwellings in ‘Sol Green House’ not to include screens perpendicular to the front face of the building.

Maximum building height

- All new development on the site to have a maximum building height of no more than 8 metres and must contain no more than 2 storeys above natural ground level, excluding plumbing and other fittings. This does not apply to alterations or extensions to an existing building on the site if all of the following requirements are met:
  - The existing building has a building height of more than 8 metres.
  - The maximum building height of the existing building is not exceeded.
  - The external bulk of the building is not significantly increased.
  - The footprint of the upper storey, existing at the approval date, is not increased by more than 10%.
Front setback

- All dwellings to be set back a minimum of twenty two (22) metres from the Point Nepean Road frontage, as measured from the eastern boundary, so as to preserve the neighbourhood context and maximise views into the site and of the Vicarage on the adjoining property. No substantial buildings or structures should be sited within this front setback.

Building setbacks

- Any new buildings to be set back a minimum of seven (7) metres from the Boroondara Road frontage, and designed to address Boroondara Road, so as to protect the heritage value of the Cottage.

- Separation between the west wall of the Cottage and any new development of at least 2.24 metres and this area to be landscaped.

- A minimum setback of 11 metres from the south west corner of the site, with new development generally located above the embankment in this corner of the site.

Floor plans and elevations

- The location of all existing buildings, their floor plans and elevations, including details of any proposed external demolition.

- Plans of the proposed buildings, including building design, scale, floor plans, elevations, materials and finishes.

- The layout and number of car parking spaces and access ways.

- Landscaping treatments to individual dwellings as well as common areas which include the retention of all Canary Island Palms and the English Elm treeline along Point Nepean Road.

- The provision of all necessary infrastructure.

Heritage conservation

- A Conservation Management Plan to be prepared under the guidance of an experienced heritage practitioner to ensure appropriate conservation and enhancement of the existing heritage buildings.

- The leadlight window at the south east corner of ‘Sol Green House’ to be retained and any required new entry door to be relocated, possibly to the south face of the building, to the satisfaction of the responsible authority.

- New development to be designed so that the original fabric is distinguishable from the new elements in the heritage buildings.

- All new development to be designed to reflect the heritage character of the precinct, generally in accordance with Drawing Nos. DA-02 and DA-02.1, Sorrento House Development Jan. 2005.

- Any new entry treatment to be respectful of the heritage value of the site.

- The design of the new dwellings to reflect the historical context, in respect to forms, repetition of elements, design detail, scale and materials selection.

Fencing

- Perimeter fencing to be between 1.5 metres and 1.9 metres in height along Point Nepean Road and Boroondara Road, up to the car park area for the Cottage.

- Fencing along Boroondara Road, in front of the Cottage and extending to the west (side) boundary of the site, to be a maximum of one metre high. Details of the fence design is to be to the satisfaction of the responsible authority.
• Acoustic treatment of the southern fence to be provided to protect neighbouring properties, to the satisfaction of the responsible authority.

**Provision and location of parking areas, driveways and vehicular access points**

• Car spaces fronting Point Nepean Road to be located and treated so as not to interrupt views or detract from the heritage building or affect the health of the Elms. If this parking is in proximity of the Elms, a report is to be prepared by a suitably qualified and experienced arboriculturist and lodged with the responsible authority for approval.

• The car spaces provided for the Cottage to have a pervious surface treatment, such as gravel, and to not be enclosed or covered.

• Visitor car spaces to be provided on the site, with appropriate direction signage, in accordance with the provisions of Clause 55 of the Planning Scheme.

• The width of a driveway, if adjacent to the southern boundary, to be revised to maximise opportunity for planting along the southern boundary of the site.

• Entry and exit points off Point Nepean Road to be located so as to protect the mature Elms, based on a report of a qualified and experienced arboriculture consultant and to the satisfaction of the responsible authority.

• Vehicle access points to comply with VicRoads conditions.

**Sewerage**

• All new dwellings on the site to be connected to reticulated sewerage or an alternative system approved by the responsible authority.
SCHEDULE 13 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO13.

819 MELBOURNE ROAD AND 1 QUEENS ROAD, SORRENTO

The land at 819 Melbourne Road and 1 Queens Road, Sorrento has been identified as land suitable for infill development consisting of three dwellings that are designed to be consistent with the surrounding bayside and village neighbourhood character.

**Requirement before a permit is granted**

A permit may be granted to use land, construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the responsible authority.

**Requirements for development plan**

The development plan must show:

- The residential use and development of the land for no more than three dwellings and the subdivision of the land into three lots, each to contain a single dwelling, and no other use or development.

- The area and dimensions of the proposed lots shown, with no more than three lots being created and each lot having an area of at least 650 square metres.

- Vehicular access for each proposed lot being provided from Queens Road only.

- At least 35% of the area of each proposed lot to remain free from impervious surfaces.

- Building design including the use of building materials and roof and façade articulations that respect the prevailing built form and bayside village character of the neighbourhood.

- Landscaping of the land with a substantial amount of vegetation that is predominately indigenous to the locality and which contributes to:
  - Vegetation being the dominant visual and environmental feature of the local area.
  - Screen planting between dwellings and within the front setback of the proposed dwellings.
  - Creating a tree reserve along the Melbourne Road frontage to the satisfaction of the responsible authority.

- The use of ecological sustainable design (ESD) principles within the design of proposed development.
SCHEDULE 14 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO14.

110 BUNGOWER ROAD, MORNINGTON

This schedule applies to the land known as 110 Bungower Road, Mornington. The development plan provides for the coordinated medium density residential development of the land.

1.0

Requirement before a permit is granted

A permit may be granted for any of the following before a development plan has been prepared to the satisfaction of the responsible authority:

- A fence;
- The removal, lopping or destruction of native vegetation;
- Subdivision which will not prejudice the future use or development of the land;
- Works related to an environmental audit;
- Minor additions or alterations to existing buildings;
- The demolition of a building; and
- Temporary signage.

2.0

Conditions and requirements for permits

Any permit granted for residential development of the land must include the following condition:

Prior to the commencement of the development, an agreement between the landowner and the responsible authority under section 173 of the Planning and Environment Act 1987, or other arrangement to the satisfaction of the responsible authority, must be entered into that requires provision of intersection works and pedestrian and cycle path connections generally in accordance with the report DW5020 prepared by GTA Traffic and Transport Consultants (9 February, 2005) or otherwise to the satisfaction of the responsible authority.

3.0

Requirements for development plan

Before any medium density development of the land can be approved (i.e. development involving a density of development greater than 1 dwelling for every 500 square metres of site area), a development plan setting out the elements of the proposed medium density development and addressing the following matters, must be prepared to the satisfaction of the responsible authority:

Plans

Development layout plan

A development layout plan, including:

- The development layout, comprising not less than 30 dwellings and no more than 50 dwellings of single or double storey construction;
- A bicycle and pedestrian path network which complements the internal road network into, through and out of the site;
- Open space to be provided for passive and active recreation in a dispersed manner throughout the site with a principle open space area located toward the southern end of the land and provision for an external pedestrian connection to the south or east, all to the satisfaction of the responsible authority;
- A drainage management strategy and plan which details both underground and overland flow design; and
Any staging of the development of the land.

**Landscape master plan**

A landscape master plan including:

- Details of key design principles and species selected throughout road reserves, along the sites key external interfaces and within the proposed public open space area(s); and
- Details about how key linkages beyond the site are to be enhanced through landscaping treatments of the land.

**Traffic and access plan and report**

A traffic and access plan and report prepared by a traffic engineer who is a member of the Australian Institute of Traffic Planning and Management, or similar. The traffic plan and report must address the following matters:

- Road design and layout, showing all access points, details of proposed intersection treatments, and appropriate detail to ensure expected vehicular traffic (e.g. cars, Council service vehicles) can adequately manoeuvre on the site;
- An assessment of the expected traffic impacts associated with the development; and
- Design details of any relevant traffic management measures.

All required traffic management measures (e.g. pedestrian crossings, and intersection treatments) must be to the satisfaction of the responsible authority and, where relevant, the Roads Corporation.
SCHEDULE 15 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO15.

1889 TO 1897 POINT NEPEAN ROAD, TOOTGAROOK

The land at 1889 to 1897 Point Nepean Road, Tootgarook being Lots 60, 61 and 62 on LP9388 has been identified as land suitable for strategic infill development which is responsive to the bayside and village coastal character of Point Nepean Road, Tootgarook.

1.0 Requirement before a permit is granted

A permit may be granted to use any existing building on the land before a development plan has been prepared to the satisfaction of the responsible authority.

2.0 Requirements for development plan

The development plan must show:

- Land at 1895 to 1897 Point Nepean Road being used for residential use and development that, in total, comprises of no more than six dwellings with six associated lots.

- The exclusive commercial use of the ground floor of 1889 Point Nepean Road other than the provision for access to any dwellings on the first floor.

- The setback of buildings at 1895 to 1897 Point Nepean Road gradually staggered from the commercial development at 1889 Point Nepean Road to provide for a transition of the development. The frontage setback of the western most unit on 1897 Point Nepean Road must be no less than 9 metres from the frontage. Porches, pergolas and verandahs less than 3.6 metres high may encroach not more than 2.5 metres into the frontage setback.

- The height of buildings must not exceed:
  - 6 metres within 7.5 metres of the western boundary; and
  - 8 metres in other parts of the site.

- Weather protection along retail frontages adjoining Point Nepean Road and Carmichael Street.

- Roof decks or terraces may only be incorporated over any single storey component of the development and should provide satisfactory privacy screening and setbacks.

- Development designed to reinforce the established rhythm of development in Point Nepean Road, avoid a continuous and repetitive built form, minimise building bulk, and avoid external views of blank walls. This should be achieved through the use of setbacks, façade articulations, landscaping and the incorporation of a variety of building materials, roof forms and fence treatments.

- All vehicular access/egress to be gained from Carmichael Street including a right of access to 1899 Point Nepean Road.

- The number and layout of car parking spaces and loading areas.

- A landscape plan which shows:
  - Vegetation that is predominately indigenous to integrate the development with the surrounding environment.
  - Screen planting with advanced plants along the southern boundary.
  - Planting within the building setback from the western boundary of advanced plants that will grow to at least the height of the building.
  - Groupings of plants with a height at least greater than fence height within the setback from the Point Nepean Road frontage.
SCHEDULE 16 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO16.

2079 POINT NEPEAN ROAD, RYE DEVELOPMENT PLAN

The land at 2079 Point Nepean Road, Rye being Lot 1 on TP 199166M has been identified as a strategic redevelopment site that provides opportunities for residential development at a density greater than can be usually permitted under the Design and Development Overlay, Schedule 2 – Bayside and village design.

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 but only if one of the following requirements is met:

- The permit is to use an existing building.
- The permit is for the use, development or subdivision of the whole of the land affected by this Overlay Schedule and is to provide for a total of four or less dwellings.

2.0 Requirements for development plan

The development plan must show:

- The area and dimensions of all proposed lots, with no more than eight lots and no more than eight dwellings.
- The number, setbacks and dimensions of building envelopes all in accordance with the following requirements:
  - The building envelopes must be setback at least 7.5 metres from Richardson Street and at least 10 metres from Point Nepean Road.
  - There must be no more than two building envelopes adjacent to the Point Nepean Road frontage.
  - Building envelopes must have the following maximum building heights:
    - for envelopes that are adjacent to Point Nepean Road, 6.5 metres or less above natural ground level; and,
    - for all other envelopes, 8 metres or less with no more than 2 storeys above natural ground level.
- No roof decks or terraces other than any that maybe situated immediately above a single storey development component.
- All vehicular access and egress to be gained from Richardson Street.
- Pedestrian access only to be gained from Point Nepean Road.
- Existing crossovers to Point Nepean Rd removed and surfaces revegetated.
- A landscape plan which shows:
  - Vegetation that is predominantly indigenous to integrate the development with the surrounding environment.
  - Groupings of plants with a height at least greater than fence height within the setback from the Point Nepean Road frontage.
SCHEDULE 17 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO17.

NO 23 – 25 ROSEBUD PARADE, ROSEBUD

No. 23 – 25 Rosebud Parade, Rosebud is located within the Rosebud Activity Centre and adjoins medium density housing to the north and east. The purpose of the development plan is to recognise the constraints and opportunities associated with this location in terms of the provision of retirement living. It is intended to facilitate the use and development of 23 – 25 Rosebud Parade, Rosebud for the purpose of a Retirement Village to service the ‘aging in place’ needs of Rosebud residents and the broader Peninsula district. Given the location of 23 – 25 Rosebud Parade, Rosebud within an established residential area with adjoining existing dwellings, it is essential to ensure an integrated design and the minimisation of off-site amenity impacts.

1.0 Requirement before a permit is granted

A permit may be granted before a development plan has been prepared for any use or development allowable under the Residential 1 Zone or any other relevant provision of this scheme.

2.0 Requirements for development plan

The development plan must provide for the use and development of 23 – 25 Rosebud Parade, Rosebud for the purpose of a retirement village that:

- is generally in accordance with the objectives;
- includes the plans; and
- meets the performance standards

all as set down below.

Use and design objectives

- To recognise the site as an appropriate location for a Retirement Village.
- To promote well designed aged accommodation that meets the needs of future occupants.
- To ensure that the height and bulk of new development responds to the existing built scale and neighbourhood character of the area.
- To encourage built form that does not cause unreasonable amenity impacts on adjacent residential areas and in particular minimises the impact of overlooking, overshadowing, noise and visual bulk.
- To ensure that adequate provision is made for on-site parking for residents, staff and visitors.
- To ensure that the development provides appropriate facilities and amenities for residents.

Operational and services plan

An operational and services plan, including details in regard to the level of care to be provided to residents and the range of services and facilities to be provided.

Neighbourhood context and site description plan

A neighbourhood context and site description plan including all of the following:

- The built form, scale and character of surrounding development, including front fencing.
- Levels of the site and the difference in levels between the site and surrounding properties.
- The location of all existing buildings on site.
- The location of adjoining secluded private open space and habitable room windows which have an outlook to the site within 9 metres of the site.
- Location of any significant trees on the site.
- Street frontage features such as poles, street trees and kerb services.
- Any other notable features or characteristics of the site.

**Design response plan**
A design response plan which explains how the proposed design derives from and responds to the neighbourhood and site description, and meets the objectives of clause 55 of this planning scheme, including plans drawn to scale showing all of the following:

- Site layout and floor plans.
- Building setbacks.
- Building heights.
- Elevations.
- Proposed landscaping of the site.
- The location and width of all vehicle and pedestrian paths.
- Car parking and loading areas.
- Storage areas.
- Waste collection areas.

**Car Parking and traffic management plan**
A car parking and traffic management plan in accordance with the performance standards specified in this schedule.

**Landscaping plan**
A landscaping plan including the identification of all species, landscaping treatments and the location of fencing.

**Waste management plan**
A waste management plan indicating arrangements for the storage, collection and disposal of all wastes.

**Stormwater management plan**
A stormwater management plan having regard to water sensitive urban design principles.

**Performance standards**
The development plan must provide for a development which will meet the following performance standards:

**Building envelope**
- A building envelope substantially in accordance with the plan shown at Figure 1 of this schedule.

**Building height**
- A maximum building height of 13.5 metres.
- No more than 3 storeys above the natural ground level.

**Side, rear and upper storey setbacks**
- The side and rear setbacks standard B17 in clause 55.04-1 of this planning scheme provided that no setback is less than a minimum setback shown in the following table:
### Boundary

<table>
<thead>
<tr>
<th>Boundary</th>
<th>Minimum setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northern side boundary adjoining 72 Jetty Road</td>
<td>6 metres</td>
</tr>
<tr>
<td>Eastern side boundary</td>
<td>6 metres</td>
</tr>
<tr>
<td>Southern side boundary</td>
<td>4 metres</td>
</tr>
</tbody>
</table>

### Interface with neighbours

- Each side of the building designed to respond to the direction it faces and providing for a sensitive interface with adjoining occupancies including the articulation of elements and variations of wall planes to provide a degree of visual interest.

### Overlooking

- The eastern façade to be architecturally sensitive to the direct view from the private open space along the eastern boundary, including a setback on the upper storey.
- The overlooking standard B22 in clause 55.04-6 of this planning scheme.

### Light and ventilation

- Measures to optimise access to natural light and where possible natural ventilation.

### Overshadowing open space

- The overshadowing open space standard B21 in clause 55.04-5 of this planning scheme.

### North facing windows

- The north-facing window standard B20 in clause 55.04-4 of this planning scheme.

### Noise impacts

- Avoidance or mitigation of off-site impacts particularly from loading activities.
- The noise impacts standard B24 in clause 55.04-8 of this planning scheme.

### Public realm

- Communal facilities located at the front of the building and landscaping to address the public realm of Rosebud Parade.
- A footpath on Rosebud Parade extending from the land to Mc Dowell Street.

### Car parking

- The provision of a separate loading area.
- The following car parking requirements:
  - 0.85 car spaces per each unit for residents;
  - 1 car space per every 8 units for visitors;
  - 1 car parking space per full-time employee on site at any one time;
  - A minimum of 3 spaces for staff/visitors;
  - 13 spaces for bicycle parking; and
  - 6 spaces for mobility scooters.
- The responsible authority may waive or reduce the number of required car spaces, having regard to the decision guidelines in clause 52.06-1 of this planning scheme.
Landscaping

- The provision for planting a minimum of eight canopy trees, providing raised garden beds for resident use, and outdoor footpaths.
- The use of local indigenous species where appropriate.
- The provision of outdoor recreation areas, including a sheltered area.
Figure 1 – Building Envelope Plan
SCHEDULE 18 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO18.

1A AND 1B JETTY ROAD, ROSEBUD

The land at 1A and 1B Jetty Road, Rosebud is located within the Rosebud Activity Centre and adjoins medium density housing to the east. The purpose of the development plan is to recognise the constraints and opportunities associated with the location in terms of the provision of a 3 storey mixed use development. It is intended to facilitate the development of 1A and 1B Jetty Road, Rosebud for the purpose of a 3 storey building comprising basement parking, restaurant(s)/café(s) at ground level and medium density residential development at all levels. Given the location of 1A and 1B Jetty Road, it is essential that the design be of an exemplary standard that includes sensitive responses to its context and that minimises off-site amenity impacts. The building design is to include articulation of the development into a series of semi-distinct forms, through variations to setbacks, wall planes, building heights, materials, finishes and colours.

1.0 Requirement before a permit is granted

A permit may be granted before a development plan has been prepared for any use or development allowable under the applicable zone or any other relevant provision of this scheme.

2.0 Conditions and requirements for permits

A permit granted in accordance with the development plan must include the following requirement:

- The provision of any mitigation works at the Point Nepean Road and Jetty Road intersection recommended in the Transport Impact Assessment Report.

A permit granted in accordance with the development plan must include the following condition:

- Except with the further consent of the responsible authority:
  - (a) The restaurant(s) must operate only between the following hours:
    - (i) Monday to Sunday: 7:00 a.m. to 11:00 p.m. (indoors).
    - (ii) Sunday to Thursday: 7:00 a.m. to 9.00 p.m. (outdoors).
    - (iii) Friday to Saturday: 7:00 a.m. to 10.00 p.m. (outdoors).
  - (b) The café(s) must operate only between the following hours:
    - (i) Monday to Sunday: 7:00 a.m. to 11:00 p.m. (indoors).
    - (ii) Monday to Sunday: 7:00 a.m. to 9.00 p.m. (outdoors).
  - (c) Any bi-fold doors, doors and/or windows associated with the restaurant(s) and/or café(s) must be closed at the same time any outdoor area is not permitted to be used.

3.0 Requirements for development plan

The development plan must provide for:

Land use

- Restaurant(s) and/or café(s) at ground level, with combined seating for not more than 200 patrons.
- Medium density residential development at all levels.

Development

- All the following design requirements:
Building height and setbacks

- A building must have a maximum wall height of no more than 11 metres, a maximum building height of no more than 13.5 metres and must contain no more than 3 storeys above natural ground level.
- The building setback to the eastern boundary must comply with Standard B17 in Clause 55.04-1.
- The building setback to the northern boundary (adjoining the foreshore) and the southern boundary (adjoining Point Nepean Road) must not be less than 7 metres and the average building setback of each storey to these boundaries must not be less than 10 metres. The setback to these boundaries of the basement wall must not be less than 5 metres.
- The average building setback to the western boundary (adjoining Jetty Road) must not be less than 2 metres.
- The above setbacks do not apply to eaves, balustrades, privacy screening devices and planter boxes; however, such building elements - except eaves - must not encroach into the road reserve of Jetty Road.

Provisions to protect the amenity of adjoining land

- Overshadowing Standard B21 in Clause 55.04-5.
- Overlooking Standard B22 in Clause 55.04-6.
- Provision of tree protection zones to the relevant Australian Standard to ensure protection of existing trees located in the coastal reserve to the land’s northern boundary.

Transport Impact Assessment Report and mitigation works

- The vehicular access off Jetty Road in accordance with a Transport Impact Assessment Report that includes an assessment of the potential impact the development and the access arrangement would have on the Point Nepean Road and Jetty Road intersection, as well as any need for mitigation works at the intersection.

Car and bicycle parking

- On site car and bicycle parking provision including at least all of the following:
  - 1 car parking space for each one and two bedroom dwelling;
  - 2 car parking spaces for each three bedroom dwelling;
  - 1 visitor car parking space for every 5 dwellings;
  - car parking for the restaurant(s)/café(s) to the satisfaction of the responsible authority, with at a minimum 14 car spaces; and
  - 5 bicycle parking spaces.

Building design

- A layout and elevations plan substantially in accordance with Figure 1 of this clause.
- Stormwater treatment in accordance with a Storm Water Management Plan prepared to the satisfaction of the responsible authority, having regard to water sensitive urban design principles.
- Measures to optimise access to natural light and where possible natural ventilation.
- Measures to ensure avoidance of off-site impacts.

Landscaping

- All the following landscaping requirements:
  - Nomination of the areas set aside for landscaping of the land;
- A schedule of all proposed and existing trees to be retained, shrub and ground cover, including the location and size at maturity of all plants, and botanical names;
- More than 80% indigenous planting on the site;
- Sight distance for vehicles and pedestrians not to be unduly restricted at the exit from the site by fencing or landscaping works; and
- The location and type of fencing.

**Figure 1**

**Massing Diagram to the North**

**Massing Diagram to the East**
Massing Diagram to the South

Massing Diagram to the West
SCHEDULE 19 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO19**.

**MORNINGTON NORTH OUTLINE DEVELOPMENT PLAN - PRECINCT 1B**

This schedule applies to land at 141 – 173 Bungower Road and part 71 Baldock Road, Mornington. This land is identified as Precinct 1B on Map 1 of Clause 22.21 - Mornington North Policy. The purpose of this Overlay is to establish key parameters for the subdivision of and housing development on this land, in line with that Policy.

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**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 to construct a building or construct or carry out works for:

- An alteration or extension to an existing dwelling that would increase the floor area by less than 50%.

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**2.0 Requirements for development plan**

The development plan must provide for all of the following requirements:

- The use and development of the land for the purpose of low-density residential lots, with a range of lot sizes ranging from 2,000 square metres to larger lot sizes in accordance with the following table:

<table>
<thead>
<tr>
<th>Boundary</th>
<th>Minimum lot sizes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lots along Baldock Road</td>
<td>0.6 hectare</td>
</tr>
<tr>
<td>Lots facing Bungower Road</td>
<td>0.3 hectare</td>
</tr>
</tbody>
</table>

- A subdivision layout showing:
  - Vehicular access only off the roundabout at Bungower Road.
  - Land for a 13 metre road widening along Bungower Road.
  - An internal road network that includes a 18 metre wide north-south road reserve that generally links the one vehicular access point with the railway line, a 16 metre wide road reserve along Bungower Road and a road pattern that minimises the use of courts.
  - A pedestrian and bicycle network along the internal road network, with a 2.5 metre wide shared pedestrian/bicycle path along the internal north-south road, providing a link generally between Bungower Road and the railway line.
  - The provision of a public open space reserve in the south-west corner and a drainage reserve in the south-east corner.
  - The provision of tree reserves along Baldock Road (at least 6 metres wide), Bungower Road (at least 3 metres wide) and the railway line (at least 10 metres wide); with a 2.5 metre wide shared pedestrian/bicycle path shown in the last two reserves.
  - A 30 metre building setback from the land at 61 Baldock Road.

- A drainage report to determine the location of retardation basins and other drainage measures across the site.
SCHEDULE 21 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO21.

11-13 MOUNTAIN VIEW ROAD, MOUNT ELIZA

1.0 Requirement before a permit is granted

A permit may be granted to use land, construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the responsible authority.

2.0 Requirements for development plan

The development plan must show:

- A residential subdivision and no other use or development.
- The area and dimensions of the proposed lots, with no more than two lots being created.
SCHEDULE 22 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO22.

CARRINGTON PARK, ROSEBUD

1.0 Requirement before a permit is granted

A permit may be granted for any of the following before a Development Plan has been prepared to the satisfaction of the Responsible Authority, to use or subdivide land or to construct a building or carry out works for the following:

- Planning Permit CP14/002 granted by the Minister for Planning pursuant to Section 96I of the Planning and Environment Act 1987 on approval of Amendment C197 to the Mornington Peninsula Planning Scheme;
- Subdivision which will not prejudice the future use or development of the land;
- One dwelling on an existing lot, including outbuildings, provided it is the only dwelling on the lot;
- Extension, alteration or modification of an existing use or development.

2.0 Conditions and requirements for permits

All proposals to use or subdivide land, construct a building 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 development of the land.

3.0 Requirements for development plan

A Development Plan must be prepared to the satisfaction of the Responsible Authority, which is generally in accordance with the Development Concept Plan set out in Figure 1 and must include the following:

- Maintaining an appropriate setting for the existing building.
- Maintain public access to views of the existing building on the land.
- Create space to the north and west of the existing building that maintains views of its western façade and northwestern and southwestern corners from the primary access route to the land.
- Building envelopes in accordance with the Development Concept Plan shown at Figure 1 of this schedule.
- No more than 14 lots may be created in accordance with Figure 1 except the existing building on the land that is subject to a Heritage Overlay may be further subdivided for residential use with a maximum of four dwellings accommodated.
- Set maximum building heights for Lots 5, 6, and 7 to be expressed as levels to Australian Height Datum (AHD) to ensure the appropriate sharing of views from dwellings immediately to the east of the development plan area.
- The existing roofline of the clubhouse building must be retained in its original form.
- Define natural ground levels for each lot in accordance with the survey levels shown on Figure 4 to this schedule.
- Respects the surrounding subdivision pattern particularly the lot frontage width.
- Embraces the view lines shown at Figure 2 to this schedule.
- Recognises the constraints and opportunities shown at Figure 3 to this schedule.
- Designs new roads to reinforce the coastal village character of the area. In particular, shared surfaces are encouraged and the extent of roads should be minimised.
The lot layout to optimise good solar orientation, minimise opportunities for overlooking and overshadowing and encourage housing to front common areas for surveillance and amenity purposes.

Ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.

Demonstrate the achievement of ESD Best Practice Outcomes insofar as practicable with the objective of:

- Minimising greenhouse emissions associated with building energy use;
- Minimising greenhouse emissions associated with energy systems and energy supply;
- Encouraging the use of renewable energy systems;
- Achieving sustainable water cycle management through:
  - Efficient use of potable water supplies;
  - Recycling and reuse of alternative water sources;
  - Integration of stormwater treatment into the design of the common property and landscaped areas; and
- Optimising indoor environmental quality.

Design Guidelines to guide the future development of any lots resulting from the subdivision of the site. These guidelines shall not apply to the redevelopment of the existing building on the site and associated curtilage, which will be informed by the preparation of a Heritage Impact Statement and detailed Landscape Plan. The Design Guidelines must address the following matters and be generally in accordance with the design objectives set out below:

- Building setbacks;
- Building height;
- Built form character;
- Materials and finishes;
- Car parking;
- Driveways;
- Landform;
- Fencing;
- Outbuildings and Ancillary Items; and
- Landscaping.

Design Guidelines to promote the following design objectives:

- No more than one dwelling per lot excluding a dependent person’s unit is to be constructed on a lot;
- To ensure that the height and bulk of new development responds to the existing built scale and neighbourhood character of the area with a maximum building height of no more than 8 metres with no more than 2 storeys above natural ground level;
- To ensure that the height of any dwelling on Lots 5, 6 and 7 is subject to the following restrictions:
  - No part of any dwelling on these lots shall exceed 8 metres with no more than 2 storeys above natural ground level;
  - A maximum building height of RL112m AHD will apply to Lot 5 and 6; and
- A maximum building height of RL 107m AHD will apply to Lot 7. The specified maximum building height for Lot 7 is subject to architectural features, masts, or building services that do not exceed the maximum building height by more than one metre.

- To encourage built form that does not cause unreasonable amenity impacts on adjacent residential areas and in particular minimises the impact of overlooking, overshadowing, and visual bulk;

- To ensure that future development of any lot attains and maintains best practice ESD outcomes in accordance with the approved ESD Framework;

- Adopts contemporary building styles that achieve design excellence;

- Locates and designs buildings and landscaping to share views of Port Phillip Bay from individual dwellings both within and around the land maximising westerly views towards the Sorrento foreshore as shown at Figure 2 to this schedule;

- Steps built form to respond to topography and minimise cut and fill;

- To ensure that setbacks are consistent with the prevailing neighbourhood character;

- To ensure that adequate provision is made for on-site parking for residents and visitors;

- Avoids high and solid fence lines alongside common property; and

- Unfenced front gardens.

A Landscape Master Plan to realise the following objectives in developing the site:

- Protect the predominant landscape features of the surrounding locality;

- Ensure that landscaping appropriately addresses the purpose of the Bushfire Management Overlay provisions applying to the site;

- The landscape master plan must address the following matters:
  - Retention of significant trees and other vegetation that warrants protection and retention subject to achieving an appropriate outcome in terms of bushfire management; and
  - The adoption of a planting schedule for the land for the purpose of creating a cohesive planting theme across the site, and to ensure the protection and maintenance of existing significant trees on the land.
Figure 1 – Development Concept Plan

Figure 2 - Viewlines
Opportunities

**OP1** – Capitalise on the expansive views and vistas across Port Phillip Bay and along the Mornington Peninsula.

**OP2** – Retain and enhance the local landmark of the former Clubhouse building.

**OP3** – Complete the southern streetscape of Elizabeth Drive by filling in the current gap in streetscape built form.

**OP4** – The subject site is relatively large compared with the surrounding properties and therefore, represents an opportunity for infill development in keeping with the prevailing neighbourhood character.

**OP5** – Provide a pedestrian link across the subject site from Elizabeth Drive to the Two Bays Walking Track.

**OP6** – Retain significant trees of value.

Constraints

**C1** – Respond to the existing neighbourhood character to the north and west.

**C2** – Avoid unreasonable impacts on the amenity of existing neighbouring dwellings.

**C3** – Respond to the potential risk of bushfire and provide sufficient defensible space.

**C4** – Limit development to land within the Urban Growth Boundary.

**C5** – Minimise cut and fill.

Figure 3 – Opportunities and Constraint
EROSION MANAGEMENT OVERLAY

Shown on the planning scheme map as EMO with a number (if shown).

Purpose

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

To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.

Erosion management objectives and statement of risk

A schedule to this overlay may contain:

- Erosion management objectives to be achieved.
- A statement of risk.

Buildings and works

A permit is required to construct a building or construct or carry out works, including:

- Roadworks.
- Buildings and works associated with a dependent person’s unit.
- A domestic swimming pool or spa and associated mechanical and safety equipment.
- Any matter specified in Clause 62.02-2 if specified in a schedule to this overlay.

This does not apply if a schedule to this overlay specifically states that a permit is not required.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a fence.</td>
<td>Clause 59.05</td>
</tr>
<tr>
<td>Construct a building or construct or carry out works for:</td>
<td>Clause 59.05</td>
</tr>
<tr>
<td>▪ A carport, garage, pergola, verandah, deck, shed or similar structure.</td>
<td></td>
</tr>
<tr>
<td>▪ A rainwater tank.</td>
<td></td>
</tr>
<tr>
<td>The buildings and works must be associated with a dwelling.</td>
<td></td>
</tr>
</tbody>
</table>

Vegetation removal

A permit is required to remove, destroy or lop any vegetation. This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- If the table to Clause 44.01-4 specifically states that a permit is not required.
- To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.
## Table of exemptions

<table>
<thead>
<tr>
<th>The requirement to obtain a permit does not apply to:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Emergency works</strong></td>
<td>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 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>
<tr>
<td><strong>Extractive industry</strong></td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the <em>Mineral Resources (Sustainable Development) Act 1990</em> and authorised by a work authority granted under that Act.</td>
</tr>
<tr>
<td><strong>Fire protection</strong></td>
<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></td>
<td>• fire fighting;</td>
</tr>
<tr>
<td></td>
<td>• planned burning;</td>
</tr>
<tr>
<td></td>
<td>• making or maintenance of a fuelbreak or fire fighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;</td>
</tr>
<tr>
<td></td>
<td>• making of a strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <em>Conservation, Forests and Lands Act 1987</em>);</td>
</tr>
<tr>
<td></td>
<td>• is ground fuel within 30 metres of a building and is vegetation other than native vegetation;</td>
</tr>
<tr>
<td></td>
<td>• in accordance with a fire prevention notice issued under either:</td>
</tr>
<tr>
<td></td>
<td>-- Section 65 of the <em>Forests Act 1958</em>; or</td>
</tr>
<tr>
<td></td>
<td>-- Section 41 of the <em>Country Fire Authority Act 1958</em>.</td>
</tr>
<tr>
<td></td>
<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 <em>Electricity Safety Act 1998</em>;</td>
</tr>
<tr>
<td></td>
<td>• 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 <em>Conservation, Forests and Lands Act 1987</em>). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the <em>Road Management Act 2004</em>.</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*. |
| **Land use conditions** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the *Catchment and Land Protection Act 1994*. |
| **Mineral exploration and extraction** | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention licence issued under the *Mineral Resources (Sustainable Development) Act 1990*. |
The requirement to obtain a permit does not apply to:

- 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 or on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing public road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).

### Stone exploration
Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.

The maximum extent of vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:

- 1 hectare of vegetation which does not include a tree.
- 15 trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.
- 5 trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

This exemption does not apply to costeanning and bulk sampling activities.

### Surveying
Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the Surveying Act 2004) using hand-held tools to establish a sightline for the measurement of land.

### Traditional owners
Vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:
The requirement to obtain a permit does not apply to:

- a natural resources agreement under Part 6 of the *Traditional Owners Settlement Act 2010*; or
- an authorisation order made under sections 82 or 84 of the *Traditional Owner Settlement Act 2010* as those sections were in force immediately before the commencement of section 24 of the *Traditional owners Settlement Amendment Act* in 2016 (1 May 2017).

### Subdivision

A permit is required to subdivide land.

### Application requirements

An application must be accompanied by any information specified in a schedule to this overlay and information showing:

- The existing site conditions, including land gradient and the extent of any existing erosion, landslip or other land degradation.
- The extent of any proposed earthworks.
- The means proposed to stabilise disturbed areas.
- Any other application requirements specified in a schedule to this overlay.

### Exemption from notice and review

An application under this overlay is exempt from the notice requirements of sSection 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

### Decision guidelines

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

- Regional Catchment Strategy (*Catchment and Land Protection Act 1994*).
- Control of Erosion on Construction Sites, Soil Conservation Authority.
- *Your Dam, an Asset or a Liability*, Department of Conservation and Natural Resources.
- Any proposed measures to manage concentrated runoff and site drainage.
- Any proposed measures to minimise the extent of soil disturbance.
- Whether the removal of vegetation will increase the possibility of erosion, the susceptibility to landslip or other land degradation processes, and whether such removal is consistent with sustainable land management.
- The need to stabilise disturbed areas by engineering works or revegetation.
- Whether the land is capable of providing a building envelope which is not subject to high or severe erosion concern.
- Whether buildings or works are likely to cause erosion or landslip.
- Whether access and servicing of the site or building envelope is likely to result in erosion or landslip.
- Land Capability Report (if prepared) as developed by the Department of Environment, Land, Water and Planning.
- The need to remove, destroy or lop vegetation to a create defendable space to reduce the risk of bushfire to life and property.
- Any technical information or reports required to be provided by a schedule to this overlay.
- Any other matters specified in a schedule to this overlay.
SCHEDULE 1 TO THE EROSION MANAGEMENT OVERLAY

Shown on the planning scheme map as EMO1.

