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 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 - Great South Coast

Objective
To attract more people to the region.

Strategies
Plan for a network of settlements based around Warrnambool, Hamilton, Portland and district towns drawing on proximity to services, affordable living and a variety of lifestyle opportunities.

Support the role of Warrnambool as the key population and employment centre for the region with key links to Geelong and Melbourne.

Facilitate major development in designated growth areas in Warrnambool.

Support Hamilton to service the region's north-west and surrounding areas.

Support Portland to service the region's south-west.

Facilitate the district towns of Allansford, Camperdown, Casterton, Cobden, Coleraine, Dunkeld, Heywood, Koroit, Mortlake, Port Campbell, Port Fairy, Terang and Timboon to support local communities, industry and services.

Support development and investment in small towns that are facing economic and population challenges.

Support and promote active and attractive towns through the provision and enhancement of open space, trails, streetscapes and gardens.

Support growth and economic opportunities throughout the region, especially along the north-south (Henty Highway) and east-west (Princes Highway) corridors.

Support higher economic and population growth along the east-west primary growth corridor by capitalising and building on existing connections, strengths and infrastructure.
Supply of urban land

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

Strategies
Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.

Ensure that sufficient land is available to meet forecast demand.

Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.

Planning for urban growth should consider:

- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- Neighbourhood character and landscape considerations.
- The limits of land capability and natural hazards and environmental quality.
- Service limitations and the costs of providing infrastructure.

Monitor development trends and land supply and demand for housing and industry.

Maintain access to productive natural resources and an adequate supply of well-located land for energy generation, infrastructure and industry.

Restrict rural residential development that would compromise future development at higher densities.

Policy guidelines
Consider as relevant:

- Victorian Government population projections and land supply estimates.
Structure planning

Objective
To facilitate the orderly development of urban areas.

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

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

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

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

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

Strategies
Define preferred development sequences in areas of growth to better coordinate infrastructure planning and funding.
Ensure that new land is released in areas of growth in a timely fashion to facilitate coordinated and cost-efficient provision of local and regional infrastructure.
Require new development to make a financial contribution to the provision of infrastructure such as community facilities, public transport and roads.
Improve the coordination and timing of infrastructure and service delivery in areas of growth.
Support opportunities to co-locate facilities.
Ensure that planning for water supply, sewerage and drainage works receives high priority in early planning for areas of growth.

Policy documents
Consider as relevant:

- Any applicable Growth Area Framework Plans (Department of Sustainability and Environment, 2006)
- Precinct Structure Planning Guidelines (Growth Areas Authority, 2009)
- Ministerial Direction No. 12 – Urban Growth Areas
- The Victorian Transport Plan (Victorian Government, 2008)
Activity centres

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

Strategies
Build up activity centres as a focus for high-quality development, activity and living by developing a network of activity centres that:

- Comprises a range of centres that differ in size and function.
- Is a focus for business, shopping, working, leisure and community facilities.
- Provides different types of housing, including forms of higher density housing.
- Is connected by transport.
- Maximises choices in services, employment and social interaction.

Support the role and function of each centre in the context of its classification, the policies for housing intensification, and development of the public transport network.

Undertake strategic planning for the use and development of land in and around activity centres.

Give clear direction on preferred locations for investment.

Encourage a diversity of housing types at higher densities in and around activity centres.

Reduce the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres.

Improve access by walking, cycling and public transport to services and facilities.

Support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.

Encourage economic activity and business synergies.

Improve the social, economic and environmental performance and amenity of activity centres.

Policy documents
Consider as relevant:


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

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

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

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

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

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

**Policy documents**

Consider as relevant:

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

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

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

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

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

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

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

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

Improve connections to regional and metropolitan transport services.
Coastal settlement

Objective
To plan for sustainable coastal development.

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

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

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

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

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

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

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

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)
- Gippsland Regional Growth Plan (Victorian Government, 2014)
- Great South Coast Regional Growth Plan (Victorian Government, 2014)
Distinctive areas and landscapes

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

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

Policy documents
Consider as relevant:
The Great Ocean Road region

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

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

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

Manage the impact of development on catchments and coastal areas.
Manage the impact of development on the environmental and cultural values of the area.
Improve the management of access and transport by:

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

Encourage sustainable tourism and resource use by:

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

Policy documents
Consider as relevant:

- Victorian Coastal Strategy (Victorian Coastal Council, 2014)
- The Great Ocean Road Region Landscape Assessment Study (Department of Sustainability and Environment, 2003)
- The Great Ocean Road Region - A Land Use and Transport Strategy (Department of Sustainability and Environment, 2004)
Regional and local places

Objective
To facilitate integrated place-based planning.