1.0 Permit requirement

A permit is required for:

- 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 3 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.
SCHEDULE 2 TO THE EROSION MANAGEMENT OVERLAY

Shown on the planning scheme map as EMO2.

1.0 Permit requirement

A permit is required for:

- 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 3 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.
SCHEDULE 3 TO THE EROSION MANAGEMENT OVERLAY

Shown on the planning scheme map as EMO3.

1.0 Permit requirement

A permit is required for:

- 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 3 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.

An application must be accompanied by:

- A two-part report prepared by a suitably qualified geotechnical engineer with experience in slope stability. Part one of the report is to be a site specific geotechnical engineering assessment including:
  - Study of geological and topographic maps.
  - Consideration of available data about the site and its surrounding area (including previous instability, seepage and building distress) and details of the proposed development.
  - Appraisal of the site and surrounding areas, including signs of instability and soil creep, soil and rock exposures, seepage, vegetation and existing development which might affect the stability of the area.
  - Collection of basic geological and topographic data from the site to produce a geological model.
  - Consideration of possible effects of high rainfall.
  - A recommendation as to whether a geotechnical engineering investigation (e.g. borehole drilling, test pits, groundwater studies, laboratory testing, engineering analysis) should be undertaken.

Part two of the report, being a geotechnical engineering investigation, is required if any of the following apply:

- The land is affected by zone IV of the incorporated document titled, Figure 3 Mornington Peninsula Shire Council Ballar Creek, Mount Eliza Landslide Zone Plan dated 11 July 2000.
- A geotechnical engineering investigation is appropriate in view of Part one of the report.
- A review of the above report by an independent and suitably qualified geotechnical engineer with experience in slope stability.
- Details of the qualifications and relevant experience of the authors of both the report and the review.
- Evidence that Melbourne Water’s views about the application have been sought.

The responsible authority may waive any of these requirements if they are unnecessary given the circumstances of the application.
SCHEDULE 4 TO THE EROSION MANAGEMENT OVERLAY

Shown on the planning scheme map as EMO4.

1.0 Permit Requirement

A permit is not required to construct a building or construct or carry out works if there is no increase in building height, no ground disturbance and no change to stormwater runoff.

An application must be accompanied by:

- A site specific geotechnical hazard and risk assessment report prepared by a suitably qualified geotechnical engineer or engineering geologist with experience in landslide risk assessment. This report must contain:
  - A record of the plans for the proposed development that have been examined.
  - The results of a geotechnical investigation including:
    - A site history of land use and development, including any signs of movement, which is informed by consultation with land owners or residents.
    - Geological and topographic information including references to relevant maps.
    - Findings from a detailed inspection of the site in the context of its surrounds, including geomorphic features, details of any development or earthworks and any signs of movement. The likelihood of any pre-existing slope failures on the site needs to be assessed, even if disguised by onsite developments and erosion.
    - Analysis of an historical sequence of aerial photographs.
    - An inventory of the location, nature and extent of individual landslides in the area sourced from the Shire’s landslide inventory or other relevant historical documents.
    - An assessment of the likely groundwater levels including responses to rainfall events.
    - At least three boreholes to a minimum depth of five metres.
    - Appropriate undisturbed sampling, Standard Penetrometer testing or coring of rock, whichever is appropriate.
    - Appropriate geotechnical testing in an ISO/IEC 170125 accredited soil laboratory to confirm the geotechnical shear strength design parameters, or at least sufficient testing to determine the shear strength by established correlations.
    - A geotechnical model including identification of geomorphic processes, with associated cross – sections.
    - A computer slope stability assessment of the site including the proposed development and any cuts or filled areas.
  - A geotechnical hazard assessment including:
    - A description of any landslide hazard including the location, volume (or area), classification and velocity of any potential landslide, any resultant detached material and the probability of occurrence within a given period of time.
    - The elements that may be potentially affected by any landslide hazard including population, buildings, engineering works, economic activities, utilities, infrastructure or environmental features in the area.
  - If any of the land is also affected by EMO 5, a quantitative risk assessment of the site in accordance with the Australian Geomechanics Society, (2007c) Practice Note Guidelines for Landslide Risk Management, Vol. 42, No. 1, Australian Geomechanics, March 2007 procedures for loss of life and either quantitative or qualitative for property loss.
- A discussion and recommendation about whether the site is suitable for the proposed development; including whether or not conditions should be imposed about the following matters:

  - The design methodology for any buildings or works.
  - Site restrictions.
  - On-going site management, during and post construction, conducted by a suitably qualified geotechnical engineer or engineering geologist with experience in landslide risk assessment.
  - A monitoring, inspection and maintenance regime conducted by a suitably qualified geotechnical engineer or engineering geologist who is experienced in slope stability assessments; including whether any such regime should apply for the life of a development.
  - Other risk mitigation measures.

If conditions are recommended, specific details must be provided.

- A review of the above report by an independent and suitably qualified geotechnical engineer or engineering geologist with experience in landslide risk assessment.

- Details of the qualifications, professional recognition, level of professional indemnity and relevant experience of the authors of both the report and the peer review.


If any of these requirements are unnecessary given the circumstances of the application, they may be waived to the satisfaction of the responsible authority.

In deciding whether or not to waive any of the above requirements, the responsible authority will consider, as appropriate:

- Whether the proposed building or works generally presents a very low or low risk to life and property.

- Whether the proposed building or works are a minor extension or alteration of an existing development.

- Whether any earthworks have a depth of one metre or less from natural ground level.


- Whether the lot is also affected by Erosion Management Overlay 5 (EMO5). (If so, it may be inappropriate to waive the risk assessment, peer review or Declaration requirement as these are generally necessary in the EMO5.

- The qualifications, depth and relevance of experience and professional recognition of any geotechnical practitioner who has made a declaration or report.
1.0 Permit requirement

A permit is not required to construct a building or construct or carry out works if there is no increase in building height, no ground disturbance and no change to stormwater runoff.

An application must be accompanied by:

- A site specific geotechnical hazard and risk assessment report prepared by a suitably qualified geotechnical engineer or engineering geologist with experience in landslide risk assessment. This report must contain:
  - A record of the plans for the proposed development that have been examined.
  - The results of a geotechnical investigation including:
    - A site history of land use and development, including any signs of movement, which is informed by consultation with land owners or residents.
    - Geological and topographic information including references to relevant maps.
    - Findings from a detailed inspection of the site in the context of its surrounds, including geomorphologic features, details of any development or earthworks and any signs of movement. The likelihood of any pre-existing slope failures on the site needs to be assessed, even if disguised by onsite developments and erosion.
  - Analysis of an historical sequence of aerial photographs.
  - An inventory of the location, nature and extent of individual landslides in the area sourced from the Shire’s landslide inventory or other relevant historical documents.
  - An assessment of the likely groundwater levels including responses to rainfall events.
  - At least three boreholes to a minimum depth of twelve metres.
  - Appropriate undisturbed sampling, Standard Penetrometer testing or coring of rock, whichever is appropriate.
  - Appropriate geotechnical testing in an ISO/IEC 170125 accredited soil laboratory which, as a guide, would involve some of the following: direct shear tests, appropriate triaxial compression tests, Atterberg limits or particle size distributions.
  - A geotechnical model including identification of geomorphic processes, with associated cross – sections.
  - A computer slope stability assessment of the site including the proposed development and any cuts or filled areas.
  - A geotechnical hazard assessment including:
    - A description of any landslide hazard including the location, volume (or area), classification and velocity of any potential landslide, any resultant detached material and the probability of occurrence within a given period of time.
    - The elements that may be potentially affected by any landslide hazard including population, buildings, engineering works, economic activities, utilities, infrastructure or environmental features in the area.
A discussion and recommendation about whether the site is suitable for the proposed development; including whether or not conditions should be imposed about the following matters:

- The design methodology for any buildings or works.
- Site restrictions.
- On-going site management, during and post construction, conducted by a suitably qualified geotechnical engineer or engineering geologist with experience in landslide risk assessment.
- A monitoring, inspection and maintenance regime conducted by a suitably qualified geotechnical engineer or engineering geologist who is experienced in slope stability assessments; including whether any such regime should apply for the life of a development.
- Other risk mitigation measures.

If conditions are recommended, specific details must be provided.

- A review of the above report by an independent and suitably qualified geotechnical engineer or engineering geologist with experience in landslide risk assessment.
- Details of the qualifications, professional recognition, level of professional indemnity and relevant experience of the authors of both the report and the peer review.

If any of these information requirements are unnecessary given the circumstances of the application, they may be waived to the satisfaction of the responsible authority.

In deciding whether or not to waive any of the above requirements, the responsible authority will consider, as appropriate:

- Whether the proposed building or works generally presents a very low or low risk to life and property.
- Whether the proposed building or works are a minor extension or alteration of an existing development.
- Whether any earthworks have a depth of one metre or less from natural ground level.
- Whether in view of any Declaration of Minor Impact, a risk assessment, peer review and Declaration requirement are considered to be generally necessary.
- The qualifications, depth and relevance of experience and professional recognition of any geotechnical practitioner who has made a declaration or report.
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.

44.03-3

**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.

44.03-4

**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 THE FLOODWAY OVERLAY

Shown on the planning scheme map as FO.

1.0

Permit requirement

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-FO.

1.0

Land subject to inundation objectives to be achieved

None specified.

2.0

Statement of risk

None specified.

3.0

Permit requirement

Rural Zones (all areas under Clause 35 of the Mornington Peninsula Planning Scheme)

A permit is not required to construct a building or construct or carry out works associated with the following use or works, unless within 30m of a waterway:

- Works associated with vine or horticultural trellises or watering systems.
- Dams less than 3000 cubic metres capacity, where no fill is imported to the site and where no embankment is above natural ground level.
- Windmills and solar units.
- Outbuildings less than 10 square metres gross floor area, including a pump shed.
- A building or structure not used for Accommodation with a minimum of one wall fully and permanently open, such as hay sheds, cattleyard, covered horse stables or yards.
- Buildings or works in accordance with a whole farm plan prepared to the satisfaction of the Responsible Authority and Melbourne Water Corporation.

Urban Areas (all areas Under clause 32, 33 and 34 of the Mornington Peninsula Planning Scheme)

A permit is not required to construct a building or construct or carry out works for any of the following, unless within 30m of a waterway:

- An extension to an existing dwelling, provided the proposed floor level is at or above the highest point of the existing floor level and the gross floor area of the extension does not exceed 20 square metres.
- A non-habitable building (other than a building associated with the use of land for industry or for a public or commercial activity), provided that the floor levels are above the applicable levels set by the relevant floodplain management authority.
- An extension to a non-habitable building (other than a building associated with the use of land for industry or for a public or commercial activity), provided that the floor levels are above the applicable levels set by the relevant floodplain management authority.
- Outbuildings and works normal to an existing dwelling, including a deck or verandah with a floor area no greater than 20 square metres, landscaping, a pergola, driveway, carport, in-ground swimming pool and associated fencing, barbeques and water tank.
- A footpath, bicycle path or elevated boardwalk, provided that they are constructed at ground level.
- A boardwalk, provided that the new surface levels are above the applicable levels set by the relevant floodplain management authority.
- An upper storey extension to an existing building within the existing building footprint.
- An open building with no walls.
- A replacement fence of the same material as the existing fence, in the same location.
- A tennis court or other sports ground at natural ground level.
- A radio mast, telecommunications tower, antenna, power pole or light pole.
- A non-domestic disabled access ramp.
- An outdoor advertising sign/structure, provided that it does not alter flows or floodplain storage capacity.
- Earthworks associated with the construction of a dam, provided no fill is imported to the site and no embankment is above ground level.

**Public Land Zones (all areas Under Clause 36 of the Mornington Peninsula Planning Scheme)**

A permit is not required to construct a building or construct or carry out works for any of the following:

- An extension to an existing building, provided the proposed floor level is at or above the highest point of the existing floor level and the gross floor area of the extension does not exceed 20 square metres.
- A deck or verandah associated with an existing building with a floor area no greater than 20 square metres.
- A footpath, bicycle path or elevated boardwalk, provided that they are constructed at ground level.
- A boardwalk, provided that the new surface levels are above the applicable levels set by the relevant floodplain management authority.
- An upper storey extension to an existing building within the existing building footprint.
- An open building with no walls.
- A replacement fence of the same material as the existing fence, in the same location.
- A tennis court or other sports ground at natural ground level.
- A radio mast, telecommunications tower, antenna, power pole or light pole.
- A non-domestic disabled access ramp.
- An outdoor advertising sign/structure, provided that it does not alter flows or floodplain storage capacity.

**4.0 Application requirements**

None specified.

**5.0 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.

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**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.

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**Permit requirement**

**Subdivision**

A permit is required to subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.

**Buildings and works**

A permit is required to construct a building or construct or carry out works associated with the following uses:

- Accommodation (including a Dependent person’s unit)
- Education centre
- Hospital
- Industry
- Leisure and recreation
- Office
- Place of assembly
- Retail premises
- Service station
- Timber production
- Warehouse

This does not apply to any of the following:

- If a schedule to this overlay specifically states that a permit is not required.
- A building or works consistent with an agreement under Section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of Clause 44.06-5.
- An alteration or extension to an existing building used for a dwelling or a dependent person’s unit that is less than 50 percent of the gross floor area of the existing building.
- An alteration or extension to an existing building (excluding a dwelling and a dependent person’s unit) that is less than 10 percent of the gross floor area of the existing building.
- A building or works with a floor area of less than 100 square metres not used for accommodation and ancillary to a dwelling.

- A building or works associated with Timber production provided the buildings or works are not within 150 metres of Accommodation or land zoned for residential or rural residential purposes.

### Application requirements

Unless a schedule to this overlay specifies different requirements, an application must be accompanied by:

- A **bushfire hazard site assessment** including a plan that describes the bushfire hazard within 150 metres of the proposed development. The description of the hazard must be prepared in accordance with Sections 2.2.3 to 2.2.5 of AS3959:2009 Construction of buildings in bushfire prone areas (Standards Australia) excluding paragraph (a) of section 2.2.3.2. Photographs or other techniques may be used to assist in describing the bushfire hazard.

- A **bushfire hazard landscape assessment** including a plan that describes the bushfire hazard of the general locality more than 150 metres from the site. Photographs or other techniques may be used to assist in describing the bushfire hazard. This requirement does not apply to a dwelling that includes all of the approved measures specified in Clause 53.02-3.

- A **bushfire management statement** describing how the proposed development responds to the requirements in this clause and Clause 53.02. If the application proposes an alternative measure, the bushfire management statement must explain how the alternative measure meets the relevant objective.

If in the opinion of the responsible authority any part of these requirements is not relevant to the assessment of an application, the responsible authority may waive, vary or reduce the requirement.

### Requirements of Clause 53.02

An application must meet the requirements of Clause 53.02 unless the application meets all of the requirements specified in a schedule to this overlay.

A schedule to this overlay may specify substitute approved measures, additional alternative measures and additional or substitute decision guidelines for the purposes of Clause 53.02.

### Mandatory condition

**Subdivision**

A permit which creates a lot for a single dwelling on land zoned for residential or rural residential purposes must include the following condition:

“Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:

- State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the [*insert name of applicable planning scheme] Planning Scheme.

- Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.

- State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.”
This does not apply:

- If a schedule to this overlay specifies that a Section 173 Agreement is not required.
- Where the relevant fire authority states in writing the preparation of an agreement under Section 173 of the Act is not required for the subdivision.
- For the subdivision of the land into lots each containing an existing dwelling or car parking space.

A permit to subdivide land must include any condition specified in a schedule to this overlay.

**Buildings and works**

A permit to construct a building or construct or carry out works must include the following condition:

> “The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.”

A permit allowing a dwelling to be constructed to the next lower bushfire attack level in accordance with AM1.2 in Clause 53.02-3 must include the following condition:

> “Before the development starts, the owner must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 to provide for the following:

- A dwelling constructed in accordance with planning permit [*insert planning permit reference] must not be occupied until a private bushfire shelter (a 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.

44.06-9
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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.

MORNINGTON PENINSULA 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 2 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
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
Notice and review
None specified.

10.0
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.

MORNINGTON PENINSULA 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 2 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  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  Notice and review
None specified.

10.0  Decision guidelines
Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider whether all of the bushfire protection measures in this schedule have been met.
PUBLIC ACQUISITION OVERLAY

Shown on the planning scheme map as PAO with a number.

Purpose

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

To identify land which is proposed to be acquired by a Minister, public authority or municipal council.

To reserve land for a public purpose and to ensure that changes to the use or development of the land do not prejudice the purpose for which the land is to be acquired.

To designate a Minister, public authority or municipal council as an acquiring authority for land reserved for a public purpose.

Permit required

A permit is required to:

- Use land for any Section 1 or Section 2 use in the zone.

- Construct a building or construct or carry out works, including:
  - A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
  - A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
  - A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.

- Damage, demolish or remove a building or works.

- Damage, remove, destroy or lop any vegetation. This does not apply:
  - If the vegetation has been planted for pasture, timber production or any other crop.
  - To any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the Electricity Safety Act 1998.
  - If the vegetation presents an immediate risk of personal injury or damage to property.

- Subdivide land.

This does not apply:

- To the acquiring authority for the land if the land has been acquired and any of the above matters for which a permit is required is consistent with the purpose for which the land was acquired.

- To an authority or a municipal council if the responsible authority, after consulting with the acquiring authority for the land, is satisfied that any of the above matters for which a permit is required is consistent with the purpose for which the land is to be acquired.

Exemption from notice and review

An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.
Referral of applications

An application must be referred under Section 55 of the Act to the acquiring authority for the land.

Decision guidelines

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

- The effect of the proposed use or development on the purpose for which the land is to be acquired as specified in the schedule to this overlay.

A permit granted under this clause may be conditional on:

- The extent of alterations and extensions to an existing building and works, and the materials that may be used.
- The location, dimensions, design and material or a new building or works.
- The demolition, removal or alteration of any buildings or works.
- The demolition or removal of buildings or works constructed or carried out in accordance with a permit under this clause.
- No compensation being payable for the demolition or removal of any buildings or works constructed under the permit.

Land not to be spoiled or wasted

Land must not be spoiled or wasted so as to adversely affect the use of the land for the purpose for which it is to be acquired.

Reservation for public purpose

Any land included in a Public Acquisition Overlay is reserved for a public purpose within the meaning of the Planning and Environment Act 1987, the Land Acquisition and Compensation Act 1986 or any other act.

Acquiring authority

An acquiring authority is the Minister, public authority or municipal council specified in the schedule to this overlay as the acquiring authority for the land.
### SCHEDULE TO CLAUSE 45.01 PUBLIC ACQUISITION OVERLAY

<table>
<thead>
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<th>PS Map</th>
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</tr>
</thead>
<tbody>
<tr>
<td>PAO1</td>
<td>Roads Corporation</td>
<td>Road construction and widening</td>
</tr>
<tr>
<td>PAO2</td>
<td>Mornington Peninsula Shire Council</td>
<td>Municipal purposes</td>
</tr>
<tr>
<td>PAO3</td>
<td>Department of Finance</td>
<td>Port purposes and coastal conservation</td>
</tr>
<tr>
<td>PAO4</td>
<td>Department of Finance</td>
<td>Port services and access corridor</td>
</tr>
<tr>
<td>PAO5</td>
<td>Department of Education, Employment and Training</td>
<td>Primary School</td>
</tr>
<tr>
<td>PAO6</td>
<td>Southern and Eastern Integrated Transport Authority</td>
<td>Peninsula Link</td>
</tr>
</tbody>
</table>
ENVIRONMENTAL AUDIT OVERLAY

Shown on the planning scheme map as **EAO**.

**Purpose**

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

To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.

**Requirement**

Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*, or
- An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.
45.05
31/07/2018
VC148

RESTRUCTURE OVERLAY

Shown on the planning scheme map as RO with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To identify old and inappropriate subdivisions which are to be restructured.
To preserve and enhance the amenity of the area and reduce the environmental impacts of dwellings and other development.

45.05-1
19/01/2006
VC37

Subdivision

A permit is required to subdivide land.
A subdivision must be in accordance with a restructure plan for the land listed in the schedule to this overlay. This does not apply if the subdivision is for one of the following purposes and no additional lots or subdivision potential is created:

- To realign boundaries between lots that have been consolidated in accordance with the restructure plan.
- To consolidate a restructure lot with a section of closed road or other land not included in a proposed restructure lot.

Each lot must be provided with reticulated sewerage if available. If reticulated sewerage is not available, the application must be accompanied by:

- A land assessment report which demonstrates that each lot is capable of treating and retaining all waste water in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- A plan which indicates the building envelope and effluent disposal area for each lot.

Before deciding on an application to subdivide land into residential lots, the responsible authority must consider Clause 56.

45.05-2
19/01/2006
VC37

Dwellings and other buildings

A permit is required to construct or extend a dwelling or other building.
A permit must be in accordance with a restructure plan for the land listed in a schedule to this overlay. This does not apply if:

- No restructure plan is listed in the schedule and the permit is required to extend an existing dwelling or other building.
- The land is a lot for which a permit has been granted under Clause 45.05-1.

45.05-3
31/07/2018
VC148

Exemption from notice and review

An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

45.05-4
31/07/2018
VC148

Decision guidelines

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

- The objectives of the restructure plan for the area.
- Appropriate measures to cope with any environmental hazard or constraint affecting the land, including slope, drainage, salinity and erosion.

- The protection and enhancement of the natural environment and the character of the area including the retention of vegetation and fauna habitats and the need to revegetate along waterways, gullies, ridge lines and property boundaries.

- The availability of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.

- The relationship of the intended use and development to the existing or likely use and development of adjoining and nearby land.

- The effect on surrounding uses, especially agricultural uses and nearby public land.

- The design of buildings.
# 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>Land north of Disney Street, Crib Point and east of South Beach Road, Bittern.</td>
<td>Bittern Crib Point Restructure Plan, April 2013.</td>
</tr>
<tr>
<td>RO2</td>
<td>Land adjoining Daly Street and south of Disney Street, Bittern.</td>
<td>Naval Base Estate Restructure Plan, March 2012.</td>
</tr>
<tr>
<td>RO3</td>
<td>Land north of Disney Street, Crib Point.</td>
<td>Disney Street Industrial Restructure Plan, April 2004.</td>
</tr>
<tr>
<td>RO6</td>
<td>Land adjoining Hellicars Road, Merricks.</td>
<td>Hellicars Road Estate Restructure Plan, April 2004.</td>
</tr>
<tr>
<td>RO8</td>
<td>Land in the vicinity of the Point Nepean National Park, between Browns Road and Krynen Street Rye.</td>
<td>St Andrews Beach Restructure Plan, March 2012.</td>
</tr>
<tr>
<td>RO9</td>
<td>63 and 69 Bungower Road, Somerville</td>
<td>Bungower Road Area Restructure Plan, December 2011.</td>
</tr>
</tbody>
</table>
DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as DCPO with a number.

Purpose
To implement the Municipal Planning Strategy and the Planning Policy Framework.
To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

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 CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as DCPO1.

CRESWELL STREET EAST DEVELOPMENT CONTRIBUTIONS PLAN

1.0

Area covered by this development contributions plan

Land at Crib Point subject to Amendment C210 to the Mornington Peninsula Planning Scheme and shown on the planning scheme maps as DCPO1.

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>Road and Drainage Infrastructure</td>
<td>$2,091,053</td>
<td>Consistent with the Creswell Street Development Contributions Plan, April 2018</td>
<td>$1,463,737</td>
<td>70%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$2,091,053</td>
<td>-</td>
<td>$1,463,737</td>
<td>70%</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>Road and Drainage</td>
<td>$20,330</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$20,330</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

Note: $ per equivalent lot frontage (based on the approximate 20.12m frontage)

All capital costs of infrastructure items are expressed in October 2017 dollars and will be indexed by the Collecting Agency quarterly to take account of inflation in line with the Australian Bureau of Statistics Producer Price Indexes, Road and Bridge Construction Index Victoria.

4.0

Land or development excluded from development contributions plan

None specified.

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.
SPECIFIC CONTROLS OVERLAY

Purpose

To apply specific controls designed to achieve a particular land use and development outcome in extraordinary circumstances.

Use or development

Land affected by this overlay may be used or developed in accordance with a specific control contained in the incorporated document corresponding to the notation on the planning scheme map (as specified in the schedule to this overlay). The specific control 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 use and development is not started within two years of the approval date of the incorporated document 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 controls

<table>
<thead>
<tr>
<th>PS Map Ref</th>
<th>Name of incorporated document</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCO1</td>
<td>Moorooduc Coolstore, August 2015.</td>
</tr>
<tr>
<td>SCO2</td>
<td>Trig Point Subdivision, April 1999.</td>
</tr>
<tr>
<td>SCO3</td>
<td>The National Golf Course and Cape Schank Resort Development, July 2014.</td>
</tr>
<tr>
<td>SCO4</td>
<td>Mt Eliza Centre Subdivision, April 1999.</td>
</tr>
<tr>
<td>SCO5</td>
<td>Mornington Homemaker Centre, April 1999.</td>
</tr>
<tr>
<td>SCO8</td>
<td>Golf Links Road and Grant Road (Peninsula Link to Frankston-Flinders Road) Upgrade Project Incorporated Document, November 2019</td>
</tr>
</tbody>
</table>
PARTICULAR PROVISIONS

This section sets out Particular Provisions which apply to the matters specified.
PROVISIONS THAT APPLY ONLY TO A SPECIFIED AREA
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.
## SCHEDULE TO CLAUSE 51.01 SPECIFIC SITES AND EXCLUSIONS

### Specific sites and exclusions

<table>
<thead>
<tr>
<th>Address of land</th>
<th>Title of incorporated document</th>
</tr>
</thead>
</table>
| Lot 1 and 2, LP 125256 and Lot 420, LP 217528 which includes:  
71 Nepean Highway, Safety Beach  
104, 111, 130 and 140 Country Club Drive, Safety Beach | Dromana Mixed Use Development, June 2002. |
| Eramosa Road West, Somerville. | Woodlands Estate, Somerville, April 1999. |
| The following land:  
Part of 61 Shands Rd, Shoreham as more fully described in the Incorporated Document.  
Reserve No. 1, Parish of Kangerong on PS 711847Y also known as 520A Arthurs Seat Road, Red Hill. | Subdivision prohibition in the Public Conservation and Resource Zone outside the Urban Growth Boundary, April 2014. |
| Land located to the north west corner of Bayview Road and Long Island Drive, Hastings | Hydrogen Liquefaction and Loading Terminal – Pilot Project Hastings, July 2018. |
| Sorrento Ferry Terminal:  
10 Esplanade, Sorrento  
12 Esplanade, Sorrento  
14 Esplanade, Sorrento  
Part 3154 Point Nepean Road, Sorrento  
Part 3176 Point Nepean Road, Sorrento  
METROPOLITAN GREEN WEDGE LAND: CORE PLANNING PROVISIONS

Purpose
To protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape natural resource or recreation values.
To protect productive agricultural land from incompatible uses and development.
To ensure that the scale of use is compatible with the non-urban character of metropolitan green wedge land.
To encourage the location of urban activities in urban areas.
To provide transitional arrangements for permit applications made to the responsible authority before 19 May 2004.
To provide deeming provisions for metropolitan green wedge land.

Application
These provisions apply to land in Metropolitan Melbourne that is outside an Urban Growth Boundary as shown on a planning scheme map in this scheme, unless any of the following apply:

- The land is in a Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Low Density Residential Zone, Mixed Use Zone, Township Zone, Industrial 1 Zone, Industrial 2 Zone, Industrial 3 Zone, Commercial 1 Zone, Commercial 2 Zone, Commercial 3 Zone, Public Use Zone, Public Park and Recreation Zone, Public Conservation and Resource Zone, Road Zone or Urban Floodway Zone.
- The land is identified in the schedule to this clause.

Use of land
A use listed in the table to this clause is prohibited. This does not apply if a condition opposite the use is met.

Table to Clause 51.02-2

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Camping and caravan park, Dependent person’s unit, Dwelling, Group accommodation, Host farm and Residential building)</td>
<td>Must be the only dependent person’s unit on the lot.</td>
</tr>
<tr>
<td>Brothel</td>
<td></td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td></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>Display home centre</td>
<td></td>
</tr>
<tr>
<td>Dwelling</td>
<td>Must be the only dwelling on the lot. 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.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>-------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Education centre (other than Primary school and Secondary school)</td>
<td></td>
</tr>
<tr>
<td>Freeway service centre</td>
<td>The goods stored must be agricultural produce, or products used in agriculture.</td>
</tr>
<tr>
<td>Freezing and cool storage</td>
<td>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery. No more than 150 patrons may be present at any time. If used in conjunction with Restaurant, the total number of patrons present at any time must not exceed 150.</td>
</tr>
<tr>
<td>Function centre</td>
<td></td>
</tr>
<tr>
<td>Group accommodation</td>
<td>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery. Must be no more than 40 dwellings.</td>
</tr>
<tr>
<td>Hospital</td>
<td></td>
</tr>
<tr>
<td>Indoor recreation facility</td>
<td>Must be for equestrian based leisure, recreation or sport.</td>
</tr>
<tr>
<td>Industry (other than Materials recycling, Refuse disposal, Transfer station, Research and development centre, and Rural industry)</td>
<td></td>
</tr>
<tr>
<td>Major sports and recreation facility</td>
<td>Must be for outdoor leisure, recreation or sport.</td>
</tr>
<tr>
<td>Manufacturing sales</td>
<td>Must be an incidental part of Rural industry.</td>
</tr>
<tr>
<td>Materials recycling</td>
<td>Must be used in conjunction with Refuse disposal or Transfer station.</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>Place of assembly (other than Carnival, Cinema based entertainment facility, Circus, Exhibition centre, Function centre, Hall, Nightclub, Place of worship and Restricted place of assembly)</td>
<td>Must not be used for more than 10 days in a calendar year.</td>
</tr>
<tr>
<td>Research and development centre</td>
<td>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.</td>
</tr>
<tr>
<td>Research centre</td>
<td>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Residential building (other than Residential hotel)</td>
<td>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.&lt;br&gt;Must be used to provide accommodation for persons away from their normal place of residence.</td>
</tr>
<tr>
<td>Residential hotel</td>
<td>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.&lt;br&gt;Must be no more than 80 bedrooms.</td>
</tr>
<tr>
<td>Restaurant</td>
<td>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.&lt;br&gt;No more than 150 patrons may be present at any time. If used in conjunction with Function centre, the total number of patrons present at any time must not exceed 150.</td>
</tr>
<tr>
<td>Restricted place of assembly</td>
<td>Must not be used for more than 30 days in a calendar year.</td>
</tr>
<tr>
<td>Retail premises (other than Manufacturing sales, Market, Plant nursery, Primary produce sales and Restaurant)</td>
<td></td>
</tr>
<tr>
<td>Service station</td>
<td></td>
</tr>
<tr>
<td>Warehouse (other than Freezing and cool storage, Milk depot, Rural store, Solid fuel depot and Vehicle store)</td>
<td></td>
</tr>
<tr>
<td>Wind energy facility</td>
<td>Must not be on land in a Rural Conservation Zone.</td>
</tr>
</tbody>
</table>

51.02-3

Subdivision

The subdivision of land to create a lot that is smaller in area than the minimum area specified for the land in the zone is prohibited unless:

- 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.

51.02-4

Existing uses

If an existing use right is established by these provisions, Clauses 63.05 and 63.08 apply to the use as if the use were in Section 3 of a zone.
Transitional arrangements for permit applications

The requirements of the planning scheme as in force immediately before 19 May 2004, continue to apply to a permit application made before that date to the extent that, but for this clause, Clauses 35.04, 35.05, 35.06 or this clause would apply to such an application. This does not apply to a permit application to subdivide land.

Deeming provisions for land outside an urban growth boundary

Any reference in this planning scheme to a Rural Zone or a schedule to a Rural Zone as it applies to land outside an Urban Growth Boundary is deemed to be a reference to a Green Wedge Zone or a schedule to a Green Wedge Zone.

Any reference in this planning scheme to a Rural Living Zone or a schedule to a Rural Living Zone as it applies to land outside an Urban Growth Boundary is deemed to be a reference to a Green Wedge A Zone or a schedule to a Green Wedge A Zone.

Any reference in this planning scheme to an Environmental Rural Zone or a schedule to an Environmental Rural Zone as it applies to land outside an Urban Growth Boundary is deemed to be a reference to a Rural Conservation Zone or a schedule to a Rural Conservation Zone.
SCHEDULE TO CLAUSE 51.02 METROPOLITAN GREEN WEDGE LAND

Land where core planning provisions do not apply

<table>
<thead>
<tr>
<th>Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Use Zone 2, Monash/Mt Eliza Business School, Kunyung Road, Mt Eliza</td>
</tr>
<tr>
<td>Special Use Zone 2, Sport &amp; Recreation Victoria State Sailing Centre (Camp Manyung) Sunnyside Road, Mornington</td>
</tr>
<tr>
<td>Special Use Zone 2, Padua Catholic College, Oakbank Road, Mornington</td>
</tr>
<tr>
<td>Comprehensive Development Zone, Schedule 1, Moonah Links Comprehensive Development Plan, southeast corner of Browns Road and Devonport Drive, Rye (Lot 2 PS 337058N, Lot 1 PS 68481 and Crown Allotment 32, Section A, Parish of Wannaeue)</td>
</tr>
<tr>
<td>Special Use Zone 2, Mentone Grammar School, south west corner Marine Parade and Nelson Street, Shoreham</td>
</tr>
<tr>
<td>Special Use Zone 7, Flinders Christian Community College, 81 Boes Road, Tyabb</td>
</tr>
</tbody>
</table>
COMBUSTIBLE CLADDING RECTIFICATION EXEMPTIONS

Purpose
To facilitate the rectification of combustible cladding on buildings.

Permit exemption
Any requirement of this planning scheme to obtain a permit does not apply to the rectification of combustible cladding on a building in accordance with an emergency order, building notice or building order made under Part 8 of the *Building Act 1993*.

Exemption from notice and review
An application to amend a permit to allow the rectification of combustible cladding on a building in accordance with an emergency order, building notice or building order made under Part 8 of the *Building Act 1993* 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.
EASEMENTS, RESTRICTIONS AND RESERVES

Purpose
To enable the removal and variation of an easement or restriction 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.
<table>
<thead>
<tr>
<th>Land</th>
<th>Easement or restriction</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land shown on, or derived from, Lodged Plan Number 10716, 10717 or 10718 (as amended), such plans being derived from Certificate of Title Volume 2509 Folio 715. The land is known as the Ranelagh Estate, Mount Eliza.</td>
<td>Any covenant created by an Instrument of Transfer of a lot on lodged plan numbered 10716, 10717 or 10718 (as amended) containing the words &quot;that no building shall be commenced to be erected or reconstructed upon the said land hereby transferred without first obtaining the consent and approval in writing of John Edmund Taylor of corner of Lorimer and Johnson Streets South Melbourne Timber Merchant to the plans sections and specifications thereof and&quot; or other words to a similar effect.</td>
<td>The covenant is varied to the extent of the removal of the words “that no building shall be commenced to be erected or reconstructed upon the said land hereby transferred without first obtaining the consent and approval in writing of John Edmund Taylor of corner of Lorimer and Johnson Streets South Melbourne Timber Merchant to the plans sections and specifications thereof and” or other words to a similar effect.</td>
</tr>
<tr>
<td>16, 18, 20, 22 and 24 Leyden Avenue, Portsea, being the land contained in Certificates of Title (16 Leyden Avenue) Lot 1 PS. 052729 Vol. 08583 Fol. 688 (18 Leyden Avenue) Lot 2 PS. 052729 Vol. 08417 Fol. 425 (20 Leyden Avenue) Lot 3 PS. 052729 Vol. 08583 Fol. 689 (22 Leyden Avenue) Lot 4 PS. 052729 Vol. 08583 Fol. 689 (24 Leyden Avenue) Lot 5 PS. 052729 Vol. 08344 Fol. 381</td>
<td>The covenants contained in Instruments of Transfer no. 2297215, 2319752 and 2370984.</td>
<td>Vary the covenants to the following extent. Following the words: “that she or they will not at any time hereafter build, construct, erect or cause to be built, constructed or erected on the said lot any building other than one private dwelling house with outhouses and garage and such dwelling house with outhouses and garage will cost not less than One thousand pounds”, Insert (in respect of the land at 16, 18 and 24 Leyden Avenue): “Except that nothing herein shall prevent the use and development of the land contained in Certificate of Title Volume 08583 Folio 688, being Lot 1 on Plan of Subdivision 052729, Certificate of Title Volume 08417 Folio 425, being Lot 2 on Plan of Subdivision 052729, Certificate of Title Volume 08344 Folio 381, being Lot 5 on Plan of Subdivision 052729, each for one dwelling and usual outbuildings”, And insert (in respect of the land at 20-22 Leyden Avenue): “And except that nothing herein shall prevent the use and development of the land contained in Certificate of Title Volume 08583 Folio 689, being Lots 3 and 4 on Plan of Subdivision 052729, for the purpose of four single storey dwellings, tennis court, swimming pool and outbuildings, in accordance with a planning permit issued by Mornington Peninsula Shire Council in Application No. CP02/004&quot;.</td>
</tr>
<tr>
<td>Lot 1 LP110368, 105 Latrobe Parade, Dromana, or a consolidated title containing lot 1 LP 110368</td>
<td>The Restrictive Covenant dated 13 May 1976 a memorandum of which is entered in the Register Book of the Land bearing registration number G150027 (“Covenant”) and varied by variation of covenant AH680270Q dated 20/12/2010.</td>
<td>Covenant is removed.</td>
</tr>
</tbody>
</table>
### Under Section 24A of the Subdivision Act 1988

<table>
<thead>
<tr>
<th>Land</th>
<th>Easement or restriction</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lots 208 and 209 on Plan of Subdivision 021011, Vol 08103 Fol 546 (13-15 Bowen Street, McCrae)</td>
<td>Restrictive covenant contained in Instrument of Transfer No. 2303799.</td>
<td>Vary the restrictive covenant to allow for the construction of a dwelling on each lot. The covenant is varied by the removal of the following text: “That he will not erect or cause to be erected or allow to be erected on lots 208 and 209 on the said plan of subdivision more than one dwelling house and”</td>
</tr>
</tbody>
</table>
LEVEL CROSSING REMOVAL PROJECT

Purpose

To facilitate the Level Crossing Removal Project.

Application

This clause applies to the use and development of land (other than the subdivision of land) for projects undertaken by the Level Crossing Removal Project and declared under section 10(1)(b) of the Major Transport Projects Facilitation Act 2009.

This clause does not apply to a project for which a document has been incorporated into this planning scheme expressly for that project.

Exemption from planning scheme requirements

Any requirement of this planning scheme to obtain a permit or any provision of this planning scheme that prohibits the use or development of land, requires the use or development of land to be carried out in a particular manner, or requires a specified thing to be done to the satisfaction of a specified person or body, does not apply to any use or development this Clause 52.03 applies to if the requirements of Clause 52.03 are met.

The provisions of this clause prevail over any inconsistent provision in this planning scheme.

Use and development requirements

The use and development of land must be undertaken in accordance with the plans and documents approved under this clause, to the satisfaction of the Minister for Planning.

The construction of a building or the construction or carrying out of works in a Floodway Overlay, Land Subject to Inundation Overlay, Special Building Overlay or Urban Floodway Zone must be undertaken to the satisfaction of the relevant floodplain management authority.

The creation or alteration of access to a road in a Road Zone, Category 1, or land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road, must be undertaken to the satisfaction of the Roads Corporation.

The use and development of land in a Public Acquisition Overlay must be undertaken to the satisfaction of the relevant acquiring authority.

Consultation requirement

Prior to the commencement of the use or development:

- Public consultation, and consultation with the relevant municipal council, must be undertaken to the satisfaction of the Minister for Planning.

- A report that summarises the feedback provided during consultation and explains how the feedback has been considered and responded to must be prepared to the satisfaction of the Minister for Planning.

Project boundary requirement

Prior to the commencement of the use or development, a plan that shows the boundary of the land on which the use or development will be undertaken must be prepared to the satisfaction of the Minister for Planning.
Other pre-commencement requirements

The following requirements may be satisfied for separate components or stages of a project but each requirement must be satisfied prior to the commencement of the use or development for that component or stage.

The following requirements may be varied or waived by the Minister for Planning.

Prior to the commencement of the use or development (other than a preparatory use or development), the following plans and documents must be prepared to the satisfaction of the Minister for Planning:

- An environmental management framework, prepared in consultation with each relevant municipal council, that includes:
  - A summary of key construction methodologies.
  - An overarching framework of measures to reduce and manage environmental and amenity effects during construction.
  - A summary of performance monitoring and reporting processes, including auditing, to ensure environmental and amenity effects are reduced and managed during construction.
  - A summary of how each relevant municipal council, the community and other stakeholders will be engaged during construction, including enquiries and complaints management.

The environmental management framework must be accompanied by a summary of the consultation with each relevant municipal council that informed the preparation of the environmental management framework.

- If the land is in the Heritage Overlay and the development would require a permit under the overlay were it not for the exemption in Clause 52.03-2:
  - A report that addresses the impact of that development on the heritage significance of the heritage place.
  - Site plans and elevations showing the extent of that development on the land.
  - Photographs of any buildings or works to be demolished or removed, including photographs of the exterior and interior of the building and contextual images of the building’s environs and setting.

- If the land is in an Environmental Significance Overlay, a Significant Landscape Overlay or a Vegetation Protection Overlay and the development would require a permit under the overlay were it not for the exemption in Clause 52.03-2, a report that addresses the impact of the development on any environmental, vegetation or landscape significance or objective specified in a schedule to the overlay.

- Any other information the Minister for Planning considers necessary to assist the Minister’s assessment of the plans and documents required to be submitted under this clause.

Prior to the commencement of the use of any new open space, an environmental assessment (or similar) that demonstrates that the environmental conditions of the land are suitable for that use must be undertaken to the satisfaction of the Minister for Planning.

Native vegetation requirements

The following requirements may be satisfied for separate components or stages of a project. However, each requirement must be satisfied prior to the removal, destruction or lopping of native vegetation for that component or stage.

Prior to the removal, destruction or lopping of native vegetation to enable a preparatory use or development, information about that native vegetation must be submitted to the Secretary to the Department of Environment, Land, Water and Planning. The information must include a description
of, and maps showing, the native vegetation to be removed, destroyed or lopped in accordance with application requirement 1 in Table 4 of the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017).

Prior to the removal, destruction or lopping of native vegetation (other than to enable a preparatory use or development):

- Information about that native vegetation in accordance with application requirements 1, 5 and 9 in Table 4 of the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) must be provided to the satisfaction of the Secretary to the Department Environment, Land, Water and Planning. The information provided to the Secretary must include information about any native vegetation that has been or is to be removed, destroyed or lopped to enable a preparatory use or development.

- The biodiversity impacts from the removal, destruction or lopping of that native vegetation must be offset in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017). The biodiversity impacts from the removal, destruction or lopping of native vegetation to enable a preparatory use or development must be included in the total biodiversity impacts when determining the offset.

- Evidence that the required offset has been secured must be provided to the satisfaction of the Secretary to the Department Environment, Land, Water and Planning.

The Secretary to the Department Environment, Land, Water and Planning may vary the timing of the above offset requirement if the Secretary considers there are exceptional circumstances to warrant the variation.

The secured offset for the project may be reconciled at the completion of a project in accordance with the *Assessor’s handbook – Applications to remove, destroy or lop native vegetation* (Department of Environment, Land, Water and Planning, October 2018).

### Preparatory use and development

For the purposes of Clause 52.03, a preparatory use or development is a use or development required to prepare for the construction of a project. It is limited to the following:

- Use and development that would not require a permit under a provision of this planning scheme were it not for the exemption in Clause 52.03-2.

- Works associated with investigating, testing and surveying land.

- Creation and use of construction access points, accessways and working platforms.

- Site establishment works including construction of temporary site fencing and hoarding, site offices, and hardstand and laydown areas.

- Construction and use of temporary car parking.

- Construction or installation of environment and traffic controls.

- Construction, protection, modification, removal or relocation of utility services, rail signalling, and overhead and associated infrastructure.

- Salvage and relocation of cultural heritage material and other management actions required to be undertaken in compliance with:
  - a cultural heritage management plan approved under the *Aboriginal Heritage Act 2006* or otherwise in compliance with that Act; or
  - the conditions of any permit or consent granted under the *Heritage Act 2017* or otherwise in compliance with that Act.
- Demolition or removal of a building (other than a building in a Heritage Overlay) or works to the minimum extent necessary to enable another preparatory use or development.

- Removal, destruction or lopping of vegetation (other than a tree in the Heritage Overlay specified below) to the minimum extent necessary to enable another preparatory use or development.

For the purposes of Clause 52.03, preparatory development does not include:

- Demolition or removal of a building in a Heritage Overlay.

- Removal, destruction or lopping of a tree in a Heritage Overlay if the schedule to the overlay specifies the heritage place as one where tree controls apply.
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>Clause 59.09</td>
</tr>
</tbody>
</table>
### Class of application

<table>
<thead>
<tr>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>- The sign is not a pole sign, a sky sign, a reflective sign, internally illuminated sign, floodlit sign, electronic sign or animated sign.</td>
</tr>
<tr>
<td>- The display area of the sign does not exceed 10 square metres.</td>
</tr>
</tbody>
</table>

### 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 sign that is reconstructed must meet the relevant sign requirements.

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

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>
</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><strong>Bed and breakfast sign</strong></td>
<td>Only one to each premises.</td>
</tr>
<tr>
<td><strong>Home based business sign</strong></td>
<td>The display area must not exceed 0.2 sqm.</td>
</tr>
<tr>
<td><strong>Direction sign</strong></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><strong>Above-verandah sign</strong></td>
<td>None specified</td>
</tr>
<tr>
<td><strong>Business identification sign</strong></td>
<td>The display area must not exceed 3 sqm.</td>
</tr>
<tr>
<td><strong>Electronic sign</strong></td>
<td>None specified</td>
</tr>
<tr>
<td><strong>Floodlit sign</strong></td>
<td>None specified</td>
</tr>
<tr>
<td><strong>High-wall sign</strong></td>
<td>Must be a business logo or street number.</td>
</tr>
<tr>
<td><strong>Internally illuminated sign</strong></td>
<td>None specified</td>
</tr>
<tr>
<td><strong>Pole sign</strong></td>
<td>The display area must not exceed 3 sqm.</td>
</tr>
<tr>
<td><strong>Promotion sign</strong></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>
<tr>
<td>Land</td>
<td>Conditions</td>
</tr>
<tr>
<td>-----------------</td>
<td>------------</td>
</tr>
<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></td>
<td>To each patron permitted</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.5</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>3.5</td>
<td>To each dwelling for five or fewer contiguous dwellings, plus</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>3.5</td>
<td>To each additional contiguous dwelling</td>
</tr>
<tr>
<td>Dwelling</td>
<td>1</td>
<td>1</td>
<td>To each one or two bedroom dwelling, plus</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>2</td>
<td>To each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms) plus</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>0</td>
<td>For visitors to every 5 dwellings for developments of 5 or more dwellings</td>
</tr>
<tr>
<td>Education centre other than listed in this table</td>
<td>0.4</td>
<td>0.3</td>
<td>To each student that is part of the maximum number of students on the site at any time</td>
</tr>
<tr>
<td>Food and drink premises other than listed in this table</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Freezing and cool storage,</td>
<td>1.5</td>
<td>1</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Fuel depot</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Funeral Parlour</td>
<td>0.3</td>
<td>0.3</td>
<td>To each patron permitted</td>
</tr>
<tr>
<td>Gambling premises other than listed in this table</td>
<td>0.4</td>
<td>3.5</td>
<td>To each patron permitted</td>
</tr>
<tr>
<td>Golf course</td>
<td>4</td>
<td>4</td>
<td>To each hole plus 50 per cent of the relevant requirement of any ancillary uses.</td>
</tr>
<tr>
<td>Home based business</td>
<td>1</td>
<td>0</td>
<td>To each employee not a resident of the dwelling</td>
</tr>
<tr>
<td>Hotel</td>
<td>0.4</td>
<td>3.5</td>
<td>To each patron permitted</td>
</tr>
<tr>
<td>Industry other than listed in this table</td>
<td>2.9</td>
<td>1</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Landscape gardening supplies</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Mail centre</td>
<td>3.5</td>
<td>3</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Manufacturing sales</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Market</td>
<td>8</td>
<td>3.5</td>
<td>To each 100 sq m of site area</td>
</tr>
<tr>
<td>Materials recycling</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Medical centre</td>
<td>5</td>
<td>3</td>
<td>To the first person providing health services plus</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>3.5</td>
<td>To every other person providing health services</td>
</tr>
<tr>
<td>Milk depot</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Use</td>
<td>Rate Column A</td>
<td>Rate Column B</td>
<td>Car Parking Measure</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>---------------</td>
<td>---------------</td>
<td>-------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Motel</td>
<td>1</td>
<td>1</td>
<td>To each unit, and one to each manager dwelling, plus 50 per cent of the relevant requirement of any ancillary use</td>
</tr>
<tr>
<td>Motor repairs</td>
<td>3</td>
<td>3</td>
<td>To each 100 sq m of net floor area plus</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>1</td>
<td>For each vehicle being serviced, repaired or fitted with accessories, including vehicles waiting to be serviced, repaired, fitted with accessories or collected by owners</td>
</tr>
<tr>
<td>Office other than listed in this table</td>
<td>3.5</td>
<td>3</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Place of assembly other than listed in this table</td>
<td>0.3</td>
<td>0.3</td>
<td>To each patron permitted</td>
</tr>
<tr>
<td>Postal agency</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Primary produce sales</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Primary school</td>
<td>1</td>
<td>1</td>
<td>To each employee that is part of the maximum number of employees on the site at any time</td>
</tr>
<tr>
<td>Research and development centre</td>
<td>3.5</td>
<td>3</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Residential aged care facility</td>
<td>0.3</td>
<td>0.3</td>
<td>To each lodging room</td>
</tr>
<tr>
<td>Residential village</td>
<td>1</td>
<td>1</td>
<td>To each one or two bedroom dwelling plus</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>2</td>
<td>To each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms) plus</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>0</td>
<td>For visitors to every five dwellings for developments of five or more dwellings</td>
</tr>
<tr>
<td>Retirement village</td>
<td>1</td>
<td>1</td>
<td>To each one or two bedroom dwelling plus</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>2</td>
<td>To each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms) plus</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>0</td>
<td>For visitors to every five dwellings for developments of five or more dwellings</td>
</tr>
<tr>
<td>Restaurant</td>
<td>0.4</td>
<td></td>
<td>To each patron permitted</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Restricted retail premises</td>
<td>3</td>
<td>2.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Rooming house</td>
<td>1</td>
<td>1</td>
<td>To each four bedrooms</td>
</tr>
<tr>
<td>Saleyard</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Secondary school</td>
<td>1.2</td>
<td>1.2</td>
<td>To each employee that is part of the maximum number of employees on the site at any time</td>
</tr>
<tr>
<td>Shop other than listed in this table</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Squash court – other than in conjunction with a dwelling</td>
<td>3</td>
<td>3</td>
<td>To each court plus 50 per cent of the relevant requirement of any ancillary use</td>
</tr>
<tr>
<td>Use</td>
<td>Rate Column A</td>
<td>Rate Column B</td>
<td>Car Parking Measure</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>---------------</td>
<td>---------------</td>
<td>----------------------------------------------</td>
</tr>
<tr>
<td>Store other than listed in this table</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Supermarket</td>
<td>5</td>
<td>5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Swimming pool – other than in conjunction with a dwelling</td>
<td>5.6</td>
<td>5.6</td>
<td>To each 100 sq m of the site</td>
</tr>
<tr>
<td>Tennis court – other than in conjunction with a dwelling</td>
<td>4</td>
<td>4</td>
<td>To each court plus 50% of the requirement of any ancillary use</td>
</tr>
<tr>
<td>Trade supplies</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Veterinary centre</td>
<td>5</td>
<td></td>
<td>To the first person providing animal health services plus</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td></td>
<td>To every other person providing animal health services</td>
</tr>
<tr>
<td></td>
<td>3.5</td>
<td></td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Warehouse other than listed in this table</td>
<td>2</td>
<td>2</td>
<td>To each premises plus</td>
</tr>
<tr>
<td></td>
<td>1.5</td>
<td>1</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Winery</td>
<td>0.4</td>
<td></td>
<td>To each patron permitted</td>
</tr>
<tr>
<td></td>
<td>3.5</td>
<td></td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
</tbody>
</table>

### Number of car parking spaces required for other uses

Where a use of land is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority. This does not apply to the use of land for a temporary portable land sales office located on the land for sale.

### Application requirements and decision guidelines for permit applications

**For applications to reduce the car parking requirement**

An application to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be accompanied by a Car Parking Demand Assessment.

The Car Parking Demand Assessment must assess the car parking demand likely to be generated by the proposed:

- new use; or
- increase in the floor areas or site area of the existing use; or
- increase to the existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.

The Car Parking Demand Assessment must address the following matters, to the satisfaction of the responsible authority:

- The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.
- The variation of car parking demand likely to be generated by the proposed use over time.
The short-stay and long-stay car parking demand likely to be generated by the proposed use.

The availability of public transport in the locality of the land.

The convenience of pedestrian and cyclist access to the land.

The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.

The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.

Any empirical assessment or case study.

Before granting a permit to reduce the number of spaces, the responsible authority must consider the following, as appropriate:

- The Car Parking Demand Assessment.
- Any relevant local planning policy or incorporated plan.
- The availability of alternative car parking in the locality of the land, including:
  - Efficiencies gained from the consolidation of shared car parking spaces.
  - Public car parks intended to serve the land.
  - On street parking in non residential zones.
  - Streets in residential zones specifically managed for non-residential parking.
- On street parking in residential zones in the locality of the land that is intended to be for residential use.
- The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.
- Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.
- The future growth and development of any nearby activity centre.
- Any car parking deficiency associated with the existing use of the land.
- Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.
- Local traffic management in the locality of the land.
- The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.
- The need to create safe, functional and attractive parking areas.
- Access to or provision of alternative transport modes to and from the land.
- The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.
- The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.
- Any other matter specified in a schedule to the Parking Overlay.
- Any other relevant consideration.
For applications to allow some or all of the required car parking spaces to be provided on another site

Before granting a permit to allow some or all of the car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay to be provided on another site, the responsible authority must consider the following, as appropriate:

- The proximity of the car parking on the alternate site to the subject site.
- The likelihood of the long term provision and availability of the car parking spaces.
- Whether the location of the car parking spaces is consistent with any relevant local policy or incorporated plan.
- Any other matter specified in a schedule to the Parking Overlay.

For applications to provide more than the maximum parking provision specified in a schedule to the Parking Overlay

An application to provide more than the maximum parking provision specified in a schedule to the Parking Overlay must be accompanied by a Car Parking Demand Assessment.

The Car Parking Demand Assessment must assess the car parking demand likely to be generated by the proposed use or increase to the existing use.

The Car Parking Demand Assessment must address the following matters, to the satisfaction of the responsible authority:

- The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.
- The variation of car parking demand likely to be generated by the proposed use over time.
- The short-stay and long-stay car parking demand likely to be generated by the proposed use.
- The availability of public transport in the locality of the land.
- The convenience of pedestrian and cyclist access to the land.
- The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.
- The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.
- Any empirical assessment or case study.

Requirement for a car parking plan

Plans must be prepared to the satisfaction of the responsible authority before any of the following occurs:

- a new use commences; or
- the floor area or site area of an existing use is increased; or
- an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.

The plans must show, as appropriate:

- All car parking spaces that are proposed to be provided (whether on the land or on other land).
- Access lanes, driveways and associated works.
- Allocation of car parking spaces to different uses or tenancies, if applicable.
- Any landscaping and water sensitive urban design treatments.
- Finished levels, if required by the responsible authority.
- Any other matter specified in a schedule to the Parking Overlay.

Plans must be provided to the responsible authority under Clause 52.06-8 wherever Clause 52.06 applies, whether or not a permit application is being made under Clause 52.06-3 or any other provision of the planning scheme.

Where an application is being made for a permit under Clause 52.06-3 or another provision of the planning scheme, the information required under Clause 52.06-8 may be included in other plans submitted with the application.

Clause 52.06-8 does not apply where no car parking spaces are proposed to be provided.

52.06-9

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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 2: Minimum dimensions of car parking spaces and accessways |
|-------------------|----------------|----------------|----------------|
| Angle of car parking spaces to access way | Accessway width | Car space width | Car space length |
| Parallel          | 3.6 m          | 2.3 m          | 6.7 m          |
| 45°               | 3.5 m          | 2.6 m          | 4.9 m          |
Angle of car parking spaces to access way | Accessway width | Car space width | Car space length
--- | --- | --- | ---
60° | 4.9 m | 2.6 m | 4.9 m
90° | 6.4 m | 2.6 m | 4.9 m
| 5.8 m | 2.8 m | 4.9 m
| 5.2 m | 3.0 m | 4.9 m
| 4.8 m | 3.2 m | 4.9 m

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>
<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
- 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.
BUSHFIRE RECOVERY

Purpose
To facilitate and support recovery from a bushfire.
To facilitate the construction and use of temporary accommodation following a bushfire.
To enable businesses and services to continue operating following a bushfire.

Exemption from planning scheme requirements
Any requirement of this planning scheme to obtain a permit or any provision of this planning scheme that prohibits the use or development of land, requires the use or development of land to be carried out in a particular manner, or requires a specified thing to be done to the satisfaction of a specified person or body, does not apply to any of the following use or development if requirements of Clause 52.07 are met:

- The use of land or the construction of a building or the construction or carrying out of works:
  - Associated with bushfire recovery carried out by or on behalf of a municipal council or public authority; or
  - For accommodation; or
  - For a use (other than accommodation) that was lawfully carried out in a building immediately before that building was damaged or destroyed by a bushfire.

- The removal, destruction or lopping of vegetation.

This exemption does not apply to:

- The requirement in Clause 45.03-1.
- The use or development of land to which Clause 52.13 or Clause 52.14 applies.
- The use or development of land identified in a schedule to Clause 51.01.
- The use or development of land in the Specific Controls Overlay.

The provisions of this clause prevail over any inconsistent provision in this planning scheme.

Information to responsible authority
Before the commencement of a use or the construction of a building under Clause 52.07, the following information must be given in writing to the responsible authority and to the satisfaction of the responsible authority:

- A description of the proposed use.
- A description of the proposed building.
- A description of the land on which the use will be carried out or the building will be constructed by:
  - Stating the address of the land; or
  - Stating the title particulars of the land; or
  - Including a plan showing the land; or
  - Any combination of these.

Temporary accommodation requirements
The following requirements do not apply to the use or development of land associated with bushfire recovery carried out by or on behalf of a municipal council or public authority.
Land must only be used for accommodation under this clause to accommodate a person whose principal place of residence was damaged or destroyed by a bushfire on the same land or contiguous land in the same ownership.

Land used for accommodation under this clause must meet the following requirements:

- Access to the accommodation must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.

- The accommodation 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* or treated and disposed of to the satisfaction of the responsible authority.

- The accommodation must be connected to a reticulated potable water supply or have an alternative potable water supply.

- The accommodation must be connected to a reticulated electricity supply or have an alternative energy source.

The use of land for accommodation under this clause must not continue after 3 years of the commencement of the use unless in accordance with the requirements of this planning scheme.

A building or works constructed or carried out under this clause for accommodation must be on the same land, or on contiguous land in the same ownership, as a building used for accommodation that was damaged or destroyed by a bushfire and must be completed within 18 months of the date that building was damaged or destroyed.

Unless in accordance with the written agreement of the responsible authority, the combined gross floor area of all buildings constructed for accommodation under this clause on contiguous land in the same ownership must not exceed 60 square metres.

**Other use and development requirements**

The following requirements do not apply to the use or development of land:

- For accommodation; or

- Associated with bushfire recovery carried out by or on behalf of a municipal council or public authority.

Unless in accordance with the written agreement of the responsible authority, the use of land under this clause for a use that was carried out in a building immediately before that building was damaged or destroyed by a bushfire must be carried out on the same land, or on contiguous land in the same ownership, as the damaged or destroyed building.

A use commenced under this clause must not continue after 3 years of its commencement unless in accordance with this planning scheme.

A building or works constructed or carried out under this clause for a use that was carried out in a building damaged or destroyed by a bushfire, must be on the same land, or on contiguous land in the same ownership, as the damaged or destroyed building and must be completed within 18 months of the date that building was damaged or destroyed by a bushfire.

Unless in accordance with the written agreement of the responsible authority, the combined gross floor area of all buildings constructed under this clause on contiguous land in the same ownership must not exceed 100 square metres.

**Vegetation removal requirement**

Vegetation must only be removed, destroyed or lopped to the minimum extent necessary:
- To enable the removal of a building, equipment or other material that was damaged or destroyed by a bushfire within 3 years of the date it was damaged or destroyed; or

- To enable the repair or reconstruction of a fence that was damaged or destroyed by a bushfire within 3 years of the date it was damaged or destroyed for a combined maximum width of 4 metres either side of the fence.

This requirement does not apply to:

- The removal, destruction or lopping of vegetation within 10 metres of a building constructed for accommodation under this clause; or

- The removal, destruction or lopping of vegetation (other than a tree) within 30 metres of a building constructed for accommodation under this clause; or

- The removal, destruction or lopping of vegetation (other than a tree) within 50 metres of a building constructed for accommodation under this clause in a Bushfire Management Overlay.

52.07-6

Overlay requirements

Development of land in a Bushfire Management Overlay or Erosion Management Overlay that would require a permit, or would be prohibited, under the overlay were it not for the exemption in Clause 52.07-1, must be sited to the satisfaction of the responsible authority.

Development of land in a Heritage Overlay that would require a permit, or would be prohibited, under the overlay were it not for the exemption in Clause 52.07-1, must be undertaken to the satisfaction of the responsible authority.

Development of land in a Floodway Overlay, Land Subject to Inundation Overlay or Special Building Overlay that would require a permit, or would be prohibited, under the overlay were it not for the exemption in Clause 52.07-1, must be sited to the satisfaction of the relevant floodplain management authority.
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 geothermal energy extraction, greenhouse gas sequestration, mining and petroleum production 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>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Extractive industry</td>
<td>Complies with Section 77T of the Mineral Resources (Sustainable Development) Act 1990.</td>
</tr>
<tr>
<td>Geothermal energy exploration</td>
<td>Complies with the Geothermal Energy Resources Act 2005.</td>
</tr>
<tr>
<td>Geothermal energy extraction</td>
<td>Complies with Section 62 of the Geothermal Energy Resources Act 2005.</td>
</tr>
<tr>
<td>Mineral exploration</td>
<td>Complies with Section 43(3) of the Mineral Resources (Sustainable Development) Act 1990.</td>
</tr>
<tr>
<td>Mining</td>
<td>Complies with Section 42(7) or Section 42A Mineral Resources (Sustainable Development) Act 1990; or</td>
</tr>
<tr>
<td></td>
<td>Complies with Section 47A of the Electricity Industry Act 1993.</td>
</tr>
<tr>
<td>Petroleum exploration</td>
<td>Complies with Section 118 of the Petroleum Act 1998.</td>
</tr>
<tr>
<td>Petroleum production</td>
<td>Complies with Section 120 of the Petroleum Act 1998.</td>
</tr>
<tr>
<td>Stone exploration</td>
<td>Must not be costeaming or bulk sampling.</td>
</tr>
</tbody>
</table>

Application requirements for mining

An application to use and develop land for mining 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 mining

An application to use or develop land for mining must be referred under section 55 of the Act to the person or body specified as the referral authority in Clause 66.

Unless the referral authority is the Roads Corporation, the referral requirement in Clause 66 does not apply if a copy of a work plan or variation to an approved work plan accompanying the application was given to the referral authority under section 77TE of the *Mineral Resources (Sustainable Development) Act 1990*. 
EXTRACTIVE INDUSTRY AND EXTRACTIVE INDUSTRY INTEREST AREAS

Purpose
To ensure that use and development of land for extractive industry 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 stone resources, which may be required by the community for future use, are protected from inappropriate use and development.

Application
This clause applies to an application to use or develop land:
- For extractive industry;
- Within an Extractive Industry Interest Area; or
- Within 500 metres of an existing or proposed extractive industry operation.

Application requirements
An application to use and develop land for extractive industry 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 if the proposed extractive industry 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 of applications
An application to use or develop land for extractive industry must be referred under section 55 of the Act to the person or body specified as the referral authority in Clause 66.

Unless the referral authority is the Roads Corporation, the referral requirement in Clause 66 does not apply if a copy of a work plan or variation to an approved work plan accompanying the application was given to the referral authority under section 77TE of the Mineral Resources (Sustainable Development) Act 1990.

Decision guidelines
Before deciding on an application to use and develop land for extractive industry, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:
- The effect of the proposed extractive industry on any native flora and fauna on and near the land.
- The impact of the proposed extractive industry on sites of cultural and historic significance, including any effects on Aboriginal places.
• The effect of the proposed extractive industry on the natural and cultural landscape of the surrounding land and the locality generally.

• The ability of the proposed extractive industry to contain any emissions within the boundaries of the land in accordance with relevant legislation.

• 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 extractive industry on groundwater quality and the impact on any affected water uses.

• The impact of the proposed extractive industry on surface drainage and surface water quality.

• Any proposed provisions, conditions or requirements in a work plan that has received statutory endorsement under the *Mineral Resources (Sustainable Development) Act 1990*.

### 52.09-5

**Permit conditions for extractive industry**

A permit to use and develop land for extractive industry 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 to use and develop land for extractive industry must include:

• A condition that allows for a period of not less than five years for the use and development to commence before the permit expires under section 68 of the Act.

• Conditions that are consistent with the requirements specified in Clause 52.09-6.

### 52.09-6

**Requirements for extractive industry**

The use and development of land for extractive industry must comply with the following requirements, to the satisfaction of the responsible authority:

• Except in accordance with a permit, no alteration may be made to the natural condition or topography of the land within 20 metres of the boundary of land. This does not apply to driveways, drains, bund walls or landscaping.

• Shrubs and trees must be planted and maintained to screen activity on the land.

• Parking areas must be provided for employees’ cars and all vehicles used on the land.

### 52.09-7

**Notice of an application**

Notice of the following kinds of applications must be given in accordance with section 52(1)(c) of the Act to the Secretary of the Department administering the *Mineral Resources (Sustainable Development) Act 1990*:

• 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*.

This requirement does not apply to an application to extend a building or works.
BUSHFIRE RECONSTRUCTION

Purpose
To facilitate the reconstruction of buildings damaged or destroyed by a bushfire.
To facilitate the re-establishment of businesses and services following a bushfire.
To facilitate the continued use of land for dwellings after a bushfire.

Use exemptions - dwelling
Any requirement of this planning scheme to obtain a permit or any provision of this planning scheme that prohibits the use of land, requires the use of land to be carried out in a particular manner, or requires a specified thing to be done to the satisfaction of a specified person or body, does not apply to the use of land for a dwelling if the following requirements are met:

- A dwelling on the land must have been damaged or destroyed by a bushfire after 1 January 2019.
- The use must commence within 5 years after the date the dwelling was damaged or destroyed.
- The dwelling must not be a building that was constructed under Clause 52.07.
- 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.

Exemption from notice and review
An application under any provision of this planning scheme to use or develop land (other than the subdivision of land) for or in association with a use that was lawfully carried out on the land immediately before a building on the land was damaged or destroyed by a bushfire 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 building was damaged or destroyed by a bushfire after 1 January 2019.
- The application was lodged within 5 years of the date the building was damaged or destroyed.
- If the application is to use or develop land for a dwelling:
  - A dwelling on the land must have been damaged or destroyed by a bushfire.
  - The application must only be for the number of dwellings that were damaged or destroyed.
HOME BASED BUSINESS

Purpose
To ensure that the amenity of the neighbourhood is not adversely affected by a business conducted in or from a dwelling.

Requirements to be met
A home based business must meet the following requirements:

- The person conducting the home based business must use the dwelling as their principal place of residence.
- No more than two persons who does not live in the dwelling may work in the home based business at any one time.
- The net floor area used in conducting the business including the storage of any materials or goods must not exceed 100 square metres or one-third of the net floor area of the dwelling, whichever is the lesser. The net floor area includes out-buildings and works normal to a dwelling.
- The business must not impose a load on any utility greater than normally required for domestic use.
- The business must not adversely affect the amenity of the neighbourhood in any way including:
  - The appearance of any building, works or materials used.
  - The parking of motor vehicles.
  - The transporting of materials or goods to or from the dwelling.
  - The hours of operation.
  - Electrical interference.
  - The storage of chemicals, gasses or other hazardous materials.
  - Emissions from the site.
- No motor vehicle may be adjusted, modified, serviced or repaired for gain.
- Only one commercial vehicle (a commercial goods vehicle, commercial passenger vehicle or tow truck within the meaning of the Transport Act 1983), not exceeding 2 tonnes capacity and with or without a trailer registered to a resident of the dwelling may be present at any time. The vehicle must not be fuelled or repaired on the site.
- No goods other than goods manufactured or serviced in the home based business may be offered for sale. This requirement does not apply to goods offered for sale online.
- Materials used or goods manufactured, serviced or repaired in the home based business must be stored within a building.
- No goods manufactured, serviced or repaired may be displayed so that they are visible from outside the site.
- Any goods offered for sale online must not be collected from the dwelling.

Permit requirement
Despite the requirements of Clause 52.11-1, a permit may be granted for a home occupation:

- Which allows no more than three people who do not live in the dwelling to work in the occupation at any one time; or
- Which has a floor area not exceeding 200 square metres or one-third of the net floor area of the dwelling, whichever is the lesser.
- Which allows no more than one additional commercial vehicle (a commercial goods vehicle, commercial passenger vehicle or tow truck within the meaning of the Transport Act 1983), not exceeding two tonnes capacity and with or without a trailer registered to a resident of the dwelling, to be present at any time.

**Decision guidelines**

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

- Whether there is a need for additional parking or loading facilities.

- The effect of any vehicle parking, storage or washing facilities on the amenity and character of the street.

- Whether the site is suitable for the particular home based business and is compatible with the surrounding use and development.

- Whether there is a need for landscaping to screen any outbuildings or car parking or loading areas or any other area relating to the home based business.
BUSHFIRE PROTECTION EXEMPTIONS

Purpose

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

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

Exemptions to create 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 any of the following:

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

- The removal, destruction or lopping of any vegetation, except trees, within 30 metres of an existing building used for accommodation if all of the following requirements are met:
  - The building must be located in an area that is designated as a bushfire prone area under the Building Act 1993.
  - The building must have been:
    - constructed before 10 September 2009; or
    - approved by a planning permit or a building permit issued before 10 September 2009; or
    - constructed to replace a dwelling or dependent persons unit that was damaged or destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009.

- The removal, destruction or lopping of any vegetation, except trees, within 50 metres of an existing building used for accommodation if all of the following requirements are met:
  - The building must be located in the Bushfire Management Overlay.
  - The building must have been:
    - constructed before 10 September 2009; or
    - lawfully constructed without a planning permit before 18 November 2011; or
    - approved by a planning permit or a building permit issued before 10 September 2009 and constructed 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 along a boundary fence between properties in different ownership if all of the following requirements are met:

- The fence must be located in an area that is designated as a bushfire prone area under the Building Act 1993.
- The fence must have been constructed before 10 September 2009.
- The clearing alongside 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.

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 October 2015) of the Project Development and Construction Management Act 1994.

Exemption for buildings and works associated with a private bushfire shelter

Any requirement in this planning 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 2018), 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 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 enable the construction of a dwelling, or the alteration or extension of an existing 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.

Note: The effect of clause 52.12-5 is that if an application for building and works is made and all requirements of the clause are met, that application is not required to be accompanied by a permit application to remove the vegetation covered by this clause.
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 June 2020 unless in accordance with the requirements of this scheme.

A building must not be used after 30 June 2020 unless in accordance with the requirements of this scheme.

### Decision guidelines

Before deciding on an application to allow the retention or continuing use of a building, in addition to the decision guidelines in Clause 65 and any other requirements of the Act, the responsible authority must consider the extent to which compliance can be reasonably achieved with all requirements of this scheme.
2009 BUSHFIRE - REPLACEMENT BUILDINGS

Purpose

To support the rebuilding of dwellings, dependent persons’ units and buildings used for agriculture damaged or destroyed by the 2009 Victorian bushfires.

Scope

This clause applies to:

- The construction of a building or the construction and carrying out of works, associated with rebuilding:
  - a dwelling or dependent person’s unit; or
  - a building used for agriculture,
    that was damaged or destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009.

- The use of land for:
  - a dwelling or dependent person’s unit that is rebuilt in accordance with this clause; or
  - agriculture to the extent that the use relates to a building that was destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009 and that use cannot continue unless that building is rebuilt.

- The removal, destruction or lopping of vegetation to enable the construction, use and maintenance of a building rebuilt in accordance with this Clause.

This clause does not apply to land in a Heritage Overlay.

For the avoidance of doubt, any planning permit exemption provided by the scheme continues to apply to the use and development specified in this Clause.

If any use or development is within the scope of both this Clause 52.14 and Clause 52.13, then this Clause 52.14 prevails over Clause 52.13 in the event of any inconsistency.

Exemption from planning scheme requirements

Any requirement of the scheme to obtain a permit or any provision in the scheme which prohibits the use or development of land or requires the use or development of land to be carried out in a particular manner does not apply to the use and development specified in Clause 52.14-1 provided the following requirements are met:

Site plan

Before the commencement of construction of a building or the construction or carrying out of works, a site plan must be provided to and approved by the responsible authority. The site plan must show:

- The boundaries of the property.
- The location of any damaged or destroyed dwelling, dependent person’s unit or building used for agriculture.
- The proposed location of the replacement dwelling, dependent person’s unit or building used for agriculture.
- The existing and proposed access to the lot.
Vegetation to be removed destroyed or lopped to enable rebuilding including construction of vehicle access, water storage and waste water treatment.

For replacement dwellings and dependent persons’ units on land in a Farming Zone, Rural Conservation Zone, Rural Activity Zone, Green Wedge Zone, Green Wedge A Zone or the Rural Living Zone:

- The location and dimensions of vehicle access.
- The location and storage of water for potable and fire fighting purposes if the dwelling or dependent person’s unit cannot be connected to a reticulated potable water supply.
- The location of the waste water treatment system if waste water is to be retained and treated on site.

The site plan must be submitted to the responsible authority by 30 September 2017.

Commencement of development

- The development must commence within two years after the approval of a site plan by the responsible authority and must be completed within two years after the development commences. The responsible authority may allow an extension of time on the request of the owner or the occupier of the land to which the approved site plan applies, provided that request is made before the expiry of the applicable period or within three months of the expiry of the applicable period.

Compliance with site plan

- The development must comply with the approved site plan.

Use and development conditions

- The land must not be used for more than the number of dwellings or dependent persons’ units that were damaged or destroyed.
- The removal, destruction or lopping of vegetation to enable the maintenance of a building must not exceed 10 metres beyond the building.

For land in the Farming Zone, Rural Conservation Zone, Rural Activity Zone, Green Wedge Zone, Green Wedge A Zone or the Rural Living Zone:

- Access to the dwelling or dependent person’s unit must be provided via an all weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling or dependent person’s unit must be connected to a reticulated sewerage system or if not available, the waste water must be managed to the satisfaction of the responsible authority.
- The dwelling or dependent person’s unit must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling or dependent person’s unit must be connected to a reticulated electricity supply or have an alternative energy source.

- A building must be constructed of materials that are non-reflective and of muted tones in the following locations:
  - Land in an Environmental Significance Overlay, Design and Development Overlay or Significant Landscape Overlay.
  - Land in a Green Wedge Zone, Green Wedge A Zone or Rural Conservation Zone in the municipal districts of the Shire of Yarra Ranges and the Shire of Nillumbik.
For land in a Restructure Overlay, a building must be consistent with any Restructure Plan.

For land adjacent to a Road Zone, Category 1, or Land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road, access must not be created or altered.

**52.14-3 Land in an Erosion Management Overlay**

For land in an Erosion Management Overlay in the municipal district of the Shire of Yarra Ranges, in addition to the requirements specified in Clause 52.14-2, the written authorisation of the responsible authority must be obtained prior to:

- Constructing a building or constructing and carrying out works; or
- Removing, destroying or lopping vegetation.

**52.14-4 Land in a Floodway Overlay, Land Subject to Inundation Overlay or Special Building Overlay**

For land in a Floodway Overlay, Land Subject to Inundation Overlay or Special Building Overlay, in addition to the requirements specified in Clause 52.14-2, the written authorisation of the relevant floodplain management authority must be obtained prior to the commencement of construction of a building or the construction or carrying out of works.

**52.14-5 Decision guidelines**

Before deciding on approval of the site plan, in addition to the decision guidelines in Clause 65 and any other requirements of the Act, the responsible authority must consider, as appropriate:

- The extent to which the siting of the building and associated development can reasonably achieve compliance with other relevant requirements of this scheme.
- The extent to which the replacement dwelling or dependent person’s unit can be located on the land to assist the minimisation of risk to life and property from bushfire.
HELIPORT AND HELICOPTER LANDING SITE

Purpose
To ensure the amenity impacts of a heliport and a helicopter landing site on surrounding areas is considered.

Permit requirement
A permit is required to use or develop any land for a heliport or a helicopter landing site even if it is ancillary to another use on the land, unless the table to this Clause specifically states that a permit is not required.

Table of exemptions for use

<table>
<thead>
<tr>
<th>No permit is required to use land for a helicopter landing site if any of the following apply:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Emergency services</strong></td>
</tr>
<tr>
<td>The helicopter landing site is used by a helicopter engaged in the provision of emergency service operations.</td>
</tr>
<tr>
<td><strong>Agriculture</strong></td>
</tr>
<tr>
<td>The helicopter landing site is used by a helicopter engaged in agricultural activity in conjunction with the use of any land for agriculture.</td>
</tr>
<tr>
<td><strong>Public land management</strong></td>
</tr>
<tr>
<td>The helicopter landing site is used by a helicopter engaged in the provision of public land management activities conducted by or on behalf of any of the following:</td>
</tr>
<tr>
<td>- The Department of Environment, Land, Water and Planning;</td>
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<tr>
<td>- The Department of Economic Development, Jobs, Transport and Resources; or</td>
</tr>
<tr>
<td>- Parks Victoria, whether on private land or not.</td>
</tr>
<tr>
<td><strong>General</strong></td>
</tr>
<tr>
<td>The helicopter landing site where either:</td>
</tr>
<tr>
<td>- The landing point is located more than 500 metres from a building used for a sensitive use (accommodation, child care centre, education centre and hospital) that is not associated with the helicopter operation and more than 200 metres from a shipping channel in the Port of Melbourne, provided:</td>
</tr>
<tr>
<td>- The number of flight movements does not exceed eight in a 30 day period and four in a 24 hour period (for the purposes of this provision the take off and landing of a helicopter are separate flight movements).</td>
</tr>
<tr>
<td>- Flight movements do not take place before 7am or after sunset on a weekday.</td>
</tr>
<tr>
<td>- Flight movements do not take place before 8am or after sunset on a weekend or holiday; or</td>
</tr>
<tr>
<td>- The landing point is located more than 1000 metres from a building used for a sensitive use that is not associated with the helicopter operation and more than 200 metres from a shipping channel in the Port of Melbourne.</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.
52.16-6 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.

52.16-7 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.

52.16-8 Table of exemptions
The requirement to obtain a permit does not apply to:

| Conservation work | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of conservation work:
|                  |   • which provides an overall improvement for biodiversity; and
|                  |   • with written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987). |
| Crown land       | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to manage Crown land:
|                  |   • 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
|                  |   • 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). |
| Emergency works  | Native 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 associated with emergency works; or
|                  |   • where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption. |
| Extractive industry | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority under that Act. |
| Fire protection | 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: |
The requirement to obtain a permit does not apply to:

- fire fighting;
- planned burning;
- making or maintenance of a fuelbreak or fire fighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;
- making 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.

Geothermal energy exploration and extraction

| Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the Geothermal Energy Resources Act 2005. |

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. |

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. |

Mineral exploration and mining

| 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. |

Mineral exploration and mining

| Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a work plan approved under Part 3 of the Mineral Resources (Sustainable Development) Act 1990. |

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. |
## The requirement to obtain a permit does not apply to:

| **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). |
| **Regrowth** | 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). |
| **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. |
| **Surveying** | 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. |
| **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). |
### SCHEDULE TO CLAUSE 52.16

#### Native vegetation precinct plan

<table>
<thead>
<tr>
<th>Name of plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
</tr>
</tbody>
</table>
NATIVE VEGETATION

Purpose

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

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

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

Permit requirement

A permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply:

- If the table to Clause 52.17-7 specifically states that a permit is not required.
- If a native vegetation precinct plan corresponding to the land is incorporated into this scheme and listed in the schedule to Clause 52.16.
- To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.

Application requirements

An application to remove, destroy or lop native vegetation must comply with the application requirements specified in the Guidelines.

Property vegetation plans

A permit granted to remove, destroy or lop native vegetation in accordance with a property vegetation plan must include the following condition:

“This permit will expire if one of the following circumstances applies:

- The removal, destruction or lopping of native vegetation does not start within two years of the date of this permit.
- The removal, destruction or lopping of native vegetation is not completed within ten years of the date of this permit.”

Decision guidelines

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

Offset requirements

If a permit is required to remove, destroy or lop native vegetation, the biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset, in accordance with the Guidelines. The conditions on the permit for the removal, destruction or lopping of native vegetation must specify the offset requirement and the timing to secure the offset.
Transitional provisions
The requirements of this clause in force immediately before the commencement of Amendment VC138 continue to apply to an application for:

- A permit lodged before that date.
- An amendment to a permit if:
  - the original permit application was lodged before that date; or
  - the original permit application was one that benefited from the following transitional provision.
- A permit lodged within 12 months after that date, if the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987) has stated in writing that a report about the proposed removal, destruction or lopping of native vegetation has been generated by the Department of Environment, Land, Water and Planning’s native vegetation information systems within 12 months before that date.

Table of exemptions

<table>
<thead>
<tr>
<th>The requirement to obtain a permit does not apply to:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation work</td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of conservation work:</td>
</tr>
<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>Dead native vegetation</td>
<td>Native vegetation that is dead.</td>
</tr>
<tr>
<td></td>
<td>This exemption does not apply to a standing dead tree with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.</td>
</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>
</tbody>
</table>
The requirement to obtain a permit does not apply to:

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
</table>
| **Existing buildings** | Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable the use or maintenance of a building constructed in accordance with a planning or building permit issued before 15 September 2008. This exemption does not apply to:  
  - the operation or maintenance of a fence; or  
  - native vegetation located more than 10 metres measured from the outermost point of the building. |
| **Existing buildings and works in the Farming Zone and Rural Activity Zone** | Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable the use or maintenance of an existing building or works used for Agricultural production, including a dam, utility service, bore, horticultural trellising and accessway in the Farming Zone or the Rural Activity Zone. This exemption does not apply to:  
  - the use or maintenance of a Dwelling; or  
  - the operation or maintenance of a fence; or  
  - native vegetation located more than 10 metres measured from the outermost point of the building or works. |
| **Extractive industry** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the *Mineral Resources (Sustainable Development) Act 1990* and authorised by a work authority under that Act. |
| **Fences** | Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable:  
  - the operation or maintenance of an existing fence; or  
  - the construction of a boundary fence between properties in different ownership. The clearing along both sides of the fence when combined must not exceed 4 metres in width, except where land has already been cleared 4 metres or more along one side of the fence, then up to 1 metre can be cleared along the other side of the fence. |
| **Fire protection** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to carry out any of the following fire protection activities:  
  - fire fighting;  
  - planned burning;  
  - making or maintenance of a fuelbreak or firefighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;  
  - making a strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*);  
  - in accordance with a fire prevention notice issued under either:  
    - Section 65 of the *Forests Act 1958*; or  
    - Section 41 of the *Country Fire Authority Act 1958*. |
The requirement to obtain a permit does not apply to:

- 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 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>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the <em>Geothermal Energy Resources Act 2005</em>.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grasses</td>
<td>Native grass that is to be mowed or slashed for maintenance only, provided that the grass is:</td>
</tr>
<tr>
<td></td>
<td>- located within a lawn, garden or other landscaped area; or</td>
</tr>
<tr>
<td></td>
<td>- maintained at a height of at least 10 centimetres above ground level.</td>
</tr>
<tr>
<td>Grazing</td>
<td>Native vegetation that is to be removed, destroyed or lopped by domestic stock grazing on:</td>
</tr>
<tr>
<td></td>
<td>- freehold land; or</td>
</tr>
<tr>
<td></td>
<td>- Crown land in accordance with a license, permit or lease granted under applicable legislation.</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 <em>Greenhouse Gas Geological Sequestration Act 2008</em>.</td>
</tr>
<tr>
<td>Harvesting for timber production – naturally established native vegetation</td>
<td>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 <em>Code of Practice for Timber Production 2014</em> and are:</td>
</tr>
<tr>
<td></td>
<td>- undertaken on public land under a licence or permit issued under section 52 of the <em>Forests Act 1958</em>; or</td>
</tr>
<tr>
<td></td>
<td>- authorised in accordance with Part 5 of the <em>Sustainable Forests (Timber) Act 2004</em>.</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 <em>Catchment and Land Protection Act 1994</em>.</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 <em>Catchment and Land Protection Act 1994</em>.</td>
</tr>
<tr>
<td>Lopping and pruning for maintenance</td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>This exemption does not apply to:</td>
</tr>
</tbody>
</table>
The requirement to obtain a permit does not apply to:

- the pruning or lopping of the trunk of a native tree; or
- native vegetation on a roadside or railway reservation.

### Mineral exploration and extraction

Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention license issued under the *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 native vegetation removed, destroyed or lopped to enable the construction of a swimming pool, tennis court or horse ménage.

### Personal use

Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to obtain reasonable amounts of wood for personal use by the owner or lawful occupier of the land.
The requirement to obtain a permit does not apply to:

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 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 Flora and Fauna Guarantee Act 1988; 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>

<table>
<thead>
<tr>
<th>Railways</th>
<th>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).</th>
</tr>
</thead>
</table>

<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 Conservation, Forests and Lands Act 1987), and is:</td>
</tr>
</tbody>
</table>
The requirement to obtain a permit does not apply to:

- shown on that plan as being ‘certified regrowth’; and
- on land that is to be used or maintained for cultivation or pasture during the term of that plan.

This exemption does not apply to land where native vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster.

**Road safety**

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*).

**Site area**

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.

**Stock movements on roads**

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.

**Stone exploration**

Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.

The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:

- 1 hectare of native vegetation which does not include a tree.
- 15 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.
- 5 native trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

This exemption does not apply to costeaning and bulk sampling activities.

**Surveying**

Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the *Surveying Act 2004*) using hand-held tools to establish a sightline for the measurement of land.

**Traditional owners**

Native vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:

- 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:
The requirement to obtain a permit does not apply to:

- to maintain the safe and efficient function a Minor utility installation; or
- by or on behalf of a utility service provider to maintain or construct a utility installation in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).

<table>
<thead>
<tr>
<th>Vehicle access from public roads</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>In this exemption, roadside and public road have the same meanings as in section 3 of the Road Management Act 2004.</td>
</tr>
<tr>
<td></td>
<td>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.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Weeds</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>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 20 centimetres at a height of 1.3 metres above ground level.</td>
</tr>
</tbody>
</table>
### SCHEDULE TO CLAUSE 52.17

#### 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>None specified</td>
<td></td>
</tr>
</tbody>
</table>

#### Scheduled weed

<table>
<thead>
<tr>
<th>Area</th>
<th>Description of weed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whole municipality</td>
<td>Sweet Pittosporum (<em>Pittosporum undulatum</em>)</td>
</tr>
</tbody>
</table>

#### Utility installation code of practice

<table>
<thead>
<tr>
<th>Name of code of practice</th>
<th>None specified</th>
</tr>
</thead>
</table>

STATE OF EMERGENCY EXEMPTION

Purpose

To facilitate the delivery of food and other essential goods during and following a state of emergency declared in relation to Novel Coronavirus 2019 (2019-nCoV).

Exemption

The following exemption applies when a state of emergency declaration under the Public Health and Wellbeing Act 2008 in relation to Novel Coronavirus 2019 (2019-nCoV) is in force and for three months after.

Any requirement of a planning permit, including any condition, or any provision of this planning scheme, that limits, or has the effect of limiting, the hours or days during which goods may be dispatched, delivered, loaded or unloaded does not apply to the dispatch, delivery, loading or unloading of:

- Food, drink, groceries, medicine, or cleaning, sanitising, health, hygiene, medical or personal protection equipment, supplies, or products, or the like.
- Any goods to a supermarket, market, hospital, medical centre, pharmacy, residential aged care facility or retirement village.
TELECOMMUNICATIONS FACILITY

Purpose
To ensure that telecommunications infrastructure and services are provided in an efficient and cost effective manner to meet community needs.
To facilitate an effective statewide telecommunications network in a manner consistent with orderly and proper planning.
To encourage the provision of telecommunications facilities with minimal impact on the amenity of the area.

Permit requirement
A permit is required to construct a building or construct or carry out works for a Telecommunications facility. This does not apply to buildings and works for:
- A low-impact facility as described in the Telecommunications (Low-impact) Facilities Determination 1997 (Cth).
- The inspection and maintenance of a Telecommunications facility as defined in the Telecommunications Act 1997 (Cth).
- A facility authorised by a Facilities Installation Permit issued under the Telecommunications Act 1997 (Cth).
- A temporary defence facility.
- The connection of a building, structure, caravan or mobile home to a Telecommunications line forming part of a Telecommunications network.
- A Telecommunications facility that complies with the requirements of section 5 of A Code of Practice for Telecommunications Facilities in Victoria, July 2004.
- An activity authorised under clause 6(2) of Division 3 of Schedule 3 of the Telecommunications Act 1997 (Cth).
- An activity carried out by a body listed in sections 46 to 51 (inclusive) of the Telecommunications Act 1997 (Cth) pursuant to legislation applying to that body.

Land in public ownership
An application affecting land in a public land zone must be accompanied by written confirmation from the public land manager that the public land manager consents generally or conditionally:
- To the application being made; or
- To the application being made and to the proposed development.
This requirement does not apply if the applicant is the public land manager.

Exemption from notice and review
An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act unless:
- The Telecommunications facility is a radio communications dish greater than 1.2 metres in diameter; or
- The Telecommunications facility is a Telecommunications tower (other than a low-impact facility described in the Telecommunications (Low-impact Facilities) Determination 1997 (Cth)); or
The land is located in an Environmental Significance Overlay, a Vegetation Protection Overlay, a Significant Landscape Overlay, a Heritage Overlay, a Design and Development Overlay or an Erosion Management Overlay; or

- The land is public land not in a public land zone and the responsible authority is not the public land manager.

An application under any provision of this scheme to use or develop land for a Telecommunications facility is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the Telecommunications facility is funded, or partly funded, by:

- The Commonwealth through the Mobile Black Spot Program; or

- The State of Victoria.

**Application requirements**

An application must be accompanied by the following information as appropriate to the proposal and the location:

- A site analysis and design response explaining how the proposed facility addresses the principles for the design, siting, construction and operation of telecommunications facilities and the requirements in *A Code of Practice for Telecommunications Facilities in Victoria, July 2004*.

- Site boundaries and dimensions.

- The purpose and location of all buildings and works required in the construction of the facility.

- The location of all existing buildings and works to be retained and demolished.

- The location of all proposed buildings and works including dimensions, elevations, materials, colours and finishes.

- The location and use of all buildings on adjoining properties.

- The location of all adjoining streets and access ways.

- Australian Height Datum levels.

- Natural drainage lines, watercourses, coastal dunes, beach systems and wetlands.

- Proposals for the rehabilitation of the land on which development is to occur.

- Roads and parking areas.

- Materials, landscaping, external lighting, colour and reflectivity.

**Decision guidelines**

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

- The principles for the design, siting, construction and operation of a Telecommunications facility set out in *A Code of Practice for Telecommunications Facilities in Victoria, July 2004*.

- The effect of the proposal on adjacent land.

- If the Telecommunications facility is located in an Environmental Significance Overlay, a Vegetation Protection Overlay, a Significant Landscape Overlay, a Heritage Overlay, a Design and Development Overlay or an Erosion Management Overlay, the decision guidelines in those overlays and the schedules to those overlays.
[NO CONTENT]
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.
ROOMING HOUSE

Purpose
To facilitate the establishment of domestic-scale rooming houses.

Application
This clause applies to use and development of land for a rooming house.

Use exemption
Any requirement in the Activity Centre Zone, Capital City Zone, Commercial 1 Zone, General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone to obtain a permit to use land for a rooming house does not apply if all of the following requirements are met:

- Any condition opposite the use ‘rooming house’ in the table of uses in the zone or schedule to the zone is met.
- The total floor area of all buildings on the land, measured from the outside of external walls or the centre of party walls, does not exceed 300 square metres, excluding outbuildings.
- No more than 12 persons are accommodated.
- No more than 9 bedrooms are provided.

Buildings and works exemption
Any requirement in the General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone to obtain a permit to construct a building or construct or carry out works for a rooming house does not apply if all of the following requirements are met:

- No more than 9 bedrooms are developed on the land.
- Bedrooms can only be accessed from within the building.
- The total floor area of all buildings on the land, measured from the outside of external walls or the centre of party walls, 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

### 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

Prohibition of a gaming machine in a shopping complex

Installation or use of a gaming machine as specified in Clause 52.28-3 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>Bentons Square Shopping Centre, Mornington</td>
<td>Lot 2, Plan of Subdivision 300899, Dunns Road, Mornington.</td>
</tr>
<tr>
<td>Balnarring Village Shopping Centre</td>
<td>Lot 2, Plan of Subdivision 524213, off Frankston – Flinders Road, Balnarring.</td>
</tr>
<tr>
<td>Dromana Shopping Centre, Dromana</td>
<td>Lots 1-9 on Strata Plan 260219, off Point Nepean Road, Dromana.</td>
</tr>
<tr>
<td>McCrae Plaza Shopping Centre, McCrae</td>
<td>Land in Plan of Consolidation 367959, off Point Nepean Road, McCrae.</td>
</tr>
<tr>
<td>Mornington Central Shopping Complex, Mornington</td>
<td>Lot 99748A, Plan of Subdivision 437121 off Railway Grove, Mornington.</td>
</tr>
<tr>
<td>Mornington Safeway Complex, Mornington</td>
<td>Land in Plan of Consolidation 105098 at 219 - 257 Main Street, Mornington.</td>
</tr>
<tr>
<td>Port Phillip Plaza, Rosebud</td>
<td>Land in plan of consolidation 164612, Boneo Road, Rosebud.</td>
</tr>
<tr>
<td>Rosebud Village Shopping Centre, Rosebud</td>
<td>Lots 1-18 plan of subdivision 332239, Point Nepean Road, Rosebud.</td>
</tr>
<tr>
<td>Somerville Central, Somerville</td>
<td>Lot 1, plan of subdivision 505223, Eramosa Road West, Somerville.</td>
</tr>
</tbody>
</table>

Prohibition of a gaming machine in a strip shopping centre

A gaming machine as specified in Clause 52.28-4 is prohibited in all strip shopping centres on land covered by this planning scheme.
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.
[NO CONTENT]
52.32  
31/07/2018  
VC148  

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.

52.32-1  
31/07/2018  
VC148

Application
This clause applies to land used and developed or proposed to be used and developed for a Wind energy facility.

52.32-2  
21/11/2017  
VC141

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>

52.32-3  
21/11/2017  
VC141

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.

52.32-4
24/01/2020
VC160
Application requirements
An application must be accompanied by the following information as appropriate:

Site and context analysis
A site and context analysis may use a site plan, photographs or other techniques to accurately describe the site and surrounding area and must include the following information:

- In relation to the site:
  - Site shape, dimensions and size
  - Orientation and contours
  - Current land use
  - The existing use and siting of buildings or works on the land
  - Existing vegetation types, condition and coverage
  - The landscape of the site
  - Sites of cultural heritage significance
  - Wind characteristics
  - Any other notable features, constraints or other characteristics of the site.

- In relation to the surrounding area:
  - Existing land uses
  - Above-ground utilities
  - Access to infrastructure
  - Direction and distances to nearby dwellings, townships, urban areas, significant conservation and recreation areas, water features, tourist routes and walking tracks, major roads, airports, aerodromes and existing and proposed wind energy facilities
  - The siting and use of buildings on adjacent properties
  - Views to and from the site, including views from existing dwellings and key vantage points including major roads, walking tracks, tourist routes and regional population growth corridors
  - Sites of flora and fauna listed under the Flora and Fauna Guarantee Act 1988 and Environment Protection and Biodiversity Conservation Act 1999 (Cwth), including significant habitat corridors, and movement corridors for these fauna
  - Sites of cultural heritage significance
  - National Parks, State Parks, Coastal Reserves and other land subject to the National Parks Act 1975
  - Land declared a Ramsar wetland as defined under section 17 of the Environment Protection and Biodiversity Conservation Act 1999 (Cwth)
- Location of any land included in the schedule to clause 52.32-2 of the planning scheme
- Any other notable features or characteristics of the area
- Bushfire risks.

**Design response**
- Detailed plans of the proposed development.
- Plans and elevations of transmission infrastructure and electricity utility works required to connect the facility to the electricity network, and access road options.
- Accurate visual simulations illustrating the development in the context of the surrounding area and from key public view points.
- A rehabilitation plan for the site.
- A written report(s), including:
  - A description of the proposal.
  - An explanation of how the proposed design derives from and responds to the site analysis.
  - A description of how the proposal responds to any significant landscape features for the area identified in the planning scheme.
  - An assessment of:
    - the visual impact of the proposal on the surrounding landscape.
    - the visual impact on abutting land that is described in a schedule to the National Parks Act 1975 and Ramsar wetlands and coastal areas.
    - the impact of the proposal on any species (including birds and bats) listed under the Flora and Fauna Guarantee Act 1988 or the Environment Protection and Biodiversity Conservation Act 1999 (Cwth).
    - the noise impacts of the proposal prepared in accordance with the New Zealand Standard NZS6808:2010, Acoustics – Wind Farm Noise, including an assessment of whether a high amenity noise limit is applicable, as assessed under Section 5.3 of the Standard.
    - the impacts upon Aboriginal or non-Aboriginal cultural heritage.
  - A statement of why the site is suitable for the wind energy facility.
  - An environmental management plan including any rehabilitation and monitoring requirements.

If in the opinion of the responsible authority a requirement of the site and context analysis or design response is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

An application must be accompanied by the following information:

**Mandatory noise assessment**
- A pre-construction (predictive) noise assessment report demonstrating that the proposal can comply with the New Zealand Standard NZS6808:2010, Acoustics – Wind Farm Noise, including an assessment of whether a high amenity noise limit is applicable under Section 5.3 of the Standard.
of the pre-construction (predictive) noise assessment report has been conducted in accordance with the New Zealand Standard NZS6808:2010, Acoustics – Wind Farm Noise. This requirement does not apply to an application to amend a permit under section 72 or 97I of the Planning and Environment Act 1987, if the amendment to the permit sought by the application will not alter the noise assessment of the wind energy facility.

Mandatory condition

If a mandatory noise assessment must accompany an application under Clause 52.32-4, any permit or amended permit issued with respect to that application 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:
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

## Wind energy facility prohibition

<table>
<thead>
<tr>
<th>Land where a Wind energy facility is prohibited</th>
</tr>
</thead>
<tbody>
<tr>
<td>All land</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

Permit requirement for dry stone walls

<table>
<thead>
<tr>
<th>Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</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></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 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.
PUBLICATIONS CONTRIBUTION AND SUBDIVISION

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988.

Exemption from public open space requirement specified in the scheme

A subdivision is exempt from a public open space requirement specified in this scheme if:

- It is one of the following classes of subdivision:
  - Class 1: The subdivision of a building used for residential purposes provided each lot contains part of the building. The building must have been constructed or used for residential purposes immediately before 30 October 1989 or a planning permit must have been issued for the building to be constructed or used for residential purposes immediately before that date.
  - Class 2: The subdivision of a commercial or industrial building provided each lot contains part of the building.

- It is for the purpose of excising land to be transferred to a public authority, council or a Minister for a utility installation.

- It subdivides land into two lots and the council considers it unlikely that each lot will be further subdivided.

Exemption from public open space requirement under section 18(8)(a) of the Subdivision Act 1988

For the purposes of section 18(8)(a) of the Subdivision Act 1988, the following classes of subdivision are exempt from the public open space requirement:

- Class 1: The subdivision of a building used for residential purposes provided each lot contains part of the building. The building must have been constructed or used for residential purposes immediately before 30 October 1989 or a planning permit must have been issued for the building to be constructed or used for residential purposes immediately before that date.

- Class 2: The subdivision of a commercial or industrial building provided each lot contains part of the building.

Note: Check section 18A of the Subdivision Act 1988 for other requirements that apply to a public open space requirement specified in the planning scheme.
# SCHEDULE TO CLAUSE 53.01 PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION

## 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>
</table>
| Land bounded by Mornington-Tyabb Road; the boundary of the Residential 1 Zone between Mornington-Tyabb Road and Craigie Road; Craigie Road and Nepean Highway, Mornington as shown on Map 1 to this Schedule. | Land contribution  
Nine percent (9%) of the land to be subdivided, or  
Cash-in-lieu contribution  
Twelve percent (12%) of the site value of the land to be subdivided, or  
Combination contribution  
A land contribution equal to nine percent (9%) of a portion of the land to be subdivided plus a cash-in-lieu contribution equal to twelve percent (12%) of the site value of the remaining portion of the land to be subdivided. |
| Land affected by schedule 11 to Clause 43.02, being Design and Development Overlay Schedule 11 - Mt Eliza (North Of Tower Road) Development Design (DDO11). | Five percent (5%) of the site area or five percent (5%) of the site value of the land to be subdivided; and a further five percent (5%) of the site area or five percent (5%) of the site value of the land to be subdivided; with any cash in lieu contribution to be applied towards environmental improvement (including conservation land acquisition) in the Mt Eliza area generally.  
The calculation of this further five percent (5%) may be discounted by the area or site value of any lot that contains a dwelling that existed at 19 May 2005; provided that the total public open space contribution is equivalent to no less than $10,000, indexed in accordance with the CPI, for every new lot created. |
| 1440 Frankston-Flinders Road Tyabb (Lot 2, LP 91280, Vol 8877 Fol 905). | Land contribution  
Seven and a half percent (7.5%) |
| Other Residential subdivision. | Five percent (5%) |
| Commercial. | Five percent (5%) |
| Industrial. | Five percent (5%) |
Map 1 to Schedule to Clause 53.01

Legend

- Land affected by the Schedule to Clause 53.01
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>

| AM 1.2  | 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. |

| AM 1.3  | 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 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>
</tbody>
</table>
| AM 2.2  | A building is sited to ensure the site best achieves the following:  
- The maximum separation distance between the building and the bushfire hazard.  
- The building is in close proximity to a public road.  
- Access can be provided to the building for emergency service vehicles. |
| AM 2.3  | A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building. |

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>
</table>
| AM 3.1  | 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 defendable space in accordance with:  
- Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land; or  
- If there are significant siting constraints, Table 2 Column D and Table 6 to Clause 53.02-5.  
The building is constructed to the bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5. |
| AM 3.2  | 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:  
- 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.  
- Constructed to a bushfire attack level of BAL12.5. |

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>
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.

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. |

<p>| <strong>AM 4.2</strong> | 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: |</p>
<table>
<thead>
<tr>
<th>Measure</th>
<th>Requirement</th>
</tr>
</thead>
</table>
| **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>
</table>
| AltM 5.5 | 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:  
- All other requirements of AM 5.2 have been met.  
- Less defendable space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment. |

### 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.
### 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>
</tbody>
</table>
Defendable space distance from building facade (metres)

<table>
<thead>
<tr>
<th>Slope Type</th>
<th>Vegetation Type</th>
<th>Defendable space distance from building facade (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Column A</td>
</tr>
<tr>
<td>&lt; 8</td>
<td>Mallee/Mulga</td>
<td>26</td>
</tr>
<tr>
<td>&lt; 17</td>
<td>Rainforest</td>
<td>45</td>
</tr>
<tr>
<td>&lt; 9</td>
<td>Grassland</td>
<td>28</td>
</tr>
<tr>
<td>&lt; 50</td>
<td>Mallee/Mulga</td>
<td>98</td>
</tr>
<tr>
<td>&lt; 32</td>
<td>Woodland</td>
<td>73</td>
</tr>
<tr>
<td>&lt; 15</td>
<td>Scrub</td>
<td>43</td>
</tr>
<tr>
<td>&lt; 10</td>
<td>Shrubland</td>
<td>31</td>
</tr>
<tr>
<td>&lt; 22</td>
<td>Mallee/Mulga</td>
<td>29</td>
</tr>
<tr>
<td>&lt; 22</td>
<td>Grassland</td>
<td>27</td>
</tr>
</tbody>
</table>

BAL 12.5 | BAL 19 | BAL 29 | BAL 40 | BAL FZ

<table>
<thead>
<tr>
<th>Slope Type</th>
<th>Vegetation Type</th>
<th>Defendable space and construction</th>
</tr>
</thead>
<tbody>
<tr>
<td>All</td>
<td>All vegetation</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>

**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></td>
<td></td>
<td>Column A</td>
</tr>
<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>Column A</td>
<td>Column B</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>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>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>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>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>
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>&gt;0-5</th>
<th>&gt;5-10</th>
<th>&gt;10-15</th>
<th>&gt;15-20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forest</td>
<td>60</td>
<td>70</td>
<td>85</td>
<td>105</td>
<td>125</td>
</tr>
<tr>
<td>Woodland</td>
<td>40</td>
<td>50</td>
<td>62</td>
<td>75</td>
<td>95</td>
</tr>
<tr>
<td>Shrubland</td>
<td>25</td>
<td>28</td>
<td>32</td>
<td>36</td>
<td>41</td>
</tr>
<tr>
<td>Scrub</td>
<td>35</td>
<td>40</td>
<td>45</td>
<td>50</td>
<td>55</td>
</tr>
<tr>
<td>Mallee/Mulga</td>
<td>23</td>
<td>26</td>
<td>30</td>
<td>35</td>
<td>40</td>
</tr>
<tr>
<td>Rainforest</td>
<td>30</td>
<td>36</td>
<td>46</td>
<td>60</td>
<td>70</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.

**Length of access is less than 30 metres**

The following design and construction requirements apply:

- All-weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

**Length of access is greater than 30 metres**

A turning area for fire fighting vehicles must be provided close to the building by one of the following:

- A turning circle with a minimum radius of eight metres.
- A driveway encircling the dwelling.
- The provision of other vehicle turning heads — such as a T or Y head — which meet the specification of Austroad Design for an 8.8 metre Service Vehicle.

**Length of access is greater than 100 metres**

- Passing bays must be provided at least every 200 metres.
- Passing bays must be a minimum of 20 metres long with a minimum trafficable width of 6 metres.

**Length of access is greater than 200 metres**

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**

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
Vegetation management requirement

- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Unless specified in a schedule or otherwise agreed in writing to the satisfaction of the relevant fire authority.

Table 7 Outbuilding construction requirement

<table>
<thead>
<tr>
<th>Building construction condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed outbuilding is separated from the adjacent building by a wall that extends to the underside of a non-combustible roof covering and:</td>
</tr>
<tr>
<td>- 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</td>
</tr>
<tr>
<td>- is of masonry, earth wall or masonry-veneer construction with the masonry leaf of not less than 90 millimetres in thickness.</td>
</tr>
</tbody>
</table>

Any openings in the wall shall be protected in accordance with the following:

- Doorways – by FLR -/60/30 self-closing fire doors
- Windows – by FRL -/60/- fire windows permanently fixed in the closed position
- 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 ENTERTAINMENT VENUES

Purpose

To recognise that live music is an important part of the State’s culture and economy.

To encourage the retention of existing and the development of new live music entertainment venues.

To protect live music entertainment venues from the encroachment of noise sensitive residential uses.

To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.

To ensure that the primary responsibility for noise attenuation rests with the agent of change.

Application

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

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

This clause does not apply to:

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

Meaning of terms

In this clause:

- **live music entertainment venue** means:
  - a food and drink premises, nightclub, function centre or residential hotel that includes live music entertainment
  - a rehearsal studio
  - any other venue used for the performance of music and specified in clause 3.0 of the schedule to this clause, subject to any specified condition or limitation.

- **noise sensitive residential use** means a community care accommodation, dependent person's unit, dwelling, residential aged care facility, residential village, retirement village or rooming house.

Requirements to be met

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

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.

- An assessment of the impact of the proposal on the functioning of live music venues.

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

### Decision guidelines

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

- The extent to which the siting, layout, design and construction minimise the potential for noise impacts.
- Whether existing or proposed noise sensitive residential uses will be satisfactorily protected from unreasonable live music and entertainment noise.
- Whether the proposal adversely affects any existing uses.
- The social and economic significance of an existing live music entertainment venue.
- The impact of the proposal on the functioning of live music venues.
## SCHEDULE TO CLAUSE 53.06 LIVE MUSIC AND ENTERTAINMENT NOISE

### 1.0 Areas to which Clause 53.06 does not apply

<table>
<thead>
<tr>
<th>Name of area</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>

### 2.0 Other venues to which Clause 53.06 applies

<table>
<thead>
<tr>
<th>Name of venue</th>
<th>Address</th>
<th>Condition or limitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SHIPPING CONTAINER STORAGE

Application

This clause applies to all land except land which is in a Special Use Zone established for the purpose of port and port-related activities, or is in a Port Zone.

Decision guidelines

Before deciding on an application to use land for shipping container storage, or construct a building or carry out works associated with shipping container storage, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Whether the location is appropriate for shipping container storage having regard to:
  - The zoning of the land.
  - Amenity of the neighbourhood.
  - Proximity of the land to residential uses and zones or other sensitive uses.
  - Access to a road in a Road Zone.
  - Access to rail facilities.
  - Capacity and suitability of the road network to accommodate the type and volume of vehicle traffic generated by the use.
  - Capacity of the site to accommodate the proposed use.

- The effect on the environment and the amenity and character of the neighbourhood having regard to:
  - Existing and planned use of land in the neighbourhood.
  - Location, height and setback of shipping container stacks, particularly near road boundaries.
  - Location of facilities for the cleaning, repair, servicing, painting or fumigation of shipping containers.
  - Hours of operation.
  - Design, construction and maintenance of external storage and vehicle movement areas.
  - Treatment and disposal of wastewater.

- Whether the site layout and the design of buildings, landscaping, vehicle access lanes, loading bays, wash bays, lighting and fencing are designed to avoid or minimise any significant off-site impacts due to the emission of noise, light, glare, dust, fumes or drainage.

- Whether any special measure may be necessary to protect the environment and the amenity of nearby sensitive uses, including noise attenuation measures, dust minimisation measures and waste storage arrangements.

- The need for landscaping and fencing to screen or soften the appearance of shipping container storage areas, particularly near road boundaries.

- The adequacy and effect of the landscaping on the appearance of the site, taking into account the streetscape character, the size of the site, and the height, mass and scale of shipping container stacks on the site.

- The adequacy of traffic measures to:
  - Achieve safe, efficient vehicle movement on site and access to and egress from the land.
  - Prevent inappropriate use of local residential streets.
- The adequacy of truck parking, loading and truck queuing spacing to accommodate truck movements at peak periods and employee requirements on the land.
CATTLE FEEDLOT

Purpose
To facilitate the establishment and expansion of cattle feedlots in Victoria in a manner which is consistent with orderly and proper planning and the protection of the environment.

Requirements to be met
All use and development of cattle feedlots must comply with the Victorian Code for Cattle Feedlots - August 1995.

The Code must be complied with to the satisfaction of the responsible authority.
POULTRY FARM

Purpose

To facilitate the establishment and expansion of poultry farms, including broiler farms, in a manner that is consistent with orderly and proper planning and the protection of the environment.

Application

This clause applies to permit applications to use land or construct a building or 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 AND ACTIVITIES WITH POTENTIAL ADVERSE IMPACTS

Purpose
To identify those types of uses and activities, 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 shortest distance from any part of the land to:

- land (not a road) in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone; or
- land used for a hospital, an education centre or a corrective institution; or
- land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.

An application to use land for an industry, utility installation or warehouse for a purpose listed in the table to this clause must be referred to the Environment Protection Authority under section 55 of the Act if the threshold distance is not to be met or no threshold distance is specified.

Table to Clause 53.10-1

<table>
<thead>
<tr>
<th>Type of use or activity (purpose)</th>
<th>Threshold distance (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Basic metal products</strong></td>
<td></td>
</tr>
<tr>
<td>Iron or steel production:</td>
<td></td>
</tr>
<tr>
<td>- up to 1,000,000 tonnes per year</td>
<td>500</td>
</tr>
<tr>
<td>- exceeding 1,000,000 tonnes per year</td>
<td>1,000</td>
</tr>
<tr>
<td><strong>Non-ferrous metal production:</strong></td>
<td></td>
</tr>
<tr>
<td>- up to 100 tonnes per year</td>
<td>100</td>
</tr>
<tr>
<td>- between 100 and 2,000 tonnes per year</td>
<td>300</td>
</tr>
<tr>
<td>- exceeding 2,000 tonnes per year</td>
<td>500</td>
</tr>
<tr>
<td>- aluminium by electrolysis</td>
<td>2,000</td>
</tr>
<tr>
<td><strong>Chemical, petroleum and coal products</strong></td>
<td></td>
</tr>
<tr>
<td>Ammunition, explosives and fireworks production</td>
<td>1,000</td>
</tr>
<tr>
<td>Biocides production and storage</td>
<td>1,000</td>
</tr>
<tr>
<td>Briquette production</td>
<td>300</td>
</tr>
<tr>
<td>Chemical product manufacture other than listed within this group</td>
<td>300</td>
</tr>
<tr>
<td>Type of use or activity (purpose)</td>
<td>Threshold distance (metres)</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>Coke processing</td>
<td>500</td>
</tr>
<tr>
<td>Cosmetics and toiletries production</td>
<td>100</td>
</tr>
<tr>
<td>Fertiliser production</td>
<td>1,000</td>
</tr>
<tr>
<td>Gasworks</td>
<td>1,000</td>
</tr>
<tr>
<td>Industrial gases production</td>
<td>1,000</td>
</tr>
<tr>
<td>Organic and inorganic industrial chemicals production other than those listed within this group</td>
<td>2,000</td>
</tr>
<tr>
<td>Other petroleum or coal production</td>
<td>500</td>
</tr>
<tr>
<td>Paints and inks manufacture, blending and mixing exceeding 2,000 tonnes per year</td>
<td>500</td>
</tr>
<tr>
<td>Petroleum refinery</td>
<td>2,000</td>
</tr>
<tr>
<td>Pharmaceutical and veterinary chemical production</td>
<td>1,000</td>
</tr>
<tr>
<td>Polyester and synthetic resins production, exceeding 2,000 per year</td>
<td>1,000</td>
</tr>
<tr>
<td>Rubber production:</td>
<td></td>
</tr>
<tr>
<td>• synthetic rubber, exceeding 2,000 tonnes per year</td>
<td>1,000</td>
</tr>
<tr>
<td>• using either organic solvents or carbon black</td>
<td>300</td>
</tr>
<tr>
<td>• using sulphur</td>
<td>1,000</td>
</tr>
<tr>
<td>Soap and detergent production</td>
<td>500</td>
</tr>
<tr>
<td>Fabricated metal products</td>
<td></td>
</tr>
<tr>
<td>Abrasive blast cleaning</td>
<td>500</td>
</tr>
<tr>
<td>Boiler maker</td>
<td>100</td>
</tr>
<tr>
<td>Metal coating and finishing</td>
<td>500</td>
</tr>
<tr>
<td>Structural or sheet metal production</td>
<td>500</td>
</tr>
<tr>
<td>Food and beverages</td>
<td></td>
</tr>
<tr>
<td>Alcoholic and non-alcoholic beverage production, exceeding 5,000 litres per day</td>
<td>500</td>
</tr>
<tr>
<td>Animal processing</td>
<td>1,000</td>
</tr>
<tr>
<td>Type of use or activity (purpose)</td>
<td>Threshold distance (metres)</td>
</tr>
<tr>
<td>---------------------------------------------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>Bakery (other than one ancillary to a shop):</td>
<td></td>
</tr>
<tr>
<td>• exceeding 200 tonnes per year</td>
<td>100</td>
</tr>
<tr>
<td>• night-time operations, exceeding 200 tonnes per year</td>
<td>500</td>
</tr>
<tr>
<td>Flour mill, exceeding 200 tonnes per year</td>
<td>250</td>
</tr>
<tr>
<td>Food production other than those listed within this group:</td>
<td></td>
</tr>
<tr>
<td>• exceeding 200 tonnes per year</td>
<td>250</td>
</tr>
<tr>
<td>• including frying, drying or roasting, exceeding 200 tonnes per year</td>
<td>500</td>
</tr>
<tr>
<td>Grain and stockfeed mill and handling facility</td>
<td></td>
</tr>
<tr>
<td>• with meat meals or tallow</td>
<td>500</td>
</tr>
<tr>
<td>• no meat meals or tallow</td>
<td>250</td>
</tr>
<tr>
<td>Maltworks, exceeding 200 tonnes per year</td>
<td>500</td>
</tr>
<tr>
<td>Manufacture of milk products, exceeding 200 tonnes per year</td>
<td>300</td>
</tr>
<tr>
<td>Milk depot</td>
<td>100</td>
</tr>
<tr>
<td>Pet food production</td>
<td>500</td>
</tr>
<tr>
<td>Production of vegetable oils and animal fats using solvents, exceeding 200 tonnes per year</td>
<td>500</td>
</tr>
<tr>
<td>Seafood processor, exceeding 200 tonnes per year</td>
<td>500</td>
</tr>
<tr>
<td>Smallgoods production:</td>
<td></td>
</tr>
<tr>
<td>• exceeding 200 tonnes per year</td>
<td>100</td>
</tr>
<tr>
<td>• including smoking and drying, exceeding 200 tonnes per year</td>
<td>500</td>
</tr>
<tr>
<td>Miscellaneous manufacturing</td>
<td></td>
</tr>
<tr>
<td>Printing and coating works with heated curing ovens</td>
<td>500</td>
</tr>
<tr>
<td>Rendering and casings works</td>
<td>1,000</td>
</tr>
<tr>
<td>Non-metallic mineral products</td>
<td></td>
</tr>
<tr>
<td>Bitumen batching plant</td>
<td>1,000</td>
</tr>
<tr>
<td>Cement production in amounts:</td>
<td></td>
</tr>
<tr>
<td>• up to 5,000 tonnes per year</td>
<td>300</td>
</tr>
<tr>
<td>Type of use or activity (purpose)</td>
<td>Threshold distance (metres)</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>• between 5,000 and 150,000 tonnes per year</td>
<td>500</td>
</tr>
<tr>
<td>• exceeding 150,000 tonnes per year</td>
<td>1,000</td>
</tr>
<tr>
<td>Cement, lime, clay bricks, tiles and pipe refractories, with a design production rate exceeding 10,000 tonnes per year:</td>
<td>500</td>
</tr>
<tr>
<td>Concrete batching plant, with a production rate exceeding 5,000 tonnes per year</td>
<td>300</td>
</tr>
<tr>
<td>Glass and glass production including glass wool and fibreglass</td>
<td>500</td>
</tr>
<tr>
<td>Plaster or plaster articles production, exceeding 5,000 tonnes per year</td>
<td>200</td>
</tr>
<tr>
<td>Rock wool manufacture</td>
<td>500</td>
</tr>
<tr>
<td>Solar salt manufacture</td>
<td>1,000</td>
</tr>
<tr>
<td><strong>Other premises</strong></td>
<td></td>
</tr>
<tr>
<td>Automotive body, paint and interior repair</td>
<td>100</td>
</tr>
<tr>
<td>Rural industry handling, processing or packing agricultural produce</td>
<td>300</td>
</tr>
<tr>
<td><strong>Paper and paper products</strong></td>
<td></td>
</tr>
<tr>
<td>Paper or paper pulp production:</td>
<td></td>
</tr>
<tr>
<td>• involving combustion of sulphur or sulphur containing materials</td>
<td>5,000</td>
</tr>
<tr>
<td>• from semi-processed materials</td>
<td>100</td>
</tr>
<tr>
<td>• from prepared cellulose and rags</td>
<td>200</td>
</tr>
<tr>
<td>• by other methods than above</td>
<td>None specified</td>
</tr>
<tr>
<td><strong>Recreational, personal and other services</strong></td>
<td></td>
</tr>
<tr>
<td>Dry cleaning for commercial and institutional customers, or in bulk quantities</td>
<td>100</td>
</tr>
<tr>
<td>Laundry for commercial and institutional customers, or in bulk quantities</td>
<td>100</td>
</tr>
<tr>
<td><strong>Textiles</strong></td>
<td></td>
</tr>
<tr>
<td>Carpet backing with latex</td>
<td>500</td>
</tr>
<tr>
<td>Dyeing or finishing of cotton, linen and woollen yarns and textiles</td>
<td>300</td>
</tr>
<tr>
<td>Leather and artificial leather goods production</td>
<td>300</td>
</tr>
<tr>
<td>Leather tanning and dressing:</td>
<td></td>
</tr>
<tr>
<td>Type of use or activity (purpose)</td>
<td>Threshold distance (metres)</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>● up to 250 tonnes per year</td>
<td>300</td>
</tr>
<tr>
<td>● exceeding 250 tonnes per year</td>
<td>2,000</td>
</tr>
<tr>
<td>Rope, cordage and twine production</td>
<td>100</td>
</tr>
<tr>
<td>Treatment or production of natural and synthetic fibres and textiles</td>
<td>1,000</td>
</tr>
<tr>
<td>Treatment or production of textiles using carbon disulphide</td>
<td>500</td>
</tr>
<tr>
<td>Wool scouring</td>
<td>200</td>
</tr>
<tr>
<td><strong>Transport and storage</strong></td>
<td></td>
</tr>
<tr>
<td>Bus depot</td>
<td>200</td>
</tr>
<tr>
<td>Depot for refuse collection vehicles</td>
<td>100</td>
</tr>
<tr>
<td>Storage of bulk volatile organic compounds in quantities greater than 1,000 tonnes</td>
<td>1,000</td>
</tr>
<tr>
<td>Storage of petroleum products and crude oil in tanks exceeding 2,000 tonnes capacity:</td>
<td></td>
</tr>
<tr>
<td>● with fixed roofs</td>
<td>300</td>
</tr>
<tr>
<td>● with floating roofs</td>
<td>100</td>
</tr>
<tr>
<td>Storage of wet-salted or unprocessed hides</td>
<td>250</td>
</tr>
<tr>
<td><strong>Waste, recycling and resource recovery</strong></td>
<td></td>
</tr>
<tr>
<td>Chemical or oil recycling</td>
<td>1,000</td>
</tr>
<tr>
<td>Combustion, treatment or bio-reaction of waste to produce energy</td>
<td>None specified</td>
</tr>
<tr>
<td>Composting and other organic materials recycling</td>
<td>None specified</td>
</tr>
<tr>
<td>Hazardous waste storage or treatment</td>
<td>1,000</td>
</tr>
<tr>
<td>Landfill</td>
<td>None specified</td>
</tr>
<tr>
<td>Other recourse recovery or recycling operations</td>
<td>None specified</td>
</tr>
<tr>
<td>Soil conditioning or blending</td>
<td>None specified</td>
</tr>
<tr>
<td>Transfer station:</td>
<td></td>
</tr>
<tr>
<td>● accepting organic wastes</td>
<td>500</td>
</tr>
<tr>
<td>● other</td>
<td>200</td>
</tr>
<tr>
<td>Used plastics treatment or processing</td>
<td>500</td>
</tr>
<tr>
<td>Type of use or activity (purpose)</td>
<td>Threshold distance (metres)</td>
</tr>
<tr>
<td>---------------------------------------------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>Waste tyre recycling and re-treading</td>
<td>1,000</td>
</tr>
<tr>
<td>Vehicle recycling or disposal</td>
<td>500</td>
</tr>
<tr>
<td><strong>Water and wastewater</strong></td>
<td></td>
</tr>
<tr>
<td>Sewage treatment plant, exceeding a design or actual flow rate of 5,000 litres per day</td>
<td>None specified</td>
</tr>
<tr>
<td>Water treatment plant</td>
<td>None specified</td>
</tr>
<tr>
<td><strong>Wood, wood products and furniture</strong></td>
<td></td>
</tr>
<tr>
<td>Charcoal production:</td>
<td></td>
</tr>
<tr>
<td>by the retort process</td>
<td>500</td>
</tr>
<tr>
<td>other than by the retort process</td>
<td>1,000</td>
</tr>
<tr>
<td>Joinery</td>
<td>100</td>
</tr>
<tr>
<td>Sawmill, wood products and furniture</td>
<td>500</td>
</tr>
<tr>
<td><strong>Wood preservation plant</strong></td>
<td></td>
</tr>
<tr>
<td>up to 10,000 cubic metres of timber per year</td>
<td>100</td>
</tr>
<tr>
<td>exceeding 10,000 cubic metres of timber per year</td>
<td>300</td>
</tr>
</tbody>
</table>
TIMBER PRODUCTION

Timber production on Crown land

Any requirement of this scheme which:

- requires timber production to be conducted in a particular way
- requires that a permit be obtained to use or develop land for timber production or to carry out timber production in a particular way
- requires that some aspect of timber production be carried out to the satisfaction of the responsible authority

...does not apply to timber production on unalienated land of the Crown managed and controlled by the Minister responsible for administering the Forests Act 1958 and the Sustainable Forests (Timber) Act 2004, or the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forest and Lands Act 1987), whether or not occupied under a licence or other right. All requirements of this scheme apply to Crown land which has been leased.

Timber production to comply with the Code of Practice for Timber Production

All timber production activities (except agroforestry (the simultaneous and substantial production of forest and other agricultural products from the same land unit), windbreaks and commercial plantations of 5 hectares or less) must comply with the Code of Practice for Timber Production (Department of Environment and Primary Industries, 2014). In accordance with Section 6(4A) of the Planning and Environment Act 1987, this applies whether the use of land for timber production is commenced before or after the coming into effect of this requirement.

The Code must be complied with to the satisfaction of the responsible authority.

A permit may require that matters required by the Code must be done to the satisfaction of the responsible authority or a Minister, public authority or referral authority, and may require the responsible authority to seek comments from any other person or authority before making a decision.

Road repairs

After a Timber Harvesting Plan is lodged with the responsible authority under the Code and before the commencement of harvesting operations, the responsible authority, in consultation with the forest owner or manager, must establish the condition of any roads which are proposed to be used as a cartage route.

The forest owner or manager must advise the responsible authority when harvesting operations are complete. After receiving this advice, the responsible authority, in consultation with the forest owner or manager, must establish the condition of any roads which were used as a cartage route.

It is the responsibility of the forest owner or manager to restore any roads which were used as a cartage route to the same condition that they were in before the commencement of harvesting operations to the extent of any damage caused as a result of the harvesting operations.

The cartage of timber associated with harvesting operations is extraordinary traffic for the purpose of Section 112 of the Road Management Act 2004.

Decision guidelines

Before deciding on an application to use or develop land for timber production, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- The need to encourage plantation establishment and timber production in locations where it is of significance to national, state and regional economies, and in areas affected by salinity and other forms of land degradation.
The role of native forest and plantations in:
- Protecting water quality.
- Conserving flora and fauna.
- Preventing land degradation, including soil erosion, salinisation and water logging.
- Preventing adverse effects on groundwater recharge.

- The preservation of and impact on the natural environment, cultural heritage and visual amenity.
- Whether it is appropriate to require environmental protection standards greater than those in the Code.
RACING DOG HUSBANDRY

Purpose
To ensure the use and development of land for racing dog husbandry is consistent with orderly and proper planning.

Requirement
An application to use land, or construct a building or construct or carry out works, for racing dog husbandry under a provision of a rural zone must comply with Planning requirements for racing dog keeping and training (Department of Environment, Land, Water and Planning, August 2017).
This requirement does not apply to an application to construct a building or construct or carry out works associated with a use that is a Section 1 use in the Table of uses of the zone.

Exemption from notice and review
An application to which the requirement in Clause 53.12-1 applies is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the approved measures specified in Planning requirements for racing dog keeping and training (Department of Environment, Land, Water and Planning, August 2017) are met.
RENEWABLE ENERGY FACILITY (OTHER THAN WIND ENERGY FACILITY)

Purpose
To facilitate the establishment and expansion of renewable energy facilities, in appropriate locations, with minimal impact on the amenity of the area.

Application
This clause applies to an application under any provision of this planning scheme to use or develop land for a renewable energy facility (other than a wind energy facility).

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

- A site and context analysis, including:
  - A site plan, photographs or other techniques to accurately describe the site and the surrounding area.
  - A location plan showing the full site area, local electricity grid, access roads to the site and direction and distance to nearby accommodation, hospital or education centre.

- A design response, including:
  - Detailed plans of the proposed development including, the layout and height of the facility and associated building and works, materials, reflectivity, colour, lighting, landscaping, the electricity distribution starting point (where the electricity will enter the distribution system), access roads and parking areas.
  - Accurate visual simulations illustrating the development in the context of the surrounding area and from key public view points.
  - The extent of vegetation removal and a rehabilitation plan for the site.
  - Written report and assessment, including:
    - An explanation of how the proposed design derives from and responds to the site analysis.
    - A description of the proposal, including the types of process to be utilised, materials to be stored and the treatment of waste.
    - Whether a Works Approval or Licence is required from the Environment Protection Authority.
    - the potential amenity impacts such as noise, glint, light spill, emissions to air, land or water, vibration, smell and electromagnetic interference.
    - the effect of traffic to be generated on roads.
    - the impact upon Aboriginal or non-Aboriginal cultural heritage.
    - A statement of why the site is suitable for a renewable energy facility including, a calculation of the greenhouse benefits.
    - An environmental management plan including, a construction management plan, any rehabilitation and monitoring.
Decision guidelines

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

- The effect of the proposal on the surrounding area in terms of noise, glint, light spill, vibration, smell and electromagnetic interference.
- The impact of the proposal on significant views, including visual corridors and sightlines.
- The impact of the proposal on strategically important agricultural land, particularly within declared irrigation districts.
- The impact of the proposal on the natural environment and natural systems.
- The impact of the proposal on the road network.

Amendment VC161 transitional provisions

Clauses 19.01-2S and 53.13 of this planning scheme, as in force immediately before the approval date of Amendment VC161, continue to apply to an application to use or develop land for a renewable energy facility (other than a wind energy facility) lodged before the approval date of Amendment VC161.

Clauses 14.02-3S and 66.02-12 of this planning scheme do not apply to an application to use or develop land for a renewable energy facility (other than a wind energy facility) lodged before the approval date of Amendment VC161.
**53.14**

**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>None specified</td>
</tr>
</tbody>
</table>
PIG FARM

Purpose

To facilitate the establishment and expansion of pig farms in a manner that is consistent with orderly and proper planning and the protection of the environment.

Application

This clause applies to permit applications to use land or construct a building or construct or carry out works for a pig farm, including to increase the farm capacity of an existing pig farm.

Exemption from notice and review

An application to use land or construct a building or construct or carry out works for a pig farm is exempt from the notice requirements of section 52 (1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the following requirements are met:

- The number of pigs does not exceed 150 sows or 1,000 Standard Pig Units as calculated in Table 1.
- The outdoor stocking density does not exceed 12 Standard Pig Units per hectare as calculated in Table 1.
- A Nutrient Management Plan demonstrates pigs are kept outdoors on paddocks with:
  - A minimum of 50% ground cover; and
  - Mobile housing and feeding infrastructure that is relocated at least every three months.
- Any area used as a pig range, including associated buildings and works, is setback a minimum distance of:
  - 100 metres from a building used for a sensitive use (accommodation, a child care centre, an education centre or a hospital), and
  - 400 metres from land in a residential zone.

Table 1 Standard Pig Unit conversion factors

<table>
<thead>
<tr>
<th>Pig Class</th>
<th>Mass Range (kg)</th>
<th>Age Range (weeks)</th>
<th>SPU Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gilt</td>
<td>100 – 160</td>
<td>24 – 30</td>
<td>1.8</td>
</tr>
<tr>
<td>Boar</td>
<td>100 – 300</td>
<td>24 – 128</td>
<td>1.6</td>
</tr>
<tr>
<td>Gestating sow</td>
<td>160 – 230</td>
<td>-</td>
<td>1.6</td>
</tr>
<tr>
<td>Lactating sow</td>
<td>160 – 230</td>
<td>-</td>
<td>2.5</td>
</tr>
<tr>
<td>Sucker</td>
<td>1.4 – 8</td>
<td>0 – 4</td>
<td>0.1</td>
</tr>
<tr>
<td>Weaner</td>
<td>8 – 25</td>
<td>4 – 10</td>
<td>0.5</td>
</tr>
<tr>
<td>Grower</td>
<td>24 – 55</td>
<td>10 – 16</td>
<td>1.0</td>
</tr>
<tr>
<td>Finisher</td>
<td>55 – 100</td>
<td>16 – 24</td>
<td>1.6</td>
</tr>
</tbody>
</table>
## Decision guidelines

Before deciding on an application to use land or construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The purpose of the relevant zone.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The need to protect amenity of existing uses on adjoining land.
- The impact of the use of the land on the surrounding area, including from the emission of noise, light, vibration, odour, dust, or waste products.
- The impact of the proposal on any wetlands, waterways or water bodies.
- The likely environmental impact on the natural physical features and biodiversity of the land, including consideration of any Nutrient Management Plan submitted with the application.
- Whether the development will support and enhance agricultural production.
- The requirements of the *Victorian Low Density Mobile Outdoor Pig Farm Planning Permit Guidelines* (June 2018).
RESIDENTIAL AGED CARE FACILITY

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

Application
This clause applies to an application to construct a building or construct or carry out works for a residential aged care facility in the General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

Application requirements
An application must be accompanied by:
- A site and context description.
- A design response.
- A landscape plan.

Site and context description
The site and context description may use a site plan, photographs or other techniques and must include:
- Site shape, size, orientation and easements.
- Levels of the site and the difference in levels between the site and surrounding properties.
- The location of existing buildings on the site and on adjacent properties, including the location and height of walls built to the boundary of the site.
- The use of adjacent buildings and land.
- The location of secluded private open space and habitable room windows of adjacent properties which have an outlook to the site within 9 metres.
- Solar access to the site and to adjacent properties.
- Any contaminated soils and filled areas, where known.
- Location of significant trees existing on the site and any significant trees removed from the site in the 12 months prior to the application being made, where known.
- Street frontage features such as poles, street trees and kerb crossovers.
- Any other notable features or characteristics of the site.

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

Design response
The design response must explain how the proposed design:
- Responds to the site and context description.
- Meets the requirements of this clause.
Landscape plan

The landscape plan must include:

- Landscaping of communal open space for the enjoyment of residents and staff.
- Landscaping along the boundaries of the site.
- On-site management of run-off from paved areas.
- Retaining significant trees where possible.

Development requirements

Operation

If there is any inconsistency between a requirement in this clause and a requirement in another provision of this planning scheme, this clause prevails.

Building height

In the Neighbourhood Residential Zone, General Residential Zone and Township Zone the maximum building height must not exceed 16 metres.

In the Mixed Use Zone and Residential Growth Zone the maximum building height should not exceed 16 metres.

Street setback

Walls of buildings should be set back from streets the distance specified in the table:

<table>
<thead>
<tr>
<th>Development context</th>
<th>Minimum setback from front street (metres)</th>
<th>Minimum setback from a side street (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</td>
<td>The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser. This does not include a porte cochère.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.</td>
<td>The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. This does not include a porte cochère.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.</td>
<td>6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>The site is on a corner.</td>
<td>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. This does not include a porte cochère.</td>
<td>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting</td>
</tr>
</tbody>
</table>
### Development context | Minimum setback from front street (metres) | Minimum setback from a side street (metres)
--- | --- | ---
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. | allotment facing the side street or 4 metres, whichever is the lesser. Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.

### Side and rear setbacks

A new building not on or within 200mm of a boundary should be set back from side or rear boundaries by 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Screens, sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.
Walls on boundaries

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary for a length of more than:

- 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
- Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports; whichever is the greater.

A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

Daylight to existing windows

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.
Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

North-facing windows

If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be 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.

Overshadowing solar energy systems

Buildings should be sited and designed to ensure that the performance of existing rooftop solar energy systems 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 system must exist at the date the application is lodged.

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 system 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
26/10/2018
VC154

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
26/10/2018
VC154

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 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 $da \cdot V_{ave} < 0.35$ m$^2$/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.
NON-GOVERNMENT SCHOOLS

Purpose
To facilitate new non-government schools.
To facilitate upgrades and extensions to existing non-government schools.

Application
This clause applies to an application under any provision of this scheme for any of the following provided that the proposed use or development is funded, or partly funded, by the Victorian Government's Non-Government Schools Capital Fund:

- Use or development of land for a new primary school or secondary school.
- Construction of a building on land used for a primary school or secondary school provided the combined gross floor area of all new buildings is 5,000 square metres or greater.
- Construction of additional classrooms on land used for a primary school or secondary school.
- An increase of the permitted number of students associated with additional classrooms on land used for a primary school or secondary school.
- Removal or replacement of non-conforming or non-compliant building products on land used for a primary school or secondary school.

This clause does not apply to an application lodged before the approval date of Amendment VC165.

Exemption from notice and review
An application to which Clause 53.19 applies is exempt from the notice requirements of section 52(1)(a), (b), (c) and (d), the decision requirements of section 64(1), (2), and (3), and the review rights of section 82(1) of the Act.
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 verandas 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. 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>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 systems 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 system 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 system on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy system 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

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.
Diagram A5 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.
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</td>
<td>All of Clause 55 except Clause 55.07-1 to 55.07-15 (inclusive).</td>
</tr>
<tr>
<td>To construct or extend a residential building.</td>
<td></td>
</tr>
<tr>
<td>To construct or extend an apartment development, or</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>
<tr>
<td>To construct or extend a dwelling in or forming part of an apartment development.</td>
<td></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. 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>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. Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</td>
</tr>
</tbody>
</table>

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.
- The visual impact of the building when viewed from the street and from adjoining properties.
- The value of retaining vegetation within the front setback.

**Building height objective**

To ensure that the height of buildings respects the existing or preferred neighbourhood character.

**Standard B7**

The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.

If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.

Changes of building height between existing buildings and new buildings should be graduated.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any maximum building height specified in the zone, a schedule to the zone or an overlay applying to the land.
- The design response.
- The effect of the slope of the site on the height of the building.
- The relationship between the proposed building height and the height of existing adjacent buildings.
- The visual impact of the building when viewed from the street and from adjoining properties.

**Site coverage objective**

To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

**Standard B8**

The site area covered by buildings should not exceed:

- The maximum site coverage specified in a schedule to the zone, or
- If no maximum site coverage is specified in a schedule to the zone, 60 per cent.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The existing site coverage and any constraints imposed by existing development or the features of the site.
- The site coverage of adjacent properties.
- The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood.
Permeability and stormwater management objectives
To reduce the impact of increased stormwater run-off on the drainage system.
To facilitate on-site stormwater infiltration.
To encourage stormwater management that maximises the retention and reuse of stormwater.

Standard B9
The site area covered by the pervious surfaces should be at least:
- The minimum area specified in a schedule to the zone, or
- If no minimum is specified in a schedule to the zone, 20 percent of the site.

The stormwater management system should be designed to:
- Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.
- The capacity of the site to incorporate stormwater retention and reuse.
- The existing site coverage and any constraints imposed by existing development.
- The capacity of the drainage network to accommodate additional stormwater.
- The capacity of the site to absorb run-off.
- The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

Energy efficiency objectives
To achieve and protect energy efficient dwellings and residential buildings.
To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

Standard B10
Buildings should be:
- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy systems 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 system 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 system on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy system 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.
Diagram B3 North-facing windows

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- Existing sunlight to the north-facing habitable room window of the existing dwelling.
- The impact on the amenity of existing dwellings.

Overshadowing open space objective
To ensure buildings do not significantly overshadow existing secluded private open space.

Standard B21
Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of existing dwellings.
- Existing sunlight penetration to the secluded private open space of the existing dwelling.
- The time of day that sunlight will be available to the secluded private open space of the existing dwelling.
- The effect of a reduction in sunlight on the existing use of the existing secluded private open space.

### Overlooking objective
To limit views into existing secluded private open space and habitable room windows.

### Standard B22
A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.
- Have sill heights of at least 1.7 metres above floor level.
- Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:
- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

### Diagram B4 Overlooking open space

### Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.
- The impact on the amenity of the secluded private open space or habitable room window.
- The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings.
- The internal daylight to and amenity of the proposed dwelling or residential building.

**Internal views objective**

To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.

**Standard B23**

Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.

**Decision guideline**

Before deciding on an application, the responsible authority must consider the design response.

**Noise impacts objectives**

To contain noise sources in developments that may affect existing dwellings.

To protect residents from external noise.

**Standard B24**

Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.

Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.

Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.

**Decision guideline**

Before deciding on an application, the responsible authority must consider the design response.
ON-SITE AMENITY AND FACILITIES

Accessibility objective
To encourage the consideration of the needs of people with limited mobility in the design of developments.

Standard B25
The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.

Dwelling entry objective
To provide each dwelling or residential building with its own sense of identity.

Standard B26
Entries to dwellings and residential buildings should:
- Be visible and easily identifiable from streets and other public areas.
- Provide shelter, a sense of personal address and a transitional space around the entry.

Daylight to new windows objective
To allow adequate daylight into new habitable room windows.

Standard B27
A window in a habitable room should be located to face:
- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A verandah provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.
- Whether there are other windows in the habitable room which have access to daylight.

Private open space objective
To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard B28
A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.

If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of:
- An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or
- A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or
- A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.

The balcony requirements in Clause 55.05-4 do not apply to an apartment development.

**Decision guidelines**
Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability of the private open space, including its size and accessibility.
- The availability of and access to public or communal open space.
- The orientation of the lot to the street and the sun.

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**55.05-5**

**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.

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**55.05-6**

**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 systems 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 system 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 system on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy system 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 roof top gardens and improve on-site storm water infiltration.
- Maximise deep soil areas for planting of canopy trees.
- Integrate planting and water management.

Developments should provide the deep soil areas and canopy trees specified in Table B5.

If the development cannot provide the deep soil areas and canopy trees specified in Table B5, an equivalent canopy cover should be achieved by providing either:

- Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.
- Vegetated planters, green roofs or green facades.

Table B5 Deep soil areas and canopy trees

<table>
<thead>
<tr>
<th>Site area</th>
<th>Deep soil areas</th>
<th>Minimum tree provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>750 - 1000 square metres</td>
<td>5% of site area (minimum dimension of 3 metres)</td>
<td>1 small tree (6-8 metres) per 30 square metres of deep soil</td>
</tr>
<tr>
<td>1001 - 1500 square metres</td>
<td>7.5% of site area (minimum dimension of 3 metres)</td>
<td>1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil</td>
</tr>
<tr>
<td>1501 - 2500 square metres</td>
<td>10% of site area (minimum dimension of 6 metres)</td>
<td>1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil</td>
</tr>
<tr>
<td>&gt;2500 square metres</td>
<td>15% of site area (minimum dimension of 6 metres)</td>
<td>1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil</td>
</tr>
</tbody>
</table>

Note: Where an existing canopy tree over 8 metres can be retained on a lot greater than 1000 square metres without damage during the construction period, the minimum deep soil requirement is 7% of the site area.
Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant plan or policy for environmental sustainability in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The suitability of the proposed location and soil volume for canopy trees.
- The ongoing management of landscaping within a development.
- The soil type and drainage patterns of the site.

Integrated water and stormwater management objectives

To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.

To facilitate stormwater collection, utilisation and infiltration within the development.

To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

Standard B39

Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.

Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.

The stormwater management system should be:

- Designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).
- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant water and stormwater management objective, policy or statement set out in this scheme.
- The design response.
- Whether the development has utilised alternative water sources and/or incorporated water sensitive urban design.
- Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.
- The capacity of the drainage network to accommodate additional stormwater.
- Whether the stormwater treatment areas can be effectively maintained.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

Noise impacts objectives

To contain noise sources in developments that may affect existing dwellings.

To protect residents from external and internal noise sources.
Standard B40

Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.

The layout of new dwellings and buildings should minimise noise transmission within the site.

Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area specified in Table B6 should be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

Table B6 Noise influence area

<table>
<thead>
<tr>
<th>Noise source</th>
<th>Noise influence area</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zone interface</strong></td>
<td></td>
</tr>
<tr>
<td>Industry</td>
<td>300 metres from the Industrial 1, 2 and 3 zone boundary</td>
</tr>
<tr>
<td><strong>Roads</strong></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><strong>Railways</strong></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. The circulation area can include a shower area.</td>
</tr>
<tr>
<td></td>
<td>The circulation area for the toilet and shower can overlap.</td>
<td></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 better practice design options specified in Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019).
- 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.

**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.

**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.
LIVEABLE AND SUSTAINABLE COMMUNITIES

Compact and walkable neighbourhoods objectives
To create compact neighbourhoods that are oriented around easy walking distances to activity centres, schools and community facilities, public open space and public transport.
To allow easy movement through and between neighbourhoods for all people.

Standard C2
A subdivision should implement any relevant growth area or any approved land-use and development strategy, plan or policy for the area set out in this scheme.
An application for subdivision must include a plan of the layout of the subdivision that:

- Meets the objectives (if relevant to the class of subdivision specified in the zone) of:
  - Clause 56.03-2 Activity centres
  - Clause 56.03-3 Planning for community facilities
  - Clause 56.04-1 Lot diversity and distribution
  - Clause 56.06-2 Walking and cycling network
  - Clause 56.06-3 Public transport network
  - Clause 56.06-4 Neighbourhood street network

- Shows the 400 metre street walking distance around each existing or proposed bus stop, 600 metres street walking distance around each existing or proposed tram stop and 800 metres street walking distance around each existing or proposed railway station and shows the estimated number of dwellings within those distances.

- Shows the layout of the subdivision in relation to the surrounding area.

- Is designed to be accessible for people with disabilities.

Activity centre objective
To provide for mixed-use activity centres, including neighbourhood activity centres, of appropriate area and location.

Standard C3
A subdivision should implement any relevant activity centre strategy, plan or policy for the area set out in this scheme.
Subdivision should be supported by activity centres that are:

- Accessible by neighbourhood and regional walking and cycling networks.
- Served by public transport that is connected to the regional public transport network.
- Located at public transport interchange points for the convenience of passengers and easy connections between public transport services.
- Located on arterial roads or connector streets.
- Of appropriate size to accommodate a mix of uses that meet local community needs.
- Oriented to support active street frontages, support street-based community interaction and pedestrian safety.
Planning for community facilities objective

To provide appropriately located sites for community facilities including schools, libraries, nurseries 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.

56.06-6
09/10/2006
VC42

Public transport network detail objectives

To provide for the safe, efficient operation of public transport and the comfort and convenience of public transport users.

To provide public transport stops that are accessible to people with disabilities.

Standard C19

Bus priority measures must be provided along arterial roads forming part of the existing or proposed Principal Public Transport Network in Metropolitan Melbourne and the regional public transport network outside Metropolitan Melbourne to the requirements of the relevant roads authority.

Road alignment and geometry along bus routes should provide for the efficient, unimpeded movement of buses and the safety and comfort of passengers.

The design of public transport stops should not impede the movement of pedestrians.

Bus and tram stops should have:

- Surveillance from streets and adjacent lots.
- Safe street crossing conditions for pedestrians and cyclists.

Safe pedestrian crossings on arterial roads and at schools including the provision of traffic controls as required by the roads authority.

- Continuous hard pavement from the footpath to the kerb.

- Sufficient lighting and paved, sheltered waiting areas for forecast user volume at neighbourhood centres, schools and other locations with expected high patronage.

- Appropriate signage.

Public transport stops and associated waiting areas should be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with physical disabilities.

56.06-7
15/09/2008
VC49

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</th>
<th>300vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed</td>
<td>10kph</td>
</tr>
<tr>
<td>Carriageway width &amp; parking provision within street reservation</td>
<td>5.5m wide with no parking spaces to be provided. Appropriately signed.</td>
</tr>
<tr>
<td>Verge width</td>
<td>No verge required.</td>
</tr>
<tr>
<td>Kerbing</td>
<td>None</td>
</tr>
<tr>
<td>Footpath provision</td>
<td>None</td>
</tr>
<tr>
<td>Cycle path provision</td>
<td>None</td>
</tr>
</tbody>
</table>

**Access Place**

A minor street providing local residential access with shared traffic, pedestrian and recreation use, but with pedestrian priority.

<table>
<thead>
<tr>
<th>Traffic volume</th>
<th>300vpd to 1000vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed</td>
<td>15kph</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. or 5.5m wide with parking on carriageway - one side. Appropriately signed.</td>
</tr>
<tr>
<td>Verge width</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>Kerbing⁵</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>
<tr>
<td>Footpath provision</td>
<td>Not required if serving 5 dwellings or less and the carriageway is designed as a shared zone and appropriately signed.</td>
</tr>
<tr>
<td>Cycle path provision</td>
<td>None</td>
</tr>
</tbody>
</table>

**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 volume¹</th>
<th>1000vpd to 2000vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed²</td>
<td>30kph</td>
</tr>
<tr>
<td>Carriageway width³ &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 width⁴</td>
<td>4m minimum each side</td>
</tr>
<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. 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.</td>
</tr>
<tr>
<td>Cycle path provision</td>
<td>Carriageway designed as a shared zone and appropriately signed.</td>
</tr>
</tbody>
</table>

**Access Street - Level 2**

A street providing local residential access where traffic is subservient, speed and volume are low and pedestrian and bicycle movements are facilitated.

<table>
<thead>
<tr>
<th>Traffic volume¹</th>
<th>2000vpd to 3000vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed²</td>
<td>40kph</td>
</tr>
<tr>
<td>Carriageway width³ &amp; parking provision within street reservation</td>
<td>7m-7.5m wide with parking on both sides of carriageway</td>
</tr>
<tr>
<td>Verge width⁴</td>
<td>4.5m minimum each side</td>
</tr>
<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. Footpaths should be widened to 2.0m in vicinity of a school, shop or other activity centre.</td>
</tr>
</tbody>
</table>
Be offset a minimum distance of 1m from the kerb.

Cycle path provision
Carriageway designed as a shared zone and appropriately signed.

Connector Street - Level 1
A street that carries higher volumes of traffic. It connects access places and access streets through and between neighbourhoods.

<table>
<thead>
<tr>
<th>Traffic 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.

Verge width⁴
4.5m minimum each side.

Kerbing⁵
Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.

Footpath provision
- 1.5m wide footpaths on both sides.
- Footpath widened to a minimum 2.0m in the vicinity of a school, shop, public transport stop or other activity centre.
- Footpaths offset a minimum distance of 1m from the kerb.

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>
<tr>
<td>Carriageway width(^2), cycle lane provision, parking provision and bus stops within street reservation</td>
<td>3.5m minimum lane width in each direction of travel.</td>
</tr>
<tr>
<td>4.0m minimum lane width at approaches to and departures from roundabouts and T-intersections.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>For on-street cycling, increase the minimum clear carriageway in each direction by:</td>
<td></td>
</tr>
<tr>
<td>– 0.7m where the trafficable carriageway is shared by cyclists but no dedicated bicycle lane is marked on the carriageway; or</td>
<td></td>
</tr>
<tr>
<td>– 1.7m where a dedicated 1.7m wide dedicated bicycle lane is marked on the carriageway</td>
<td></td>
</tr>
<tr>
<td>– 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</td>
<td></td>
</tr>
<tr>
<td>– 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.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Bus stops located at the kerbside, not indented within the verge.</td>
<td></td>
</tr>
</tbody>
</table>

| Verge width\(^4\) | 6m minimum each side (plus central median). |

| Kerbing\(^5\) | Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area. |

| Footpath and cycle path provision | 1.5m wide footpath on each side and 1.7m bicycle lanes on the carriageway; or |
| 2.5m wide shared foot and cycle path on both sides and no dedicate bicycle lanes marked on the carriageway. |
| Footpaths widened to a minimum of 2.0m in the vicinity of a school, shop, public transport stop or other activity centre. |
| Footpaths or shared foot and cycle paths offset a minimum distance of 1m from the kerb. |

| Arterial Road |
| Traffic volume\(^1\) | Greater than 7000vpd |
| Target speed\(^2\) | Arterial road design as required by the relevant roads authority. |
| Carriageway width\(^3\) & parking provision within street reservation | Arterial road design as required by the relevant roads authority. |
### Verge width
Arterial road design as required by the relevant roads authority.

### Kerbing
Arterial road design as required by the relevant roads authority.

### Footpath & cycle path provision
3m wide shared path on each side or as otherwise 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 ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.
- Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.

For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:

- Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.
- Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.

For storm events greater than 20% AEP and up to and including 1% AEP standard:

- Provision must be made for the safe and effective passage of stormwater flows.
- All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.
- Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria \( d_a V_{ave} < 0.35 \text{ m}^3/\text{s} \) (where, \( d_a = \) average depth in metres and \( V_{ave} = \) average velocity in metres per second).

The design of the local drainage network should:

- Ensure stormwater is retarded to a standard required by the responsible drainage authority.
- Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, stormwater should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.
- Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner.
- Include water sensitive urban design features to manage stormwater in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.

Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.
SITE MANAGEMENT

Site management objectives

To protect drainage infrastructure and receiving waters from sedimentation and contamination.

To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.

To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.

Standard C26

A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:

- Erosion and sediment.
- Dust.
- Run-off.
- Litter, concrete and other construction wastes.
- Chemical contamination.
- Vegetation and natural features planned for retention.

Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.
Shared trenching objectives
To maximise the opportunities for shared trenching.
To minimise constraints on landscaping within street reserves.

Standard C27
Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.

Electricity, telecommunications and gas objectives
To provide public utilities to each lot in a timely, efficient and cost effective manner.
To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.

Standard C28
The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.

Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.

The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.

Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.

Fire hydrants objective
To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently.

Standard C29
Fire hydrants should be provided:

- A maximum distance of 120 metres from the rear of the each lot.
- No more than 200 metres apart.

Hydrants and fire plugs must be compatible with the relevant fire service equipment. Where the provision of fire hydrants and fire plugs does not comply with the requirements of standard C29, fire hydrants must be provided to the satisfaction of the relevant fire authority.

Public lighting objective
To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles.
To provide pedestrians with a sense of personal safety at night.
To contribute to reducing greenhouse gas emissions and to saving energy.
Standard C30
Public lighting should be provided to streets, footpaths, public telephones, public transport stops and to major pedestrian and cycle paths including public open spaces that are likely to be well used at night to assist in providing safe passage for pedestrians, cyclists and vehicles.

Public lighting should be designed in accordance with the relevant Australian Standards.

Public lighting should be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings.
APARTMENT DEVELOPMENTS

Purpose

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

To encourage apartment development that provides reasonable standards of amenity for existing and new residents.

To encourage apartment development that is responsive to the site and the surrounding area.

Application

Provisions in this clause apply to an application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, if:

- The apartment development is five or more storeys, excluding a basement, and is in the General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone, or
- The apartment development is in the Commercial 1 Zone, Commercial 3 Zone, Special Use Zone, Comprehensive Development Zone, Capital City Zone, Docklands Zone, Priority Development Zone or Activity Centre Zone.

Operation

The provisions of this clause contain:

- Objectives. An objective describes the desired outcome to be achieved in the completed development.

- Standards. A standard contains the requirements to meet the objective. A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

- Decision guidelines. The decision guidelines set out the matters that the responsible authority must consider before deciding if an application meets the objectives.

Requirements

A development:

- Must meet all of the objectives of this clause.

- Should meet all of the standards of this clause.

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

For Clause 58.04-1 (Building setback):

- If a zone or a schedule to a zone specifies a building setback requirement different from a requirement set out in Clause 58.04-1, the building setback requirement in the zone or a schedule to the zone applies.

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

Application requirements
An application must be accompanied by:

- An urban context report.
- A design response.

Urban context report
The urban context report may use a site plan, photographs or other techniques and must include:

An accurate description of:

- Site shape, size, orientation and easements.
- Levels and contours of the site and the difference in levels between the site and surrounding properties.
- The location and height of existing buildings on the site and surrounding properties.
- The use of surrounding buildings.
- The location of private open space of surrounding properties and the location of trees, fences and other landscape elements.
- Solar access to the site and to surrounding properties.
- Views to and from the site.
- Street frontage features such as poles, street trees and kerb crossovers.
- The location of local shops, public transport services and public open spaces within walking distance.
- Movement systems through and around the site.
- Any other notable feature or characteristic of the site.

An assessment of the characteristics of the area including:

- Any environmental features such as vegetation, topography and significant views.
- The pattern of subdivision.
- Street design and landscape.
- The pattern of development.
- Building form, scale and rhythm.
- Connection to the public realm.
- Architectural style, building details and materials.
- Off-site noise sources.
- The relevant NatHERS climate zones (as identified in Clause 58.03-1).
- Social and economic activity.
- Any other notable or cultural characteristics of the area.

Satisfactory urban context report
If the responsible authority decides that the urban context report is not satisfactory, it may require more information from the applicant under Section 54 of the Act.
The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the urban context report meets the requirements of Clause 58.01-2 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.

**Design response**

The design response must explain how the proposed design:

- Responds to any relevant planning provision that applies to the land.
- Meets the objectives of Clause 58.
- Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme.
- Derives from and responds to the urban context report.

The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.
URBAN CONTEXT

Urban context objectives
To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.
To ensure that development responds to the features of the site and the surrounding area.

Standard D1
The design response must be appropriate to the urban context and the site.
The proposed design must respect the existing or preferred urban context and respond to the features of the site.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant urban design objective, policy or statement set out in this scheme.
- The urban context report.
- The design response.

Residential policy objectives
To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.
To support higher density residential development where development can take advantage of public and community infrastructure and services.

Standard D2
An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.

Dwelling diversity objective
To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

Standard D3
Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.

Infrastructure objectives
To ensure development is provided with appropriate utility services and infrastructure.
To ensure development does not unreasonably overload the capacity of utility services and infrastructure.
Standard D4
Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.

Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The capacity of the existing infrastructure.
- In the absence of reticulated sewerage, the capacity of the development to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- If the drainage system has little or no spare capacity, the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.

Integration with the street objective
To integrate the layout of development with the street.

Standard D5
Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.

Development should be oriented to front existing and proposed streets.

High fencing in front of dwellings should be avoided if practicable.

Development next to existing public open space should be laid out to complement the open space.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.
SITE LAYOUT

Energy efficiency objectives
To achieve and protect energy efficient dwellings and buildings.
To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.
To ensure dwellings achieve adequate thermal efficiency.

Standard D6
Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.

Living areas and private open space should be located on the north side of the development, if practicable.

Developments should be designed so that solar access to north-facing windows is optimised.

Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.

Table D1 Cooling load

<table>
<thead>
<tr>
<th>NatHERS climate zone</th>
<th>NatHERS maximum cooling load MJ/M² per annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Climate zone 21 Melbourne</td>
<td>30</td>
</tr>
<tr>
<td>Climate zone 22 East Sale</td>
<td>22</td>
</tr>
<tr>
<td>Climate zone 27 Mildura</td>
<td>69</td>
</tr>
<tr>
<td>Climate zone 60 Tullamarine</td>
<td>22</td>
</tr>
<tr>
<td>Climate zone 62 Moorabbin</td>
<td>21</td>
</tr>
<tr>
<td>Climate zone 63 Warrnambool</td>
<td>21</td>
</tr>
<tr>
<td>Climate zone 64 Cape Otway</td>
<td>19</td>
</tr>
<tr>
<td>Climate zone 66 Ballarat</td>
<td>23</td>
</tr>
</tbody>
</table>

Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and layout of the site.
- The existing amount of solar access to abutting properties.
- The availability of solar access to north-facing windows on the site.
- The annual cooling load for each dwelling.
Communal open space objective

To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.

Standard D7

Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser.

Communal open space should:

- Be located to:
  - Provide passive surveillance opportunities, where appropriate.
  - Provide outlook for as many dwellings as practicable.
  - Avoid overlooking into habitable rooms and private open space of new dwellings.
  - Minimise noise impacts to new and existing dwellings.

- Be designed to protect any natural features on the site.
- Maximise landscaping opportunities.
- Be accessible, usable and capable of efficient management.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.
- The useability and amenity of the communal open space based on its size, location, accessibility and reasonable recreation needs of residents.
- The availability of and access to public open space.

Solar access to communal outdoor open space objective

To allow solar access into communal outdoor open space.

Standard 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</td>
<td>300 metres from the nearest trafficable lane</td>
</tr>
<tr>
<td>Annual Average Daily Traffic Volume</td>
<td></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</td>
<td>80 metres from the centre of the nearest track</td>
</tr>
<tr>
<td>Melbourne</td>
<td></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 better practice design options specified in *Waste Management and Recycling in Multi-unit Developments* (Sustainability Victoria, 2019).

- 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:
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 layout, siting, size and orientation of habitable rooms.

Natural ventilation objectives
To encourage natural ventilation of dwellings. To allow occupants to effectively manage natural ventilation of dwellings.

Standard D27
The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.

At least 40 per cent of dwellings should provide effective cross ventilation that has:
- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same area.

The breeze path is measured between the ventilation openings on different orientations of the dwelling.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.
- The size, orientation, slope and wind exposure of the site.
- The extent to which the orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.

- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.
REALIGN THE COMMON BOUNDARY BETWEEN TWO LOTS

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location of any existing buildings, car parking area, driveways, storage areas, loading areas and private open space.
  - The location of any easements on the subject land.
  - The location of the approved stormwater discharge point.
  - The location and details of any significant vegetation.
  - The location of any street trees, poles, pits or other street furniture.
  - Existing and proposed vehicle access to the lots.
  - Any abutting roads.
  - The location of the existing and proposed common boundary between the lots and the proposed size and shape of the realigned lots.
  - Any proposed common property to be owned by a body corporate and the lots participating in the body corporate.

- If the land is in more than one ownership, the consent of the owners of the land.
- If common property is proposed, an explanation of why the common property is required.
- A written statement that describes:
  - The existing use of the land and its possible future development.
  - The reason for the realignment of the common boundary.
  - For land in an overlay, how the proposal responds to any statement of significance, objectives or requirements specified in the schedule to the overlay.

- If the land is in an area where reticulated sewerage is not provided, a plan which shows the location of any existing effluent disposal area for each lot or a land assessment which demonstrates that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

- If the land is in a residential zone and the realignment of the common boundary will result in a vacant lot, information that shows that the vacant lot meets the requirements of Standard C8 of Clause 56.

Decision guidelines
In assessing an application the responsible authority must consider as appropriate:

- The suitability of the subdivision including how the layout and dimensions of the subdivision:
  - Respond to and integrate with the surrounding urban or rural environment.
  - Protect significant vegetation.
  - Appropriately accommodate any existing or proposed easements on the lots.
- Protect solar access for existing and any future dwellings on the lots.
- Appropriately accommodate any existing waste storage areas, loading bays and vehicle standing areas on the site.
- Appropriately accommodate private open space.
- Appropriately accommodate the provision of utility services to each lot.
- If the land is in an area where reticulated sewerage is not provided to each lot, whether the layout of the subdivision accommodates the effluent disposal area for each lot.
- Appropriately accommodate the siting of buildings having regard to the risk of spread of fire.
- Appropriately accommodate the existing use and possible future development of the land.
- Whether the provision of common property is appropriate for the purpose for which the land is to be commonly held.
- If the land is in a residential zone and the realignment of the common boundary will result in a vacant lot, the objective and standard of Clause 56.04-2.
- The statement of significance and the objectives contained in the schedule to the overlay and whether the subdivision will adversely affect that significance or the objectives.
- Whether the proposal meets any requirements specified in the overlay or the schedule to the overlay.
SUBDIVISION OF BUILDINGS AND CAR PARKING SPACES

Information requirements

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A copy of the relevant planning permit and approved plans for the development.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location of any existing buildings, car parking areas and private open space.
  - The location, shape and size of the proposed lots to be created.
  - The location of any easements on the subject land.
  - The location and details of any significant vegetation.
  - The location of the approved stormwater discharge point.
  - Any abutting roads.
  - The location of any street trees, poles, pits and other street furniture.
  - Existing and proposed vehicle access to the lots.
  - Any loading bays and vehicle standing areas.
  - Any waste storage areas.
  - Any proposed common property to be owned by a body corporate and the lots participating in the body corporate.

- For the subdivision of existing buildings and car parking spaces, a copy of the occupancy permit or a certificate of final inspection for the development.
- For the subdivision of land into two lots with an approved development currently under construction, evidence that the construction has commenced.
- If common property is proposed, an explanation of why the common property is required.
- If the land is in an area where reticulated sewerage is not provided, a plan which shows the location of any existing effluent disposal area for each lot or a land assessment which demonstrates that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- For land in an overlay, a written statement that describes how the proposal responds to any statement of significance, objectives or requirements specified in the schedule to the overlay.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The suitability of the subdivision including how the layout and dimensions of the subdivision:
  - Are consistent with the approved plans and conditions of any relevant planning permit for the development.
  - Are consistent with the layout of existing buildings and car parking spaces on the land.
  - Appropriately accommodate any existing waste storage areas.
  - Appropriately accommodate any existing loading bay and vehicle storage area.
- Appropriately accommodate significant vegetation.
- Appropriately accommodate existing or proposed easements on the lots.
- Appropriately accommodate the provision of utility services to each lot.
- Appropriately accommodate the siting of buildings having regard to safety and the risk of spread of fire.

  - If the land is in an area where reticulated sewerage is not provided to each lot, whether the layout of the subdivision accommodates the effluent disposal area for each lot.
  - For the subdivision of existing buildings and car parking spaces, whether each new lot, other than common property, contains an existing building, part of an existing building or a car parking space.
  - Whether the provision and location of common property is appropriate for the purpose for which the land is to be commonly held.
  - Whether any public open space contribution is required under Clause 53.01 of this scheme or under Section 18 of the Subdivision Act 1988.
  - The statement of significance and the objectives contained in the schedule to the overlay and whether the subdivision will adversely affect that significance or the objectives.
  - Whether the proposal meets any requirements specified in the overlay or the schedule to the overlay.
FRONT FENCE IN A RESIDENTIAL ZONE

Information requirements

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

- A copy of the title for the subject land and a copy of any registered restrictive covenant.
- A plan drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location, length, height and design of the proposed fence including details of materials.
  - The location, height and design of any existing front fence on adjoining and nearby properties including details of materials.
- A photograph of the site and adjoining and nearby properties along the street frontage.
- The reason for the proposed height.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- Whether the setback, height and design of the proposed fence are:
  - Appropriate to the neighbourhood character and the site.
  - Consistent with any relevant neighbourhood character objective or policy set out in the scheme.
  - Appropriate with the setback, height and appearance of front fences on adjoining and nearby properties.
  - Complement the design of the dwelling.
- The extent to which slope and retaining walls reduce the effective height of the proposed fence.
- Whether the proposed fence is needed to minimise noise intrusion.
- The reason for the proposed height.
BUILDINGS AND WORKS IN A ZONE (EXCEPT A RURAL ZONE)

Information requirements

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A description of the use of the land and the proposed buildings and works.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and use of buildings and works on adjoining land.
  - Relevant ground levels.
  - Any contaminated soils and filled areas, where known.
  - The layout of existing and proposed buildings and works.
  - All existing and proposed driveways, car parking, bicycle parking and loading areas.
  - Existing and proposed landscape areas.
  - All external storage and waste treatment areas.
  - The location of easements and services.
- Elevation drawings to scale showing the height, colour and materials of all proposed buildings and works.
- A photograph of the building or area affected by the proposal.
- A written statement describing the proposal and if relevant:
  - The built form and character of adjoining and nearby buildings.
  - The heritage character of any adjoining heritage places.
  - Ground floor street frontages, including visual impacts and pedestrian safety.
- A written statement describing whether the proposed buildings and works meet:
  - The number of car parking spaces required under Clause 52.06 or in the schedule to Clause 45.09.
  - Any development requirement specified in the zone or the schedule to the zone.
- Any relevant requirement in an approved development plan or incorporated plan for the land.
- Any other information specified in the schedule to the zone.
- For land in a residential zone, a written statement, plan or diagram showing how the proposal meets:
  - The requirements in the following standards of Clause 54:
    - A10 Side and rear setbacks.
    - A11 Walls on boundaries.
    - A12 Daylight to existing windows.
    - A13 North-facing windows.
    - A14 Overshadowing open space.
A15 Overlooking.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard the schedule to the zone applies.

**Decision guidelines**

In assessing an application the responsible authority must consider as appropriate:

- Whether the proposal is consistent with any relevant urban design and built form policy set out in the scheme.
- Whether the movement of pedestrians and cyclists, and vehicles providing for supplies and waste removal are appropriately accommodated.
- Whether the design complements the built form of the surrounding properties and the streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- Whether the land and building have availability of and connection to services.
- Whether the proposed development adversely impacts the amenity of the land and the locality including existing dwellings on adjoining sites.
- Whether the proposed development appropriately provides for landscaping.
- Whether the proposed development adversely affects solar access to existing open spaces and public places.
- Whether the proposal meets the car parking requirements specified in Clause 52.06 or in the schedule to the Parking Overlay.
- Whether the proposal meets the maximum building height specified in the schedule to the zone.
- Whether the proposal meets any relevant requirements specified in the zone or the schedule to the zone.
- Whether the proposal is consistent with any relevant approved development plan or incorporated plan.
- The objectives set out in the schedule to the zone.
- Whether the proposal provides adequate vehicle loading and unloading facilities.
- For land in a residential zone:
  - Whether the proposed development is consistent with any neighbourhood character objectives set out in the schedule to the zone.
  - Whether the development is compatible with residential use.
  - The scale and intensity of the development.
  - The design, height, setback and appearance of the proposed buildings and works.
BUILDINGS AND WORKS IN AN OVERLAY

Information requirements

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location, height and design of the proposed buildings and works including details of materials.
  - The location of any existing buildings, including fences and trees.
  - For land in a Neighbourhood Character Overlay, any buildings proposed to be demolished.
- For land in a Neighbourhood Character Overlay, a written description of the proposal including:
  - The built form and character of adjoining and nearby buildings.
  - How the proposal responds to the key features and objectives specified in the schedule to the overlay.
  - If demolition is proposed, the reason for the demolition.
  - How the proposal meets the requirements of Clause 54.02-1, 54.02-2, 54.03-1, 54.03-2, 54.03-3, 54.03-4, 54.04-1, 54.04-2, 54.04-3, 54.04-4, 54.06-1, 54.06-2, including any Clause 54 modification specified in the schedule to the overlay.
- For land in a Design and Development Overlay, a written description of the proposal including:
  - How the proposal responds to the design objectives specified in a schedule to the overlay.
  - How the proposal meets the requirements specified in a schedule to the overlay.
  - The built form and character of adjoining and nearby buildings.
- A photograph of the building or area affected by the proposal.
- For land in an Erosion Management Overlay, information showing:
  - The extent of any proposed earthworks.
  - The means proposed to stabilise disturbed areas.
- For an application under the Salinity Management Overlay, written advice including plan references and any conditions from the referral authority demonstrating that the referral authority has considered the proposal for which the application is made within the past three months and does not object to the granting of the permit for the proposal.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The statement of significance and the objectives contained in the schedule to the overlay and whether the buildings and works will adversely affect that significance or the objectives.
- Whether the proposal meets any requirements specified in the overlay or the schedule to the overlay.
- For an application in a Salinity Management Overlay, any comments from the relevant referral authority.
- For an application in a Neighbourhood Character Overlay, the relevant objectives, standards and decision guidelines of Clause 54.

- Any relevant decision guideline specified in the overlay and the schedule to the overlay.
REMOVE, DESTROY OR LOP A TREE

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- If the tree to be removed, destroyed or lopped is identified as a significant tree in a schedule to the overlay, a report prepared by an arborist.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The location, shape, size and slope of the site.
  - The location of the tree to be removed, destroyed or lopped.
  - The location and type of other significant vegetation on the site.
  - The location, species and height of any significant trees on the site that have been removed or approved to be removed in the past 3 years.
- A written statement that describes:
  - The species, height and trunk girth of the tree to be removed, destroyed or lopped.
  - The reason the tree is to be removed, destroyed or lopped.
  - If provision is to be made to replace the tree elsewhere on the land.
  - If the tree is to be lopped, the extent of lopping proposed.
  - Any impacts on the significance of the area.
- A photograph of the tree to be removed, destroyed or lopped.

Decision guidelines
In assessing an application the responsible authority must consider as appropriate:

- The statement of significance and the objectives contained in the schedule to the overlay and whether the proposal will adversely affect that significance or the objectives.
- Whether the tree proposed to be removed, destroyed or lopped contributes to the significance of the area and whether the proposal will adversely affect that significance.
- Whether the removal or lopping of the tree is needed because of the health of the tree.
- Whether the lopping of the tree will adversely affect the health, appearance or significance of the tree.
- Whether the removal of the tree will contribute to soil erosion, slippage or salinisation.
- Whether the removal or lopping of the tree is needed to create a defendable space to reduce the risk of bushfire to life and property.
- If the tree is a native tree, its role in conserving flora and fauna and whether the proposal will adversely affect the conservation of flora and fauna of the area.
- Whether provision is made to plant a new tree elsewhere on the land.
- The reasons for removing the tree including the health of the tree to be removed.
- The cumulative impact of the number of trees that have been removed or been approved for removal in the past 3 years.
- Any relevant decision guideline specified in the overlay or the schedule to the overlay.
APPLICATIONS UNDER A HERITAGE OVERLAY

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location of any existing buildings, including fences and trees.
  - The location, height and design of the proposed building or works including details of proposed materials.
  - Any buildings to be demolished.
  - An elevation of the proposed building.
  - The size and design of any proposed sign, including details of the supporting structure and any proposed illumination.
  - The location, style, size, colour and materials of any proposed solar energy facility (that is visible from the street frontage or any nearby public park), including details of the supporting structure.
- A written description of the proposal including:
  - Any impacts on the significance of the heritage place.
  - How the proposal responds to any relevant local heritage policy set out in the scheme.
  - If lopping of a tree is proposed, the reason for the lopping, the extent of lopping and an arborist report.
- The proposed colour schedule and nature of any materials and finishes.
- A photograph of the area affected by the proposal including any building, outbuilding, fence or tree which may be affected by the proposal.
- A photograph of the subject site and adjoining properties along the street frontage.
- If subdivision is proposed, the location, shape and size of the proposed lots to be created.
- If a sign is proposed:
  - The location, size and design of the proposed sign on the site or building.
  - The location and size of existing signage on the site including details of any signs to be retained or removed.
- If a solar energy system 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.
  - 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.
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 54.03-6 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 local VicSmart application under zone provisions

<table>
<thead>
<tr>
<th>Name of zone or class of zone</th>
<th>Class of application</th>
<th>Permit requirement provision</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Table 2 Classes of local VicSmart application under overlay provisions

<table>
<thead>
<tr>
<th>Name of overlay or class of overlay</th>
<th>Class of application</th>
<th>Permit requirement provision</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Table 3 Classes of local VicSmart application under Particular Provisions

<table>
<thead>
<tr>
<th>Name of particular provision</th>
<th>Class of application</th>
<th>Permit requirement provision</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
INFORMATION REQUIREMENTS AND DECISION GUIDELINES FOR LOCAL VICSMA RT 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 VICSMART APPLICATIONS

1.0

Information requirements

None specified

2.0

Decision guidelines

None specified
GENERAL PROVISIONS

This section sets out provisions about existing uses, decision guidelines, referral of applications and other matters.
USES NOT REQUIRING A PERMIT

Any requirement in this scheme relating to the use of land, other than a requirement in the Public Conservation and Resource Zone, does not apply to:

- The use of land for a Road except within the Urban Floodway Zone and a Public Conservation and Resource Zone.
- The use of land for Natural systems.
- The use of land in a road if the use is associated with the use of adjoining land and is authorised by the Council under a local law.
- The use of land in a road to trade from a stall, stand, motor vehicle, trailer, barrow or other similar device.
- The use of land for wind measurement by an anemometer for three years or less.
- The use of land for earth and energy resources industry if the conditions of Clause 52.08 are met.
- The use of land for a carnival or circus if the requirements of A ‘Good Neighbour’ Code of Practice for a Circus or Carnival, October 1997 are met.
- The use of land for apiculture if the requirements of the Apiary Code of Practice, May 2011 are met.
- The use of land for temporary portable land sales office located on the land for sale.
- The use of land for a Telecommunications facility if the associated buildings and works meet the requirements of Clause 52.19.
- The use of land for a helicopter landing site if the use meets the requirements of Clause 52.15-1.
- The use of land for a minor utility installation.
- The use of land to display a sign.
- The use of land for 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 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.

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### 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 increased, 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
63.01

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.
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 kinds 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; or

- The application is for the use or development of land for extractive industry or mining and a copy of a work plan or variation to an approved work plan accompanying the application was given to the referral authority (other than the Roads Corporation) under section 77TE of the Mineral Resources (Sustainable Development) Act 1990.

Notice

Notice of an application of the kind listed 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></td>
<td></td>
</tr>
<tr>
<td>- A boundary realignment.</td>
<td>The relevant water, drainage or sewerage authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- The subdivision of an existing building already connected to services.</td>
<td>The relevant electricity supply or distribution authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- A two lot subdivision.</td>
<td>The relevant gas supply authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- The subdivision of land into lots each containing an existing dwelling or car parking space.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To subdivide land outside the metropolitan fire district which creates a road, where the requirements of Clause 56.09-3 are not met.</td>
<td>Country Fire Authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To subdivide land if the only access to a lot is over Crown land which has not been reserved or proclaimed as a road.</td>
<td>Minister administering the Land Act 1958</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To subdivide land crossed by a gas transmission pipeline or a gas transmission pipeline easement.</td>
<td>The relevant gas supply authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To subdivide land within 60 metres of a major electricity transmission line (220 Kilovolts or more) or an electricity transmission easement.</td>
<td>The relevant electricity transmission authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To subdivide a heritage place of which all or part is included in the Victorian Heritage Register.</td>
<td>The Executive Director specified in the Heritage Act 2017</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>

Note: A subdivision which does not require referral under Clause 66.01 must be referred if it is listed as a requirement under any other provision of Clause 66.

## Mandatory conditions for subdivision permits

A permit for subdivision must contain the following conditions:

The owner of the land must enter into an agreement with:

- a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider’s requirements and relevant legislation at the time; and

- a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider’s requirements and relevant legislation at the time; and
a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

This requirement does not apply to a permit granted to:

- Subdivide land in a rural zone, public land zone, Urban Floodway Zone or Special Use Zone if the responsible authority is satisfied that connection to telecommunication services is not warranted.
- Realign the common boundary between two lots (boundary realignment).
- Subdivide an existing building already connected to telecommunication services.

A permit granted to subdivide land in a manner that does not require referral under Clause 66.01 must contain the following conditions:

- The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority’s requirements and relevant legislation at the time.
- All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
- The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

This requirement does not apply to a permit granted to subdivide land into lots each containing an existing dwelling or car parking space.

**Referrals under the Subdivision Act – certification of plans**

For the purpose of Section 8(1)(a) of the Subdivision Act 1988 referral of a plan is required if:

- A referral is required by a permit issued under this scheme. The plan must be referred to the relevant referral authority.
- A plan creates, varies or removes an easement or restriction likely to be of interest to a referral authority. The plan must be referred to the relevant referral authority.
- The only access to a lot on a plan is over Crown land and the Minister administering the Land Act 1958 has not consented or provision has not been made for a road to be reserved or proclaimed. The plan must be referred to that Minister.
- In the opinion of the Council the plan may affect existing sewerage, water, drainage or other works. The plan must be referred to the referral authority responsible for those works.
USE AND DEVELOPMENT REFERRALS

An application of the kind listed in the tables below must be referred to the person or body specified as the referral authority. The tables below specify whether the referral authority is a determining referral authority or a recommending referral authority.

### Works approval or licence

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>For a use or development requiring any of the following:</td>
<td>Environment Protection Authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- Works approval in accordance with Section 19A of the Environment Protection Act 1970.</td>
<td></td>
<td></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>Determining referral authority</td>
</tr>
</tbody>
</table>
Major electricity line or easement

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To construct a building or construct or carry out works on land within 60 metres of a major electricity transmission line (220 Kilovolts or more) or an electricity transmission easement.</td>
<td>The relevant electricity transmission authority</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>

Special water supply catchment area

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use, subdivide or consolidate land, to construct a building or 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, utility installation 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, utility installation or warehouse for a purpose listed in the table to Clause 53.10 with no threshold distance specified 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, utility installation or warehouse 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>
### Type of 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><strong>A notification is required under the Occupational Health and Safety Regulations 2017.</strong></td>
<td>To construct a building or construct or carry out works on land used for an industry, utility installation or warehouse if the area of the buildings and works will increase by more than 25 per cent and any of the following apply:</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td><strong>A licence is required under the Dangerous Goods (Explosives) Regulations 2011.</strong></td>
<td>- A fire protection quantity is exceeded under the Dangerous Goods (Storage and Handling) Regulations 2012.</td>
<td></td>
</tr>
<tr>
<td><strong>A licence is required under Dangerous Goods (HCDG) Regulations 2016 and the use is not associated with agriculture.</strong></td>
<td>- A notification is required under the Occupational Health and Safety Regulations 2017.</td>
<td></td>
</tr>
<tr>
<td><strong>A licence is required under the Dangerous Goods (HCDG) Regulations 2016 and the use is not associated with agriculture.</strong></td>
<td>- A licence is required under the Dangerous Goods (HCDG) Regulations 2016 and the use is not associated with agriculture.</td>
<td></td>
</tr>
</tbody>
</table>

### Extractive industry

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>To use or develop land for extractive industry.</strong></td>
<td>Secretary to the Department administering the Heritage Act 1995.</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td></td>
<td>Secretary to the Department administering the Mineral Resources (Sustainable Development) Act 1990</td>
<td></td>
</tr>
<tr>
<td><strong>To use or develop land for extractive industry on Crown land or land abutting Crown land, other than a government road.</strong></td>
<td>Secretary to the Department administering the Land Act 1958, Crown Land (Reserves) Act 1978, National Parks Act 1975 and Forests Act 1958.</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td><strong>To use or develop land for extractive industry:</strong></td>
<td>Secretary to the Department administering the Catchment and Land Protection Act 1994.</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td><strong>In Special Areas declared under Section 27 of the Catchment and Land Protection Act 1994.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kind of application</td>
<td>Referral authority</td>
<td>Type of referral authority</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>– 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>
<td>Determining referral authority</td>
</tr>
<tr>
<td>– On land which has been identified in this scheme as being subject to high erosion risk or areas identified as being subject to salinity management.</td>
<td>Secretary to the Department administering Section 201 of the Water Act 1989</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>– To use or develop land for extractive industry:</td>
<td>Environment Protection Authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>– In areas with communities or taxa listed or critical habitat determined under the Flora and Fauna Guarantee Act 1988.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>– On land which has been identified in this scheme as containing sites of flora or fauna significance.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>– To use or develop land for extractive industry on land which has been identified in this scheme as flood prone.</td>
<td>Roads Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>– 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></td>
<td></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>
<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>
</tbody>
</table>

This does not apply to:

- Buildings and works associated with an existing place of assembly, education centre, major sports and recreation facility or retirement village.
- A development consistent with an adopted Structure Plan that has been prepared in consultation with and endorsed by the Head, Transport for Victoria.
### Declared irrigation districts

<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 use or develop land for a renewable energy facility located within an irrigation district declared under Part 6A of the <em>Water Act 1989.</em></td>
<td>Secretary to the Department administering the <em>Water Act 1989.</em></td>
<td>Recommending referral authority</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>An application under the zone outside the waterway management district of Melbourne Water Corporation.</td>
<td>Relevant floodplain management authority</td>
<td>Recommending referral authority</td>
</tr>
<tr>
<td>Clause 37.07-5 (UGZ)</td>
<td>An application under the zone within Metropolitan Melbourne.</td>
<td>Victorian Planning Authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td></td>
<td>An application under the zone outside Metropolitan Melbourne.</td>
<td>Secretary to the Department of Environment, Land, Water and Planning</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 44.02-8 (SMO)</td>
<td>An application under the overlay and any site capability report.</td>
<td>Secretary to the Department of Environment, Land, Water and Planning</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 44.03-6 (FO)</td>
<td>An application under the overlay within the waterway management district of Melbourne Water Corporation.</td>
<td>Melbourne Water Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td></td>
<td>An application under the overlay outside the waterway management district of Melbourne Water Corporation.</td>
<td>Relevant floodplain management authority</td>
<td>Recommending referral authority</td>
</tr>
<tr>
<td>Clause 44.04-7 (LSIO)</td>
<td>An application under the overlay within the waterway management district of Melbourne Water Corporation.</td>
<td>Melbourne Water Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td></td>
<td>An application under the overlay outside the waterway management district of Melbourne Water Corporation.</td>
<td>Relevant floodplain management authority</td>
<td>Recommending referral authority</td>
</tr>
<tr>
<td>Clause 44.05-6 (SBO)</td>
<td>An application under the overlay within the waterway management district of Melbourne Water Corporation.</td>
<td>Melbourne Water Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause</td>
<td>Kind of application</td>
<td>Referral authority</td>
<td>Type of referral authority</td>
</tr>
<tr>
<td>--------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>An application under the overlay outside the waterway management district of Melbourne Water Corporation.</td>
<td>Relevant floodplain management authority</td>
<td>Recommending referral authority</td>
</tr>
<tr>
<td>Clause 44.06-6 (BMO)</td>
<td>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:</td>
<td>Relevant fire authority</td>
<td>Recommending referral authority</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- The outbuilding is ancillary to a dwelling,</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 10 metres of defendable space is provided around the outbuilding in accordance with the vegetation management requirements at Table 6 of Clause 53.02,</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- The canopy of each tree within the defendable space is separated by at least 2 metres, and</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 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.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>An application to subdivide land.</td>
<td>Relevant fire authority</td>
<td>Recommending referral authority</td>
</tr>
<tr>
<td></td>
<td>An application under the overlay other than an application to construct a building or carry out works associated with a dwelling or an application to subdivide land.</td>
<td>Relevant fire authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 44.07-4 (SRO)</td>
<td>An application of the kind specified in a schedule to the overlay.</td>
<td>Referral authority specified in a schedule to the overlay</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 45.01-3 (PAO)</td>
<td>An application under the overlay.</td>
<td>Acquiring authority specified in the schedule to the overlay</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 45.07-6 (CLPO)</td>
<td>An application under the overlay.</td>
<td>Roads Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 52.05</td>
<td>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.</td>
<td>Roads Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 52.27</td>
<td>An application under the Clause in association with a bar, hotel or nightclub that is to operate after 1am.</td>
<td>Victorian Commission for Gambling and Liquor Regulation</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>
<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></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**

<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 3.0 of Schedule 25 to Clause 42.01 (ESO)</td>
<td>An application relating to land within or abutting a PPRZ or PCRZ.</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>
</tbody>
</table>
| Clause 52.09-8 | An application to use or subdivide land or construct a building for accommodation, education centre or hospital:  
- Within an Extractive Industry Interest Area.  
- On land which is within 500 metres of land on which a work plan has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990. An application to construct a building or construct or carry out works on land for which a work plan has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.  
These requirements do not apply to an application to extend a building or works. | The Secretary of the Department administering the Mineral Resources (Sustainable Development) Act 1990 |
| Clause 52.21 | An application to construct, use or illuminate a private tennis court under any provision of this scheme. | The owners and occupiers of adjoining and opposite properties |
| Clause 52.27 | An application in association with a bar, hotel or nightclub that is to operate after 1am. | Chief Commissioner of Victoria Police |
| Clause 53.09 | An application to use or develop land to establish a new broiler farm, or to increase the farm capacity of an existing broiler farm, that meets the requirements of a Special Class Broiler Farm or Farm Cluster as specified in the Victorian Code for Broiler Farms 2009. | Environment Protection Authority |
| Clause 67.02 | An application for a permit which, except for the provisions of Clause 67, would be made to the Minister in accordance with section 96 of the Act. This does not apply to an application for a sign or advertisement, or to remove, destroy or lop native vegetation under Clause 52.17 of this scheme. | The owners and occupiers of adjoining land  
The National Trust of Australia (Victoria), if the application relates to land on which there is a building classified by the Trust |
| Clause 67.03 | An application for a permit to remove, destroy or lop native vegetation under Clause 52.17, which, except for the provisions of Clause 67, would be made to the Minister in accordance with section 96 of the Act. This does not apply if the application is of a kind which must be referred to the Secretary under section 55 of the Act. | The Secretary to the Department administering the Flora and Fauna Guarantee Act 1988 |
NOTICE OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS

In addition to the notice requirements of Clause 66.05, notice of an application of the kind specified in the schedule to this clause must be given to the person or body specified in the schedule. If a local provision of the scheme specifies a notice requirement and that requirement is not included in the schedule to this clause, it is not a notice requirement under Section 52(1)(c) of the Act.
### SCHEDULE TO CLAUSE 66.06

**Notice of permit applications under local provisions**

<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></td>
<td></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, extractive industry, 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.
MORNINGTON PENINSULA PLANNING SCHEME

OPERATION OF THE MUNICIPAL PLANNING STRATEGY

Municipal Planning Strategy

The Municipal Planning Strategy at Clause 02 provides an overview of important local planning issues in an introductory context, sets out the vision for future use and development in the municipality and establishes 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 to give effect to it. If the responsible authority is satisfied that an alternative approach meets the objective, the alternative may be considered.

Policy documents

A planning policy may include reference to a policy document. A policy document may be an incorporated, background and other document.

A background document listed in the table or the schedule to Clause 72.08 that applies to Clauses 10 to 19 is a policy document for applicable planning policies.

Integrated decision making

Society has various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.

Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.
Planning authorities should identify the potential for regional impacts in their decision making and coordinate strategic planning with their neighbours and other public bodies to achieve sustainable development and effective and efficient use of resources.

**Transitional**

If this planning scheme includes a Municipal Strategic Statement at Clause 21 and local planning policies at Clause 22, the provisions of Clauses 23.01, 23.02 and 23.03 apply. To the extent of any inconsistency, Clauses 23.02 and 23.03 prevail over this clause.
OPERATION OF ZONES

In each zone and schedule to a zone which contains a table of uses, the controls over the use of land are divided into three sections.

Section 1 uses

A use in Section 1 does not require a permit. Any condition opposite the use must be met. If the condition is not met, the use is in Section 2 and requires a permit unless the use is specifically included in Section 3 as a use that does not meet the Section 1 condition.

Section 2 uses

A use in Section 2 requires a permit. Any condition opposite the use must be met. If the condition is not met, the use is prohibited.

Making decisions about Section 2 uses

Because a use is in Section 2 does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the Municipal Planning Strategy, the Planning Policy Framework, the purpose and decision guidelines of the zone and any of the other decision guidelines in Clause 65.

Section 3 uses

A use in Section 3 is prohibited.
OPERATION OF OVERLAYS

If an overlay is shown on the planning scheme map, the provisions of the overlay apply in addition to the provisions of the zone and any other provision of this scheme.

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the Municipal Planning Strategy, the Planning Policy Framework, the purpose and decision guidelines of the overlay and any of the other decision guidelines in Clause 65.
OPERATION OF PARTICULAR PROVISIONS

The requirements of particular provisions apply to the specified categories of use and development and other matters in addition to any provisions which apply due to any other provision of this planning scheme.
OPERATION OF VICSMART APPLICATIONS AND PROCESS

VicSmart applications

Any provision of this planning scheme may specify:

- Classes of application that are VicSmart applications to which Clause 71.06 applies.
- Information requirements for each class of VicSmart application.
- Decision guidelines for each class of VicSmart application.

An application is a VicSmart application if all of the following requirements are met:

- The application is in a class or classes specified in a provision of this planning scheme.
- A permit is required only under the provisions of this planning scheme that are specified as a VicSmart application, and not under any other provision of this planning scheme.
- Nothing authorised by the grant of a permit would result in a breach of a registered restrictive covenant.
- If the application requires referral to a referral authority under Clause 66, the referral requirements in Clause 71.06-2 are met.

VicSmart process

Despite any other provision of this planning scheme:

- A VicSmart application is exempt from the requirements of the Act and planning scheme specified in this clause.
- The responsible authority must assess a VicSmart application in accordance with the requirements of this clause.

If there is any inconsistency between the requirements of this clause and another provision of this planning scheme, this clause prevails.

Referral requirements

If an application requires referral to a referral authority under Clause 66:

- The application must have been considered by the referral authority within the past 3 months of the application being made to the responsible authority.
- The referral authority must have stated in writing that it does not object to the granting of the permit for the proposal.

Information requirements

A VicSmart application must be accompanied by the information requirements specified for the relevant class of application. The information requirements of the relevant zone, overlay or particular provision, other than those specified for VicSmart applications, do not apply unless the information requirements for the relevant class of application specify otherwise.

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

Exemption from notice and review

A VicSmart application is exempt from:

- The notice requirements of section 52(1)(a), (b), (c) and (d) of the Act.
- The decision requirements of section 64(1), (2) and (3) of the Act.
- The review rights of section 82(1) of the Act.
Matters to be considered

In deciding a VicSmart application, the responsible authority:

- Must only consider the decision guidelines specified for the relevant class of application.

- Is exempt from considering the following matters:
  - The requirements of section 60(1)(b), (c), (e) and (f) and (1A) (b) to (h) and (j) of the Act.
  - The Municipal Planning Strategy and Planning Policy Framework unless the decision guidelines for the relevant class of application specify otherwise.
  - The decision guidelines of the relevant zone, overlay or particular provision, other than those specified for VicSmart applications, unless the decision guidelines for the relevant class of application specify otherwise.
  - The decision guidelines in Clause 65.

- In deciding an application for review in relation to a VicSmart application, the Tribunal is exempt from the matters specified in section 84B(2)(b) to (g) and (i) to (ja) of the Act.

Decision guidelines

Before deciding a VicSmart application, the responsible authority must consider the decision guidelines specified for the relevant class of application unless in the opinion of the responsible authority a decision guideline is not relevant to the evaluation of the application.
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:

- Renewable energy facility with an installed capacity of 1 megawatt or greater.
- Utility installation used to store, transmit or distribute electricity generated by a renewable energy facility with an installed capacity of 1 megawatt or greater.
- Primary school or secondary school to which Clause 53.19 applies.

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.

- in relation to applications lodged, or permits issued, for the use and development of land for a renewable energy facility (other than a wind energy facility) under Division 1 of Part 4 of the Act prior to the approval date of Amendment VC161, 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 applications lodged, or permits issued, for the use and development of land for a utility installation used to store, transmit or distribute electricity generated by a renewable energy facility, under Division 1 of Part 4 of the Act prior to the approval date of Amendment VC161, 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.
1.0 Responsible authority for administering and enforcing this planning scheme:
The Mornington Peninsula 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:
The Minister for Planning is the responsible authority for the purposes of:

- Considering and determining applications, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act
- The provisions of Divisions 1 and 2 of Part 9 of the Act; and,
- Approving associated matters required by the scheme or by a permit to be endorsed, approved or done to the satisfaction of the responsible authority,

in relation to the land known as Arthurs Seat State Park which is subject to Section 32CA of the National Parks Act 1975, more particularly being the land shown hatched on the plan lodged in the Central Plan Office; and, numbered N.P.36A and delineated and coloured blue on that plan and is 6 metres or more above the land surface.

3.0 Person or responsible authority for issuing planning certificates:
Minister for Planning.

4.0 Responsible authority for VicSmart and other specified applications:
The Chief Executive Officer of Mornington Peninsula 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.

The Chief Executive Officer of Mornington Peninsula Shire Council is the responsible authority for considering and determining any application that the notice and review exemption in Clause 52.10-2 applies to, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.
WHAT AREA IS COVERED BY THIS PLANNING SCHEME?

This planning scheme applies to the municipal district or other area specified in the schedule to this clause.
SCHEDULE TO CLAUSE 72.02 WHAT AREA IS COVERED BY THIS PLANNING SCHEME?

1.0

Area covered by this planning scheme:

The area covered by this planning scheme is all of the land listed below:

- The municipal district of the Shire of Mornington Peninsula.

- The area of Port Phillip Bay between the municipal boundary of the Shire of Mornington Peninsula and an imaginary parallel line 600 metres seaward from the municipal boundary.

- Any other land adjoining the municipal district of the Shire of Mornington Peninsula that is covered by a zone or overlay shown on a planning scheme map listed in the Schedule to Clause 61.03.
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. 1DDO, 1ESO1_16, 1ESO17_19, 1ESO24_27, 1HO, 1EMO, 1VPO, 1SCO
2. 2DDO, 2PAO, 2DPO, 2ESO1_16, 2ESO17_19, 2ESO24_27, 2HO, 2VPO, 2BMO
3. 3DPO, 3PAO, 3ESO1_16, 3HO, 3BMO, 3SCO
4. 4PAO, 4ESO1_16, 4BMO
5. 5DDO, 5PAO, 5DPO, 5LSIO-FO, 5ESO17_19, 5ESO24_27, 5EMO, 5HO, 5VPO, 5EAO
6. 6DDO, 6PAO, 6DPO, 6LSIO-FO, 6ESO1_16, 6ESO17_19, 6ESO24_27, 6EMO, 6HO, 6VPO, 6BMO, 6SCO
7. 7DDO, 7PAO, 7ESO1_16, 7ESO17_19, 7HO, 7VPO, 7EAO, 7BMO, 7SCO
8. 8DDO, 8PAO, 8ESO1_16, 8ESO17_19, 8HO, 8VPO, 8EAO, 8BMO, 8SCO
9. 9DDO, 9PAO, 9RO, 9ESO1_16, 9ESO17_19, 9ESO28, 9HO, 9VPO, 9BMO, 9SCO
10. 10LSIO-FO, 10ESO1_16, 10ESO17_19, 10ESO28, 10EAO, 10BMO
11. 11DDO, 11DPO, 11ESO24_27, 11HO, 11VPO, 11BMO
12. 12DDO, 12DPO, 12ESO1_16, 12ESO17_19, 12ESO24_27, 12ESO28, 12EMO, 12SLO1_2, 12SLO3_5, 12HO, 12VPO, 12BMO
13. 13DDO, 13PAO, 13ESO1_16, 13ESO17_19, 13ESO24_27, 13ESO28, 13EMO, 13SLO1_2, 13SLO3_5, 13HO, 13VPO, 13BMO
14. 14DDO, 14PAO, 14ESO1_16, 14ESO17_19, 14ESO28 14SLO3_5, 14HO, 14VPO, 14BMO
15. 15DDO, 15PAO, 15LSIO-FO, 15ESO1_16, 15ESO17_19, 15ESO28, 15HO, 15VPO, 15BMO
16. 16DDO, 16DPO, 16ESO1_16, 16ESO17_19, 16ESO24_27, 16ESO28, 16SLO1_2, 16SLO3_5, 16HO, 16VPO, 16BMO, 16SCO
17. 17DDO, 17ESO1_16, 17ESO17_19, 17ESO24_27, 17ESO28, 17EMO, 17SLO1_2, 17SLO3_5, 17HO, 17VPO, 17BMO, 17SCO
18. 18DDO, 18PAO, 18LSIO-FO, 18DPO, 18RO, 18ESO1_16, 18ESO17_19, 18ESO28, 18SLO3_5, 18HO, 18VPO, 18BMO
19. 19DDO, 19PAO, 19LSIO-FO, 19DPO, 19RO, 19ESO1_16, 19HO, 19VPO, 19BMO
20. 20ESO24_27, 20HO, 20BMO, 20LSIO-FO
21. 21DDO, 21ESO17_19, 21ESO24_27, 21HO, 21VPO, 21BMO, 21LSIO-FO
22. 22DDO, 22DPO, 22ESO17_19, 22ESO24_27, 22HO, 22VPO, 22BMO, 22LSIO-FO
23. 23DDO, 23ESO24_27, 23HO, 23VPO, 23BMO, 23LSIO-FO
24. 24DDO, 24PAO, 24ESO24_27, 24HO, 24VPO, 24BMO
26. 26DDO, 26PAO, 26DPO, 26LSIO, 26ESO17_19, 26ESO24_27, 26ESO28, 26ESO30, 26SLO3_5, 26HO, 26VPO, 26EAO, 26BMO
27. 27DDO, 27EMO, 27RO, 27ESO1_16, 27ESO17_19, 27ESO24_27, 27ESO28, 27SLO1_2, 27SLO3_5, 27SLO6, 27HO, 27VPO, 27DPO, 27EAO, 27BMO
28. 28DDO, 28RO, 28ESO1_16, 28ESO17_19, 28ESO24_27, 28ESO28, 28EMO, 28SLO1_2, 28SLO3_5, 28SLO6, 28HO, 28VPO, 28BMO
29, 29DDO, 29ESO1_16, 29ESO17_19, 29ESO24_27, 29ESO28, 29EMO, 29SLO1_2, 29SLO3_5, 29SLO6, 29HO, 29VPO, 29BMO

30, 30DDO, 30LSIO-FO, 30RO, 30ESO1_16, 30ESO17_19, 30ESO20_23, 30ESO24_27, 30ESO28, 30EMO, 30SLO1_2, 30SLO3_5, 30SLO6, 30HO, 30VPO, 30BMO

31, 31DDO, 31LSIO-FO, 31DPO, 31ESO1_16, 31ESO17_19, 31ESO20_23, 31ESO24_27, 31ESO28, 31EMO, 31SLO1_2, 31SLO3_5, 31SLO6, 31HO, 31VPO, 31BMO

32, 32DDO, 32LSIO-FO, 32RO, 32ESO1_16, 32ESO17_19, 32ESO24_27, 32ESO28, 32SLO3_5, 32SLO6, 32HO, 32VPO, 32EAO, 32BMO

33, 33DDO, 33EAO, 33PAO, 33RO, 33ESO28, 33HO, 33VPO, 33BMO, 33LSIO-FO, 33DCPO

34, 34DDO, 34PAO, 34ESO1_16, 34ESO20_23, 34ESO24_27, 34ESO28, 34SLO3_5, 34HO, 34VPO, 34BMO, 34LSIO-FO

35, 35DDO, 35PAO, 35RO, 35LSIO, 35ESO1_16, 35ESO17_19, 35ESO20_23, 35ESO24_27, 35ESO28, 35ESO30, 35SLO3_5, 35HO, 35VPO, 35BMO, 35LSIO-FO

36, 36DDO, 36PAO, 36LSIO, 36ESO1_16, 36ESO17_19, 36ESO20_23,

36ESO24_27, 36ESO28, 36ESO30, 36SLO3_5, 36HO, 36VPO, 36EAO, 36BMO

37, 37DDO, 37ESO1_16, 37ESO17_19, 37ESO24_27, 37ESO28, 37EMO, 37SLO1_2, 37SLO3_5, 37SLO6, 37VPO, 37BMO

38, 38DDO, 38LSIO-FO, 38ESO1_16, 38ESO17_19, 38ESO20_23, 38ESO24_27, 38ESO28, 38EMO, 38SLO1_2, 38SLO3_5, 38SLO6, 38HO, 38VPO, 38BMO

39, 39DDO, 39LSIO-FO, 39ESO1_16, 39ESO17_19, 39ESO20_23, 39ESO24_27, 39ESO28, 39EMO, 39SLO1_2, 39SLO3_5, 39HO, 39VPO, 39BMO

40, 40ESO1_16, 40ESO20_23, 40ESO24_27, 40ESO28, 40SLO1_2, 40SLO3_5, 40HO, 40VPO, 40BMO, 40LSIO-FO

41, 41DDO, 41RO, 41ESO1_16, 41ESO20_23, 41ESO24_27, 41ESO28, 41SLO1_2, 41SLO3_5, 41VPO, 41BMO, 41LSIO-FO

42, 42ESO1_16, 42ESO17_19, 42ESO20_23, 42ESO24_27, 42ESO28, 42EMO, 42SLO1_2, 42SLO3_5, 42SLO6, 42HO, 42VPO, 42BMO, 42LSIO-FO

43, 43ESO1_16, 43ESO17_19, 43ESO20_23, 43ESO24_27, 43ESO28, 43SLO1_2, 43SLO3_5, 43SLO6, 43HO, 43VPO, 43BMO, 43LSIO-FO, 43SCO

44, 44ESO1_16, 44ESO17_19, 44ESO20_23, 44ESO24_27, 44ESO28, 44EMO, 44SLO1_2, 44SLO3_5, 44SLO6, 44HO, 44VPO, 44BMO, 44LSIO-FO

45, 45DDO, 45ESO1_16, 45ESO17_19, 45ESO20_23, 45ESO24_27, 45ESO28, 45EMO, 45SLO1_2, 45SLO3_5, 45SLO6, 45HO, 45VPO, 45LSIO-FO
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>
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</table>
## Incorporated documents

<table>
<thead>
<tr>
<th>Name of document</th>
<th>Introduced by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Creswell Street Development Contributions Plan, April 2018</td>
<td>C210morn</td>
</tr>
<tr>
<td>Documents Incorporated Under Clause 45.12 - Specific Controls Overlay</td>
<td></td>
</tr>
<tr>
<td>Moorooduc Coolstore, August 2015</td>
<td>C192</td>
</tr>
<tr>
<td>Trig Point Subdivision, April 1999</td>
<td>NPS1</td>
</tr>
<tr>
<td>The National Golf Course and Cape Schanck Resort Development, July 2014</td>
<td>C180</td>
</tr>
<tr>
<td>Mt Eliza Centre Subdivision, April 1999</td>
<td>NPS1</td>
</tr>
<tr>
<td>Mornington Homemaker Centre, April 1999</td>
<td>NPS1</td>
</tr>
<tr>
<td>Inghams Somerville Redevelopment Incorporated Document, February 2010</td>
<td>C139</td>
</tr>
<tr>
<td>Golf Links Road and Grant Road (Peninsula Link to Frankston-Flinders Road) Upgrade Project Incorporated Document, November 2019</td>
<td>GC158</td>
</tr>
<tr>
<td>Documents Incorporated Under Clause 51.01 – Specific Sites and Exclusions:</td>
<td></td>
</tr>
<tr>
<td>Conditions for Use and Development of a Patrol Base and associated works for the Rosebud &amp; District Life Saving Club, July 2001</td>
<td>C30</td>
</tr>
<tr>
<td>Dromana Mixed Use Development, June 2002</td>
<td>C40(Part 1)</td>
</tr>
<tr>
<td>Hydrogen Liquefaction and Loading Terminal – Pilot Project Hastings, July 2018</td>
<td>C250</td>
</tr>
<tr>
<td>Kinfauns Development Plan, April 2004</td>
<td>C73(Part 1)</td>
</tr>
<tr>
<td>Subdivision prohibition in the Public Conservation and Resource Zone outside the Urban Growth Boundary, April 2014</td>
<td>C176(Part 2)</td>
</tr>
<tr>
<td>Woodlands Estate, Somerville, April 1999</td>
<td>NPS1</td>
</tr>
<tr>
<td>Searoad Ferries – Sorrento Terminal Building and Associated Uses and Works Incorporated Document, October 2017</td>
<td>C209</td>
</tr>
<tr>
<td>Figure 3 Mornington Peninsula Shire Council Ballar Creek, Mount Eliza Landslide Zone Plan, 11 July 2000</td>
<td>C17</td>
</tr>
<tr>
<td>Flinders Christian Community College, Master Plan, November 2009</td>
<td>C94</td>
</tr>
<tr>
<td>Hastings Port Industrial Area Land Use Structure Plan, April 1996</td>
<td>NPS1</td>
</tr>
<tr>
<td>Moonah Links Comprehensive Development Plan, May 1999</td>
<td>C2</td>
</tr>
<tr>
<td>Plans Incorporated under Clause 43.01-2</td>
<td></td>
</tr>
<tr>
<td>Plan No. 1 Merricks General Store, July 2004</td>
<td>C65(Part 2)</td>
</tr>
<tr>
<td>Plan No. 2 Crib Point Public Cemetery, February 2005</td>
<td>C65(Part 2)</td>
</tr>
<tr>
<td>Plan No. 3 Palm Beach Estate Somers, February 2005</td>
<td>C65(Part 2)</td>
</tr>
<tr>
<td>Name of document</td>
<td>Introduced by:</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Restructure Plans Incorporated Under Clause 45.05</td>
<td></td>
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<tr>
<td>▪ Arthurs Seat Restructure Plan, March 2004</td>
<td>C67</td>
</tr>
<tr>
<td>▪ Bittern Crib Point Restructure Plan, April 2013</td>
<td>C135(Part 1)</td>
</tr>
<tr>
<td>▪ Bungower Road Area Restructure Plan, December 2011</td>
<td>C165</td>
</tr>
<tr>
<td>▪ Disney Street Industrial Restructure Plan, April 2004</td>
<td>C68(Part 1)</td>
</tr>
<tr>
<td>▪ Hastings Business 4 Restructure Plan, October 2009</td>
<td>C126(Part 1)</td>
</tr>
<tr>
<td>▪ Hellicars Road Estate Restructure Plan, April 2004</td>
<td>C68(Part 1)</td>
</tr>
<tr>
<td>▪ Naval Base Estate Restructure Plan, March 2012</td>
<td>C135(Part 1)</td>
</tr>
<tr>
<td>▪ St Andrews Beach Restructure Plan, March 2012</td>
<td>C135(Part 1)</td>
</tr>
<tr>
<td>Statements of Significance Incorporated under Clause 43.01</td>
<td></td>
</tr>
<tr>
<td>▪ 12 Graydens Road, Tyabb Statement of Significance, February 2019</td>
<td>C251morn</td>
</tr>
<tr>
<td>▪ Mornington Peninsula Shire Heritage Review Stage 2, Statements of Significance, December 2018</td>
<td>C214morn</td>
</tr>
<tr>
<td>▪ House, 118 Salmon Street Hastings, Statement of Significance, December 2018</td>
<td>C214morn</td>
</tr>
<tr>
<td>▪ House, 95 Salmon Street, Hastings, Statement of Significance, December 2018</td>
<td>C214morn</td>
</tr>
<tr>
<td>▪ Hastings Uniting Church Chapel, 121 Marine Parade, Hastings, Statement of Significance, December 2018</td>
<td>C214morn</td>
</tr>
<tr>
<td>▪ Glasnevern, 34 Back Beach Road, Portsea, Statement of Significance, December 2018</td>
<td>C214morn</td>
</tr>
<tr>
<td>▪ 1146 Frankston-Flinders Road, Somerville Statement of Significance, March 2019</td>
<td>C257morn</td>
</tr>
<tr>
<td>▪ 3808 Point Nepean Road, Portsea Statement of Significance, March 2019</td>
<td>C257morn</td>
</tr>
</tbody>
</table>
72.05 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:

6 May 1999
EFFECT OF THIS PLANNING SCHEME

Land may be used or developed only in accordance with this planning scheme.
Land must not be developed unless the land as developed can be used in accordance with this planning scheme.
If this planning scheme allows a particular use of land, it may be developed for that use provided all requirements of the scheme are met.
DETERMINATION OF BOUNDARIES

If a boundary in this planning scheme is not precisely shown on a planning scheme map or is not otherwise defined, the certificate issuing authority must determine the boundary if asked to do so and must notify the applicant within 60 days.
BACKGROUND DOCUMENTS

The documents listed in the table and the schedule to this clause are background documents. The table and the schedule to this clause must specify the amendment that listed the background document and may specify the clause of this planning scheme that the background document relates to.

A background document may:

- Have informed the preparation of, or an amendment to, this planning scheme.
- Provide information to explain the context within which a provision has been framed.
- Assist the understanding of this planning scheme.

A background document does not form part of this planning scheme.

A background document may be referenced elsewhere in this planning scheme without being listed in the table or schedule to this clause.

Table to Clause 72.08

<table>
<thead>
<tr>
<th>Name of background document</th>
<th>Amendment number - clause reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Highlands Regional Growth Plan (Victorian Government, 2014).</td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td>G21 Regional Growth Plan (Geelong Region Alliance, 2013).</td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td>Gippsland Regional Growth Plan (Victorian Government, 2014).</td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td>Great South Coast Regional Growth Plan (Victorian Government, 2014).</td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td>Hume Regional Growth Plan (Victorian Government, 2014).</td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td>Loddon Mallee North Regional Growth Plan (Victorian Government, 2014).</td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td>Loddon Mallee South Regional Growth Plan (Victorian Government, 2014).</td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td>Wimmera Southern Mallee Regional Growth Plan (Victorian Government, 2014).</td>
<td>VC106 Clauses 10 to 19</td>
</tr>
</tbody>
</table>
# SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS

## Background documents

<table>
<thead>
<tr>
<th>Name of background document</th>
<th>Amendment number - clause reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>
MEANING OF TERMS

A term used in this planning scheme has its ordinary meaning unless that term is defined:

- In this planning scheme; or

- In the Planning and Environment Act 1987 or the Interpretation of Legislation Act 1984, in which case the term has the meaning given to it in those Acts unless it is defined differently in this scheme.
**GENERAL TERMS**

The following table lists general terms which may be used in this planning scheme. A term listed in the first column, under the heading "General term", has the meaning set out beside that term in the second column, under the heading "Definition".

<table>
<thead>
<tr>
<th>General term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural production</td>
<td>Any form of primary production of renewable commodities. It does not include extractive industry, Mineral extraction, or timber production from native forest.</td>
</tr>
<tr>
<td>Anemometer</td>
<td>A wind measuring device.</td>
</tr>
<tr>
<td>Apartment</td>
<td>A dwelling located above the ceiling level or below the floor level of another dwelling and is part of a building containing two or more dwellings.</td>
</tr>
<tr>
<td>Approval date</td>
<td>The date this scheme began, or the date of notice in the Victoria Government Gazette of approval of an amendment to this scheme.</td>
</tr>
<tr>
<td>Basement</td>
<td>A storey below ground level, or that projects no more than 1.2 metres above ground level.</td>
</tr>
<tr>
<td>Building height</td>
<td>The vertical distance from natural ground level to the roof or parapet at any point.</td>
</tr>
<tr>
<td>Carriageway</td>
<td>The area of a street reserve which is provided for the movement or parking of vehicles. It is determined by the invert of a kerb and channel and the point adjacent to the pavement edge for kerb (only) and edge strips.</td>
</tr>
<tr>
<td>Central Highlands region</td>
<td>The area covered by the Ararat, Ballarat, Golden Plains, Hepburn, Moorabool and Pyrenees planning schemes.</td>
</tr>
<tr>
<td>Clear to the sky</td>
<td>An unroofed area or area roofed with material that transmits 90 per cent of light.</td>
</tr>
<tr>
<td>Defendable space</td>
<td>An area of land around a building where vegetation is modified and managed to reduce the effects of flame contact and radiant heat associated with bushfire.</td>
</tr>
<tr>
<td>Deflection angle</td>
<td>The angle between two tangent sections of a carriageway.</td>
</tr>
<tr>
<td>Design speed</td>
<td>The speed fixed for the design and correlation of the geometric features of a carriageway that influence vehicle operation. It is the speed which is not exceeded by 85 per cent of vehicles.</td>
</tr>
<tr>
<td>Domestic services normal to a dwelling</td>
<td>A domestic appliance or apparatus that is normal to and services a dwelling. It includes disabled access ramps and handrails, an air conditioner, cooling or heating system, a hot water service, security systems and cameras, shade sails, a barbeque, downpipes and flues, a skylight, security screens, and the like.</td>
</tr>
<tr>
<td>Earthworks</td>
<td>Land forming, laser grading, levee banks, raised access roads and tracks, building pads, storage embankments, channel banks and drain banks and associated structures.</td>
</tr>
<tr>
<td>Frontage</td>
<td>The road alignment at the front of a lot. If a lot abuts two or more roads, the one to which the building, or proposed building, faces.</td>
</tr>
<tr>
<td>Gaming</td>
<td>The playing of a gaming machine.</td>
</tr>
<tr>
<td>General term</td>
<td>Definition</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Gaming machine</strong></td>
<td>Has the same meaning as it has in the Gambling Regulation Act 2003.</td>
</tr>
<tr>
<td><strong>Garden area</strong></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; b) a driveway; or</td>
</tr>
<tr>
<td></td>
<td>c) an area set aside for car parking.</td>
</tr>
<tr>
<td><strong>Geelong G21 region</strong></td>
<td>The area covered by the Colac Otway, Golden Plains, Greater Geelong, Queenscliffe and Surf Coast planning schemes.</td>
</tr>
<tr>
<td><strong>Gippsland region</strong></td>
<td>The area covered by the Bass Coast, Baw Baw, East Gippsland, Latrobe, South Gippsland and Wellington planning schemes.</td>
</tr>
<tr>
<td><strong>Great South Coast region</strong></td>
<td>The area covered by the Corangamite, Glenelg, Moyne, Southern Grampians and Warrnambool planning schemes.</td>
</tr>
<tr>
<td><strong>Gross floor area</strong></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><strong>Ground level</strong></td>
<td>The natural level of a site at any point.</td>
</tr>
<tr>
<td><strong>Habitable room</strong></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><strong>High quality productive agricultural land</strong></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><strong>Hume region</strong></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><strong>Land capability assessment</strong></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, Boroorndara, Brimbank, Cardinia, Casey, Darebin, Frankston, Glen Eira, Greater Dandenong, Hobsons Bay, Hume, Kingston, Knox, Manningham, Maribyrnong, Maroondah, Melbourne, Melton, Monash, Monooee Valley, Moreland, Mornington Peninsula, Nillumbik, Port of Melbourne, Port Phillip, Stonnington, Whitehorse, Whittlesea, Wyndham, Yarra and Yarra Ranges Planning Schemes and the area within the urban growth boundary in the Mitchell Planning Scheme.</td>
</tr>
<tr>
<td>Mineral</td>
<td>Any substance which occurs naturally as part of the earth's crust, including: a) oil shale and coal; and b) hydrocarbons and mineral oils contained in oil shale or coal, or extracted from oil shale or coal by chemical or industrial processes. It does not include water, stone, or petroleum.</td>
</tr>
<tr>
<td>Movable building</td>
<td>A structure, other than a tent, caravan, or vehicle, which is designed to be moved from place to place on more than one occasion.</td>
</tr>
<tr>
<td>Native vegetation</td>
<td>Plants that are indigenous to Victoria, including trees, shrubs, herbs, and grasses.</td>
</tr>
<tr>
<td>Net floor area</td>
<td>The total floor area of all floors of all buildings on a site. It includes half the width of any party wall and the full width of all other walls. It does not include the area of stairs, loading bays, accessways, or car parking areas, or any area occupied by machinery required for air conditioning, heating, power supply, or lifts.</td>
</tr>
<tr>
<td>Plot ratio</td>
<td>The gross floor area of all buildings on a site, divided by the area of the site.</td>
</tr>
<tr>
<td>Private open space</td>
<td>An outdoor area of a dwelling or residential building or land for the exclusive use of the occupants.</td>
</tr>
<tr>
<td>Property vegetation plan</td>
<td>A plan which relates to the management of native vegetation within a property, and which is contained within an agreement made pursuant to section 69 of the Conservation, Forests and Lands Act 1987.</td>
</tr>
<tr>
<td>General term</td>
<td>Definition</td>
</tr>
<tr>
<td>------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Prostitution</td>
<td>The provision by one person to or for another person (whether or not of a different sex) of sexual services in return for payment or reward.</td>
</tr>
<tr>
<td>Public land manager</td>
<td>The Minister, government department, public authority or municipal council having responsibility for the care or management of public land. In relation to Crown land reserved under an Act and managed or controlled by a committee of management, other than Parks Victoria or a municipal council, it means the Minister administering that Act and does not include the committee of management.</td>
</tr>
<tr>
<td>Radio mast</td>
<td>A mast, for radio transmission or reception in a dwelling, that is:</td>
</tr>
<tr>
<td></td>
<td>a) with antenna, more than 14 metres above the ground;</td>
</tr>
<tr>
<td></td>
<td>b) if attached to a building, with antenna, more than 5 metres above the roof line;</td>
</tr>
<tr>
<td></td>
<td>c) including antenna, wider than 6 metres; or</td>
</tr>
<tr>
<td></td>
<td>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 Sex Work Act 1994.</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:</td>
</tr>
<tr>
<td></td>
<td>a) the economic viability of agricultural production;</td>
</tr>
<tr>
<td></td>
<td>b) the natural resource base; and</td>
</tr>
<tr>
<td></td>
<td>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>a) on a pole or pylon that is not part of a building or another structure;</td>
<td></td>
</tr>
<tr>
<td>b) that is no more than 7 metres above the ground;</td>
<td></td>
</tr>
<tr>
<td>Sign term</td>
<td>Definition</td>
</tr>
<tr>
<td>---------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>c) with an advertisement area not exceeding 6 square metres; and d) that has a clearance under it of at least 2.7 metres.</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: a) on or above the roof of a building, but not a verandah; b) fixed to the wall of a building and which projects above the wall; or 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></td>
<td>residential aged care facility</td>
</tr>
<tr>
<td>Dependent person's unit</td>
<td></td>
<td></td>
<td>residential building</td>
</tr>
<tr>
<td>Dwelling</td>
<td></td>
<td></td>
<td>retirement village</td>
</tr>
<tr>
<td>Group accommodation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Host farm</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential aged care facility</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential building</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential village</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retirement village</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shop</td>
<td>Land used to sell or hire sexually explicit material, including:</td>
<td>Shop</td>
<td></td>
</tr>
<tr>
<td>a) publications classified as restricted under the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995; and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) materials and devices (other than contraceptives and medical treatments) used in conjunction with sexual behaviour.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult sex product shop</td>
<td>Land used to:</td>
<td>Animal husbandry</td>
<td></td>
</tr>
<tr>
<td>a) propagate, cultivate or harvest plants, including cereals, flowers, fruit, seeds, trees, turf, and vegetables;</td>
<td></td>
<td>Aquaculture</td>
<td></td>
</tr>
<tr>
<td>b) keep, breed, board, or train animals, including livestock, and birds; or</td>
<td></td>
<td>Crop raising</td>
<td></td>
</tr>
<tr>
<td>c) propagate, cultivate, rear, or harvest living resources of the sea or inland waters.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td>Land used to:</td>
<td>Transport terminal</td>
<td></td>
</tr>
<tr>
<td>a) propagate, cultivate or harvest plants, including cereals, flowers, fruit, seeds, trees, turf, and vegetables;</td>
<td></td>
<td>Outdoor recreation facility</td>
<td></td>
</tr>
<tr>
<td>b) keep, breed, board, or train animals, including livestock, and birds; or</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) propagate, cultivate, rear, or harvest living resources of the sea or inland waters.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Airport</td>
<td></td>
<td>Place of assembly</td>
<td></td>
</tr>
<tr>
<td>Amusement park</td>
<td>A building that contains:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) three or more coin, card, or token operated amusement machines;</td>
<td></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,</td>
<td>Grazing animal production</td>
<td>Animal husbandry</td>
</tr>
<tr>
<td></td>
<td>eggs, fibre, meat, milk or other animal products.</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</td>
<td></td>
<td>Animal husbandry</td>
</tr>
<tr>
<td></td>
<td>dogs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apiculture</td>
<td>Land used to keep honeybee hives and to extract honey or other bee hive</td>
<td></td>
<td>Animal husbandry</td>
</tr>
<tr>
<td></td>
<td>products.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aquaculture</td>
<td>Land used to keep or breed aquatic animals, or cultivate or propagate</td>
<td></td>
<td>Agriculture</td>
</tr>
<tr>
<td></td>
<td>aquatic plants.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Art and craft centre</td>
<td>Land used to manufacture, display, and sell, works of art or craft, such</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>as handicrafts, paintings, and sculptures.</td>
<td></td>
<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>
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</tr>
<tr>
<td>Art gallery</td>
<td>Land used to display works of art, including ceramics, furniture, glass, paintings, screen based art, sculptures, and textiles.</td>
<td></td>
<td>Exhibition centre</td>
</tr>
<tr>
<td>Bank</td>
<td>Office</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>Shop</td>
<td></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 wagering, 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>Recreational boat facility</td>
<td></td>
</tr>
<tr>
<td>Boat ramp</td>
<td></td>
<td></td>
<td>Boat launching facility</td>
</tr>
<tr>
<td>Bottle shop</td>
<td>Land used to sell packaged liquor for consumption off the premises.</td>
<td>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>Transport terminal</td>
<td></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>
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</tr>
<tr>
<td>Caretaker's house</td>
<td>A dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation, or plant.</td>
<td></td>
<td>Dwelling</td>
</tr>
<tr>
<td>Carnival</td>
<td>Land, other than an Exhibition centre or trade fair, used for a temporary fair or amusements which provide entertainment such as side shows, merry-go-rounds, and stalls for games or snacks.</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Car park</td>
<td>Land used to park motor vehicles. It may include charging of electric vehicles.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Car sales</td>
<td>Motor vehicle, boat, or caravan sales</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Car wash</td>
<td>Service industry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cattle feedlot</td>
<td>Land used for a cattle feedlot as defined by the Victorian Code for Cattle Feedlots 1995.</td>
<td></td>
<td>Intensive animal production</td>
</tr>
<tr>
<td>Cemetery</td>
<td>Land used to dispose of human remains by burial. It may include funeral chapels or the like.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child care centre</td>
<td>Land used to care for five or more children who are not permanently resident on the land.</td>
<td></td>
<td>Kindergarten</td>
</tr>
<tr>
<td>Cinema</td>
<td>Land used to provide screen based entertainment or information to the public.</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td>Land used to provide screen based entertainment or information to the public, in association with the provision of meals or sporting, amusement, entertainment, leisure or retail facilities.</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Circus</td>
<td>Land used, by performers, to provide entertainment such as acrobatic feats, tricks of skill, and exhibiting animals.</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Commercial display area</td>
<td>Land used only to display goods.</td>
<td></td>
<td>Warehouse</td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Land used to provide accommodation and care services. It includes permanent, temporary</td>
<td></td>
<td>Residential building</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
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</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>Food and drink premises</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>Shop</td>
<td></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>Accommodation</td>
<td></td>
</tr>
<tr>
<td>Crematorium</td>
<td>Land used to cremate human remains. It may include funeral chapels or the like.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crop raising</td>
<td>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>Dance studio</td>
<td></td>
<td>Indoor recreation facility</td>
<td></td>
</tr>
<tr>
<td>Data centre</td>
<td></td>
<td>Utility installation</td>
<td></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>Accommodation</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>Domestic animal husbandry</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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</tr>
<tr>
<td>Domestic animal boarding</td>
<td>Land used to board domestic animals, such as boarding kennels and a cattery. It includes domestic animal day care.</td>
<td>Dog breeding</td>
<td>Domestic animal husbandry</td>
</tr>
<tr>
<td>Domestic animal boarding</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</td>
<td>Accommodation</td>
</tr>
<tr>
<td></td>
<td>a) a kitchen sink;</td>
<td>Caretaker’s house</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) food preparation facilities;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) a bath or shower; 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></td>
<td>Child care centre</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Employment training centre</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Primary school</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Secondary school</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Tertiary institution</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>Extractive industry</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Greenhouse gas sequestration</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Greenhouse gas sequestration exploration</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Geothermal energy exploration</td>
<td></td>
</tr>
<tr>
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<td>Includes</td>
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<tr>
<td>Geothermal energy extraction</td>
<td></td>
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<td></td>
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<tr>
<td>Mining</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mineral exploration</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Petroleum exploration</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Petroleum production</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stone exploration</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electoral office</td>
<td>An office used for electioneering by a candidate in a local, State, or Federal Government election.</td>
<td></td>
<td>Office</td>
</tr>
<tr>
<td>Emergency services facility</td>
<td>Land used to provide facilities for emergency services, such as fire prevention and ambulance services. It may include administrative, operational or storage facilities associated with the provision of emergency services.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employment training centre</td>
<td></td>
<td></td>
<td>Education centre</td>
</tr>
<tr>
<td>Renewable energy facility</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waste-to-energy facility</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Energy generation facility</td>
<td>Land used to generate energy for use off site other than geothermal energy extraction. It includes any building or other structure or thing used in or in connection with the generation of energy.</td>
<td></td>
<td>Renewable energy facility</td>
</tr>
<tr>
<td>Equestrian supplies</td>
<td></td>
<td></td>
<td>Restricted retail premises</td>
</tr>
</tbody>
</table>
| Exhibition centre             | Land used to display works of art, artefacts, or historical, cultural, or other like works or artefacts. | Art gallery
Museum                                                                 | Place of assembly                                      |
<p>| Extractive industry           | Land used for the extraction or removal of stone from land for commercial use, or to use the stone for building, construction, road or manufacturing works. It includes: the rehabilitation of the land; and the treatment of stone (such as crushing and processing) or the manufacture of bricks, tiles, pottery, or cement or asphalt products on, or adjacent to, the |                                                                           | Earth and energy resources industry     |</p>
<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food and drink premises</td>
<td>Land used to prepare and sell food and drink for immediate consumption on, or off, the premises.</td>
<td>Bar</td>
<td>Retail premises</td>
</tr>
<tr>
<td></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>Freeway service centre</td>
<td>Land which has direct access to a freeway and is used to provide essential services and facilities which encourage drivers to stop and take an effective break in the interests of driver safety.</td>
<td></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>Fuel depot</td>
<td></td>
<td>Solid fuel depot</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>Conference centre</td>
<td>Place of assembly</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Reception centre</td>
<td></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 as defined in the Geothermal Energy Resources Act 2005.</td>
<td></td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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</tr>
<tr>
<td>Geothermal energy extraction</td>
<td>Land used for geothermal energy extraction as defined in the Geothermal Energy Resources Act 2005.</td>
<td></td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td>Golf course</td>
<td></td>
<td></td>
<td>Outdoor recreation facility</td>
</tr>
<tr>
<td>Golf driving range</td>
<td></td>
<td></td>
<td>Outdoor recreation facility</td>
</tr>
</tbody>
</table>
| Grazing animal production   | Land used for animal production where the animals’ food is obtained by directly grazing, browsing or foraging plants growing on the land. It includes:  
  - 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. |                                                                          | Animal production                                |
<p>| Greenhouse gas sequestration | Land used for greenhouse gas substance injection and monitoring as defined in the Greenhouse Gas Geological Sequestration Act 2008. |                                                                          | Earth and energy resources industry              |</p>
<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greenhouse gas sequestration</td>
<td>Land used for greenhouse gas sequestration formation exploration as defined in the Greenhouse</td>
<td>Earth and energy resources</td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td>Group accommodation</td>
<td>Land, in one ownership, containing a number of dwellings used to accommodate persons away from</td>
<td>Accommodation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>their normal place of residence.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hairdresser</td>
<td>Shop</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hall</td>
<td>Place of assembly</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Helicopter landing site</td>
<td>Land used for the take-off and landing of a helicopter, with or without a permanent landing</td>
<td>Transport terminal</td>
<td></td>
</tr>
<tr>
<td></td>
<td>pad, but without permanent facilities for the assembly and distribution of goods or passengers.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heliport</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home based business</td>
<td>An occupation carried on in a dwelling, or on the land around a dwelling, by a resident of the</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>dwelling. It may include a use defined elsewhere, but not a Brothel.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Horse husbandry</td>
<td>Land used to keep, breed, board or train horses.</td>
<td>Horse riding school Horse</td>
<td>Horse husbandry</td>
</tr>
<tr>
<td></td>
<td></td>
<td>stables</td>
<td>Horse husbandry</td>
</tr>
<tr>
<td>Horse riding school</td>
<td></td>
<td></td>
<td>Horse husbandry</td>
</tr>
<tr>
<td>Horse stables</td>
<td></td>
<td></td>
<td>Horse husbandry</td>
</tr>
<tr>
<td>Horticulture</td>
<td>Land used to propagate, cultivate, or harvest flowers, fruit, vegetables, vines, or the like.</td>
<td>Market garden</td>
<td>Crop raising</td>
</tr>
<tr>
<td>Hospital</td>
<td>Land used to provide health services (including preventative care, diagnosis, medical and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>surgical treatment, and counselling) to persons admitted as in-patients. It may include the</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>care or treatment of out-patients.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Host farm</td>
<td>An agricultural property used to provide accommodation for persons, away from their normal</td>
<td>Accommodation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>place of residence, to experience living on land used for agricultural purposes.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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<td>-------------</td>
</tr>
<tr>
<td>Hotel</td>
<td>Land used to sell liquor for consumption on and off the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling.</td>
<td>Food and drink premises</td>
<td></td>
</tr>
<tr>
<td>Indoor recreation facility</td>
<td>A building used for indoor leisure, recreation, or sport.</td>
<td>Dancing studio</td>
<td>Minor sports and recreation facility</td>
</tr>
</tbody>
</table>
| Industry      | Land used for any of the following operations:  
a) any process of manufacture;  
b) dismantling or breaking up of any article;  
c) treating waste materials;  
d) winning clay, gravel, rock, sand, soil, stone, or other materials (other than Mineral, stone, or soil extraction);  
e) laundering, repairing, servicing or washing any article, machinery, or vehicle, other than on-site work on a building, works, or land; or  
f) any process of testing or analysis.  
If on the same land as any of these operations, it also includes:  
a) storing goods used in the operation or resulting from it;  
b) providing amenities for people engaged in the operation;  
c) selling by wholesale, goods resulting from the operation; and  
d) accounting or administration in connection with the operation.  
If Materials recycling, goods resulting from the operation may be sold by retail. | Materials recycling  
Refuse disposal  
Transfer station  
Research and development centre  
Rural industry  
Service industry |
<p>| Informal outdoor recreation | Land open to the public and used by non-paying persons for leisure or recreation, such as a cycle track, park, picnic or barbecue area, playground, plaza, and walking or jogging track. | Minor sports and recreation facility |</p>
<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
</table>
| **Intensive animal production**    | Land used for animal production where the animals’ food is imported from outside the immediate building, enclosure, paddock or pen. It does not include:  
  - an abattoir or sale yard; or  
  - grazing animal production, pig farm, poultry farm or poultry hatchery.                                                                                                                                  | Cattle feedlot               | Animal production        |
<p>| <strong>Intensive dairy farm</strong>            | Land used for intensive animal production where cattle are kept or bred for the production of milk.                                                                                                       | Intensive dairy farm         |                          |
| <strong>Jetty</strong>                           |                                                                                                                                                                                                            |                               | Marina                   |
| <strong>Kindergarten</strong>                    |                                                                                                                                                                                                            |                               | Child care centre        |
| <strong>Landscape gardening supplies</strong>    | Land used to propagate, grow, and sell plants, or sell and distribute garden supplies.                                                                                                                                 | Garden supplies              | Retail premises          |
|                                     |                                                                                                                                                                                                            | Plant nursery                |                          |
| <strong>Laundromat</strong>                      | Land used to clean or launder clothing or household items using self-service machines.                                                                                                                                 |                               | Shop                     |
| <strong>Leisure and recreation</strong>          | Land used for leisure, recreation, or sport.                                                                                                                                                               | Major sports and recreation facility |                          |
|                                     |                                                                                                                                                                                                            | Minor sports and recreation facility |                          |
|                                     |                                                                                                                                                                                                            | Motor racing track           |                          |
| <strong>Library</strong>                         |                                                                                                                                                                                                            |                               | Place of assembly        |
| <strong>Liquid fuel depot</strong>               | Land used to store, sell by wholesale, and distribute fuel.                                                                                                                                                 |                               | Fuel depot               |
| <strong>Mail centre</strong>                     | Land used to sort mail for distribution.                                                                                                                                                                   |                               | Warehouse                |
| <strong>Major sports and recreation facility</strong> | 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. | Race course                  | Leisure and recreation   |
| <strong>Manufacturing sales</strong>             | Land used, as an incidental part of an industry, to retail goods made materially different on the land by that industry.                                                                                   |                               | Retail premises          |</p>
<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
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<th>Included in</th>
</tr>
</thead>
<tbody>
<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, Mooring pole, Pier, Pontoon</td>
<td>Recreational boat facility</td>
</tr>
<tr>
<td>Market</td>
<td>Land used to sell goods, including foodstuffs, from stalls.</td>
<td>Retail premises</td>
<td></td>
</tr>
<tr>
<td>Market garden</td>
<td></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>Industry</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>Office</td>
<td></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>Warehouse</td>
<td></td>
</tr>
<tr>
<td>Mineral exploration</td>
<td>Land used for exploration as defined in the Mineral Resources (Sustainable Development) Act 1990.</td>
<td>Earth and energy resources industry</td>
<td></td>
</tr>
<tr>
<td>Mining</td>
<td>Land used for mining as defined in the Mineral Resources (Sustainable Development) Act 1990.</td>
<td>Earth and energy resources industry</td>
<td></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, Informal outdoor recreation, Open sports ground, Outdoor recreation facility, Restricted recreation facility</td>
<td>Leisure and recreation</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;</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>
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</tr>
<tr>
<td>c) flow measurement device or a structure to gauge waterway flow;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) siphons, water storage tanks, disinfection booster stations and channels;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) gas mains providing gas directly to consumers;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f) a sewerage treatment plant, and any associated disposal works, required to serve a neighbourhood;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>g) a pumping station required to serve a neighbourhood;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<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>
<td></td>
</tr>
<tr>
<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>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mooring pole</th>
<th>Marina</th>
</tr>
</thead>
<tbody>
<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>
</tr>
<tr>
<td>Residential hotel</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Motor racing track</th>
<th>Leisure and recreation</th>
</tr>
</thead>
<tbody>
<tr>
<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>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Motor repairs</th>
<th>Panel beating</th>
<th>Service industry</th>
</tr>
</thead>
<tbody>
<tr>
<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>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Motor vehicle, boat, or caravan sales</th>
<th>Car sales</th>
<th>Retail premises</th>
</tr>
</thead>
<tbody>
<tr>
<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>Land use term</td>
<td>Definition</td>
<td>Includes</td>
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<tr>
<td>---------------</td>
<td>------------</td>
<td>----------</td>
</tr>
<tr>
<td><strong>Museum</strong></td>
<td>Land used to display archaeological, biological, cultural, geographical, geological, historical, scientific, or other like works or artefacts.</td>
<td>Exhibition centre</td>
</tr>
<tr>
<td><strong>Natural systems</strong></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>
</tr>
<tr>
<td><strong>Nightclub</strong></td>
<td>A building used to provide entertainment and dancing. It may include the provision of food and drink for consumption on the premises. It does not include the sale of packaged liquor, or gaming.</td>
<td>Place of assembly</td>
</tr>
<tr>
<td><strong>Office</strong></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>
</tr>
<tr>
<td><strong>Open sports ground</strong></td>
<td>Land used for organised games of sport, but which is available for informal outdoor leisure or recreation when not being used or prepared for an organised game. It may include lights, change rooms, pavilions, and shelters.</td>
<td>Minor sports and recreation facility</td>
</tr>
<tr>
<td><strong>Outdoor recreation facility</strong></td>
<td>Land used for outdoor leisure, recreation, or sport. It does not include an Open sports ground or Informal outdoor recreation.</td>
<td>Amusement park&lt;br&gt;- Golf course&lt;br&gt;- Golf driving range&lt;br&gt;- Paintball games facility&lt;br&gt;- Zoo</td>
</tr>
<tr>
<td><strong>Paintball games facility</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Panel beating</strong></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>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
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<td>-----------------------------------------------------------------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>Party supplies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Petroleum exploration</td>
<td>Land used for petroleum exploration as defined in the Petroleum Act 1998.</td>
<td></td>
</tr>
<tr>
<td>Petroleum production</td>
<td>Land used for petroleum production as defined in the Petroleum Act 1998.</td>
<td></td>
</tr>
<tr>
<td>Pier</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pig farm</td>
<td>Land used to keep or breed pigs.</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, Carnival, Cinema, Cinema-based entertainment facility, Circus, Drive-in theatre, Exhibition centre, Function centre, Hall, Library, nightclub, Place of worship, Restricted place of assembly</td>
</tr>
<tr>
<td>Place of worship</td>
<td>Land used for religious activities, such as a church, chapel, mosque, synagogue, and temple.</td>
<td></td>
</tr>
<tr>
<td>Plant nursery</td>
<td>Land used to propagate, grow, and sell plants. It may include the sale of gardening equipment and horticultural products.</td>
<td></td>
</tr>
<tr>
<td>Pontoon</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Postal agency</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Poultry farm</td>
<td>Land used to keep or breed poultry.</td>
<td>Broiler farm</td>
</tr>
<tr>
<td>Poultry hatchery</td>
<td>Land used to incubate and hatch poultry eggs.</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
</tr>
<tr>
<td>---------------------------</td>
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<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Primary produce sales</td>
<td>Land used to display and sell primary produce, grown on the land or adjacent land. It may include processed goods made substantially from the primary produce.</td>
<td></td>
</tr>
<tr>
<td>Primary school</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Race course</td>
<td></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>
</tr>
<tr>
<td>Racing dog training</td>
<td></td>
<td></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>
</tr>
<tr>
<td>Real estate agency</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reception 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</td>
</tr>
<tr>
<td>Refuse disposal</td>
<td>Land used to dispose of refuse, by landfill, incineration, or other means.</td>
<td></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>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------</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>
</tr>
<tr>
<td>Research centre</td>
<td>Land used only for scientific research.</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>
</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>
</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>
</tr>
<tr>
<td></td>
<td></td>
<td>Residential hotel</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rooming house</td>
</tr>
<tr>
<td>Residential hotel</td>
<td>Land used to provide accommodation in serviced rooms for persons away from their normal place of residence. If it has at least 20 bedrooms, it may include the sale of liquor for consumption on, or off, the premises, function or conference rooms, entertainment, dancing, amusement machines, and gambling.</td>
<td>Motel</td>
</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>
</tr>
<tr>
<td></td>
<td>a) entertainment and dancing; and</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Page 1246 of 1271
<p>| Land use term            | Definition                                                                                                                                                                                                                                                                                                                                                   | Includes                  | Included in                        |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------********************************************************************************|---------------------------|-----------------------------------|
| Included in             |                                                                                                                                                                                                                                                                                                                                                           |                           |                                   |
| Definition              | b) the supply of liquor other than in association with the serving of meals, provided that tables and chairs are set out for at least 75% of patrons present on the premises at any one time. It does not include the sale of packaged liquor.                                                                                                           |                           |                                   |
| Land use term           |                                                                                                                                                                                                                                                                                                                                                           |                           |                                   |
| Restricted place of assembly | Land used by members of a club or group, or by members’ guests, for religious or cultural activities, entertainment, or meetings. It may include food and drink for consumption on the premises, and gaming.                                                                                                                      |                           | Place of assembly                  |
| Restricted recreation facility | 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.  |                           | Minor sports and recreation facility |
| Restricted retail premises | Land used to sell or hire:                                                                                                                                                                                                                                                                                                                                 | Equestrian supplies       | Shop                              |
|                          | a) automotive parts and accessories;                                                                                                                                                                                                                                                                                                                        | Party supplies            |                                   |
|                          | 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;                                                                                                                                                                                                                                                                                   |                           |                                   |</p>
<table>
<thead>
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</tr>
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</table>
| 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.                                                                 | It does not include the sale of food, clothing and footwear unless ancillary to the primary use.                                                                                     |                                                |                                |
| Retail premises       | Land used to:  
  a) sell goods by retail, or by retail and wholesale;  
  b) sell services; or  
  c) hire goods.                                                                                                                                                                                                                                                                  | Food and drink premises  
  Gambling premises  
  Landscape gardening supplies  
  Manufacturing sales  
  Market  
  Motor vehicle, boat, or caravan sales  
  Postal agency  
  Primary produce sales  
  Shop  
  Trade supplies                                                      |                                                |                                |
| Retirement village    | 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.                                                                                                                                                  |                                                | Accommodation                  |
| Rice growing          |                                                                                                                                                                                                                                                                                                                                       |                                                |                                |
| Road freight terminal |                                                                                                                                                                                                                                                                                                                                       |                                                | Transport terminal             |
| Rooming house         | Land used for a rooming house as defined in the *Residential Tenancies Act 1997*.                                                                                                                                                                                        |                                                | Residential building           |
| Rural industry        | Land used to:  
  a) handle, treat, process, or pack agricultural produce;                                                                                                                                                                                                              | Abattoir  
  Sawmill                                                        |                                                | Industry                      |
<table>
<thead>
<tr>
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<th>Included in</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>b) service or repair plant, or equipment, used in agriculture; or</td>
<td></td>
<td>Store</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</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>agriculture.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Saleyard</td>
<td>Land used to hold, sell, and buy farm animals.</td>
<td></td>
<td>Rural industry</td>
</tr>
<tr>
<td>Sawmill</td>
<td>Land used to handle, cut, and process timber from logs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Secondary school</td>
<td></td>
<td></td>
<td>Education centre</td>
</tr>
<tr>
<td>Service industry</td>
<td>Land used to launder, repair, service or wash articles, machinery, or</td>
<td>Car wash</td>
<td>Industry</td>
</tr>
<tr>
<td></td>
<td>vehicles.</td>
<td>Dry cleaner</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Motor repairs</td>
<td></td>
</tr>
<tr>
<td>Service station</td>
<td>Land used to sell motor vehicle fuel from bowsers, and lubricants. It may</td>
<td>a) selling of motor vehicle accessories or parts;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>include the:</td>
<td>b) selling of food, drinks and other convenience goods;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) selling of motor vehicle</td>
<td>c) hiring of trailers;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>accessories or parts;</td>
<td>d) servicing or washing of motor vehicles; and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) selling of food, drinks and other convenience goods;</td>
<td>e) installing of motor vehicle accessories or parts.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) hiring of trailers;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Service station</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</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shipping container storage</td>
<td>Land used to store shipping containers. It may include the cleaning,</td>
<td>Adult sex product shop</td>
<td>Store</td>
</tr>
<tr>
<td></td>
<td>repair, servicing, painting or fumigation of the shipping containers.</td>
<td>Beauty salon</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bottle shop</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Convenience shop</td>
<td></td>
</tr>
<tr>
<td>Shop</td>
<td>Land used to sell goods or services, or to hire goods. It includes:</td>
<td>Dry cleaning agent</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) the selling of bread, pastries, cakes or other products baked on the</td>
<td>Department store</td>
<td></td>
</tr>
<tr>
<td></td>
<td>premises;</td>
<td>Hairdresser</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) demonstrations of products including music performances in shops selling</td>
<td>Laundromat</td>
<td></td>
</tr>
<tr>
<td></td>
<td>recorded music.</td>
<td></td>
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<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>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>---------------</td>
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<td>-------------</td>
</tr>
<tr>
<td>gambling premises;</td>
<td></td>
<td>Restricted retail premises</td>
<td></td>
</tr>
<tr>
<td>landscape gardening supplies;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>manufacturing sales;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>market;</td>
<td></td>
<td>Supermarket</td>
<td></td>
</tr>
<tr>
<td>motor vehicle, boat, or caravan sales;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>postal agency;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>primary produce sales; or</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>trade supplies.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Sign**

**Slipway**

**Boat launching facility**

**Solar energy facility**

Land used to generate electricity from solar energy using ground-mounted photovoltaic and thermal technology, where the primary role is to export power to the electricity network.

It does not include the generation of electricity principally used for an existing use of land.

**Solid fuel depot**

Land used to sell solid fuel, such as briquettes, coal, and fire wood.

**Fuel depot**

**Stone exploration**

Land used to search for stone, including:

- a) conducting geological, geophysical, and geochemical surveys;
- b) costeanning and bulk sampling;
- c) drilling; and
- d) taking samples for chemical, physical, or other testing.

**Earth and energy resources industry**

**Store**

Land used to store goods, machinery, or vehicles.

**Boat and caravan storage**

**Freezing and cool storage**

**Rural store**

**Shipping container storage**

**Vehicle store**

**Warehouse**
<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supermarket</td>
<td></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>Timber production</td>
<td>Land used to propagate, cultivate, manage and harvest timber.</td>
<td>Crop raising</td>
<td></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>Trade supplies</td>
<td></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>Land use term</td>
<td>Definition</td>
<td>Includes/Included in</td>
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<tr>
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</tr>
<tr>
<td><strong>Tramway</strong></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><strong>Industry</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Transfer station</strong></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><strong>Airport</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Bus terminal</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Heliport</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Railway station</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Road freight terminal</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Wharf</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Transport terminal</strong></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><strong>Office</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Travel agency</strong></td>
<td>Land used:</td>
<td><strong>Data centre</strong></td>
<td></td>
</tr>
</tbody>
</table>
| **Utility installation** | a) for telecommunications;  
b) to transmit or distribute gas or oil;  
c) to transmit, distribute or store power, including battery storage;  
d) to collect, treat, transmit, store, or distribute water; or  
e) to collect, treat, or dispose of storm or flood water, sewage, or sullage.  
It includes any associated flow measurement device or a structure to gauge waterway flow.                                                                                                                                                                                                                       | **Minor utility installation** |
|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | **Reservoir**             |
|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | **Telecommunications facility** |
| **Vehicle store**   | Land used to park or store vehicles in connection with a goods or passenger transport business.                                                                                                                                                                                                                                                                                                                                                                                   | **Store**                 |
| **Veterinary centre** | Land used to:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | **Office**                |
|                     | a) diagnose animal diseases or disorders;  
b) surgically or medically treat animals; or  
c) prevent animal diseases or disorders.  
It may include keeping the animals on the premises for treatment.                                                                                                                                                                                                                                                                                                      | **Data centre**           |
<p>|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <strong>Minor utility installation</strong> |
|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <strong>Reservoir</strong>             |
|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <strong>Telecommunications facility</strong> |</p>
<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
<tbody>
<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>Energy generation facility</td>
<td></td>
</tr>
<tr>
<td>Water retarding basin</td>
<td>Land used to store storm or flood water on a temporary basis.</td>
<td>Minor utility installation</td>
<td></td>
</tr>
<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.
Agriculture group (sub-group of Animal production)

- Agriculture
- Animal husbandry
- Animal production
- Intensive animal production
- Cattle feedlot
  - Intensive dairy farm
  - Pig farm
  - Poultry farm
  - Broiler farm
  - Poultry hatchery

Education centre group

- Child care centre
- Kindergarten
  - Employment training centre
  - Education centre
  - Primary school
  - Secondary school
  - Tertiary institution
MORNINGTON PENINSULA PLANNING SCHEME

Leisure and recreation group

- Major sports and recreation facility
- Race course
- Indoor recreation facility
- Dance studio
- Informal outdoor recreation
- Open sports ground
- Leisure and recreation
- Minor sports and recreation facility
  - Amusement park
  - Golf course
  - Outdoor recreation facility
    - Golf driving range
    - Paintball games facility
    - Restricted recreation facility
    - Zoo
  - Motor racing track
Earth and energy resources group

- Extractive industry
  - Geothermal energy exploration
  - Geothermal energy extraction
  - Greenhouse gas sequestration
    - Greenhouse gas sequestration exploration
  - Mining
  - Mineral exploration
  - Petroleum exploration
  - Petroleum production
  - Stone exploration
Office group

- Bank
- Electoral office
- Office
- Medical centre
- Real estate agency
- Travel agency
Place of assembly group

- Amusement parlour
- Carnival
- Cinema
- Cinema-based entertainment facility
- Circus
- Drive-in theatre
- Art gallery
- Place of assembly
- 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

- Recreational boat facility
  - Jetty
  - Mooring pole
  - Pier
  - Pontoon

Marina
Retail premises group

- Bar
- Convenience restaurant
- Hotel
- Restaurant
- Take away food premises
- Betting agency
- Gaming premises
- Garden supplies
- Plant nursery
- Manufacturing sales
- Landscape gardening supplies
- 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
Transport terminal group

- Airport
- Bus terminal
- Heliport
- Railway station
- Road freight terminal
- Wharf

Utility installation group

- Data centre
- Minor utility installation
- Water retarding basin
- Reservoir
- Telecommunications facility
Energy Group

- Energy generation facility
  - Renewable energy facility
  - Waste-to-energy facility
  - Solar energy facility
  - Wind energy facility
Land use terms that are not nested

Art and craft centre
Brothel
Car park
Cemetry
Crematorium
Display home centre
Emergency services facility
Freeway service centre
Funeral parlour
Helicopter landing site
Home based business
Hospital
Natural systems
Research centre
Saleyard
Service station
Sign
Tramway
Veterinary centre
Winery
APPLICATION OF ZONES, OVERLAYS AND PROVISIONS

The schedule to this clause must include a general explanation of the relationship between the Municipal Planning Strategy, the objectives and strategies in Clauses 10 to 19 and the controls on the use and development of land in this planning scheme.

A planning authority must take into account the schedule to this clause when it prepares an amendment to this planning scheme.

A responsible authority must not take into account the schedule to this clause when it makes a decision under this planning scheme.
FURTHER STRATEGIC WORK

The schedule to this clause may specify the planning authority’s approach to further strategic work. A planning authority may take into account the schedule to this clause when it prepares an amendment to this planning scheme.

The responsible authority must not take into account the schedule to this clause when it makes a decision under this planning scheme.