Strategies
Integrate relevant planning considerations to provide specific direction for the planning of sites, places, neighbourhoods and towns.
Consider the distinctive characteristics and needs of regional and local places in planning for future land use and development.
ENVIRONMENTAL AND LANDSCAPE VALUES

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

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

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

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

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

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

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

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

Policy guidelines
Consider as relevant:

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

Policy documents
Consider as relevant:

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

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

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

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

Policy guidelines
Consider as relevant:

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

Policy documents
Consider as relevant:

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

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

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

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

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

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

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

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

Encourage revegetation of cleared land abutting coastal reserves.

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

Avoid disturbance of coastal acid sulfate soils.

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

Policy guidelines
Consider as relevant:
- Any applicable coastal action plan or management plan approved under the Coastal Management Act 1995 or National Parks Act 1975.

Policy documents
Consider as relevant:
- Victorian Coastal Strategy (Victorian Coastal Council, 2014)
- Coastal Spaces Landscape Assessment Study (Department of Sustainability and Environment, 2006)
Coastal Crown land

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

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

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

Policy guidelines
Consider as relevant:

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

Policy documents
Consider as relevant:

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

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

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

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

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

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

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

Policy documents
Consider as relevant:

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

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

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

Policy documents
Consider as relevant:
- *Maribyrnong River Valley Design Guidelines* (Department of Planning and Community Development, 2010)
- *Healthy Waterways Strategy* (Melbourne Water, 2013)
Sustainable development in alpine areas

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy guidelines
Consider as relevant:

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

Policy documents
Consider as relevant:

- 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.
13.01-1S

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)
13.02 BUSHFIRE

31/07/2018
VC148
Bushfire planning

Policy application

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

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

Objective

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

Strategies

Protection of human life

Give priority to the protection of human life by:

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

Bushfire hazard identification and assessment

Identify bushfire hazard and undertake appropriate risk assessment by:

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

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

- Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).

- Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009) where human life can be better protected from the effects of bushfire.

- Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.

- Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reducing bushfire risk overall.

- Assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behaviour it will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale destruction.

- Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis.

- Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).

Areas of biodiversity conservation value

Ensure settlement growth and development approvals can implement bushfire protection measures without unacceptable biodiversity impacts by discouraging settlement growth and development in bushfire affected areas that are important areas of biodiversity.

Use and development control in a Bushfire Prone Area

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

- Subdivisions of more than 10 lots.

- Accommodation.

- Child care centre.

- Education centre.

- Emergency services facility.

- Hospital.

- Indoor recreation facility.

- Major sports and recreation facility.

- Place of assembly.

- Any application for development that will result in people congregating in large numbers.

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

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

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

Policy guidelines
Consider as relevant:

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

Policy documents
Consider as relevant:

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

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

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

Objective
To assist the protection of:

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

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

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

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

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

Policy guidelines
Consider as relevant:

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

Policy documents
Consider as relevant:

- State Environment Protection Policy (Waters of Victoria)
- Victorian Floodplain Management Strategy (Department of Environment, Land, Water and Planning 2016)
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:
13.05 NOISE
Noise abatement

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

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

Policy documents
Consider as relevant:

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

Objective
To assist the protection and improvement of air quality.

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

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

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

Policy documents
Consider as relevant:

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

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

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

- Directing land uses to appropriate locations.
- Using a range of building design, urban design, operational and land use separation measures.
NATURAL RESOURCE MANAGEMENT

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

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

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

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

**Objective**
To encourage sustainable agricultural land use.

**Strategies**
Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.

Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.

Support adaptation of the agricultural sector to respond to the potential risks arising from climate change.

Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.

Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.

Support agricultural investment through the protection and enhancement of appropriate infrastructure.

Facilitate ongoing productivity and investment in high value agriculture.

Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.

Ensure that the use and development of land for animal keeping or training is appropriately located and does not detrimentally impact the environment, the operation of surrounding land uses and the amenity of the surrounding area.

**Policy documents**
Consider as relevant:

- *Victorian Code for 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.

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.

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)
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)

**14.03-1R Resource exploration and extraction - Great South Coast Strategy**

Facilitate access to key construction material resources in the region, including on-site quarrying.
BUILT ENVIRONMENT AND HERITAGE

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

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

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

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

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

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

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

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

Strategies
Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.

Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.

Ensure the interface between the private and public realm protects and enhances personal safety.

Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.

Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.

Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.

Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.

Promote good urban design along and abutting transport corridors.

Policy documents
Consider as relevant:

**Building design**

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

**Strategies**
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:

**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.
Integrated housing

Objective
To promote a housing market that meets community needs.

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

Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.

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

Facilitate the delivery of high quality social housing.

Policy documents
Consider as relevant:

Location of residential development

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

Strategies
Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.

Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.

Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.

Facilitate residential development that is cost effective in infrastructure provision and use, energy efficient, water efficient and encourages public transport use.

Identify opportunities for increased residential densities to help consolidate urban areas.
Housing diversity

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

Strategies
Ensure housing stock matches changing demand by widening housing choice.
Facilitate diverse housing that offers choice and meets changing household needs through:

- A mix of housing types.
- Adaptable internal dwelling design.
- Universal design.

Encourage the development of well-designed medium-density housing that:

- Respects the neighbourhood character.
- Improves housing choice.
- Makes better use of existing infrastructure.
- Improves energy efficiency of housing.

Support opportunities for a range of income groups to choose housing in well-serviced locations.
Ensure planning for growth areas provides for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.
Housing diversity - Great South Coast

Strategy

Support the provision of suitable housing for elderly people to cater for projected demographic change.
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.
Rural residential development - Great South Coast

Strategies
Support rural residential development in locations that:

- Are adjacent to towns with limited growth demand to sustain population levels and communities.
- Are not strategically identified for standard density urban growth.
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 - Great South Coast

Strategies

Support agriculture as a primary source of economic prosperity and increase the region’s contribution to the nation’s food production.

Support rural production and associated economic development opportunities including rural industry, rural sales, accommodation and tourism.

Support expanded processing and logistics businesses in Hamilton.
Innovation and research

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

Strategies
Encourage the expansion and development of logistics and communications infrastructure.
Support the development of business clusters.
Support the development of enterprise precincts that build the critical mass of employment in an area, leverage the area’s public and private sector economic competitive strengths and assets, and cater to a diversity of employment types and scales.
Promote an accessible, well-connected, high-amenity and collaborative physical environment that is conducive to innovation and to creative activities.
Encourage the provision of infrastructure that helps people to be innovative and creative, learn new skills and start new businesses in locations identified to accommodate employment and economic growth.
Support well-located, appropriate and low-cost premises for not-for-profit or start-up enterprises.
Improve access to community-based information and training through further developing libraries as community learning centres.
Innovation and Research - Great South Coast

Strategy

Support expanded research and development businesses in Hamilton.
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.
Business - Great South Coast

Strategy

Out-of-centre development

Objective
To manage out-of-centre development.

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

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

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

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

Objective
To ensure availability of land for industry.

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

Identify land for industrial development in urban growth areas where:

- Good access for employees, freight and road transport is available.
- Appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses.

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

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

Policy documents
Consider as relevant:

- Recommended Buffer Distances for Industrial Residual Air Emissions (Environment Protection Authority, 1990)
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 Buffer Distances for Industrial Residual Air Emissions* (Environment Protection Authority, 1990)
State significant industrial land

Objective
To protect industrial land of state significance.

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

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

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

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

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

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

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

Policy documents
Consider as relevant:
Tourism - Great South Coast

Strategies

Provide flexibility and opportunities for a diverse range of tourism development, including an increase in the supply of appropriate accommodation and tourism infrastructure.

Provide for the sustainable management of regionally significant tourism attractions such as the Great Ocean Road, Great Southern Touring Route, national parks, major inland waterways such as Lake Corangamite, key coastal assets including Discovery Bay, and cultural heritage sites.
Coastal and maritime tourism and recreation

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

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

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

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

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

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

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

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

Integrate public transport services and infrastructure into new development.

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

Policy documents
Consider as relevant:

Transport system

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

Strategies
Reserve land for strategic transport infrastructure.

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

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

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

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

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

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

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

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

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

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

Policy guidelines
Consider as relevant:

- Any applicable highway strategy published by VicRoads.

Policy documents
Consider as relevant:


Transport links - Great South Coast

Strategies
Support connections to adjacent regional cities and regional centres, including Mt Gambier, Horsham, Ballarat, Colac and Geelong.
Improve road and rail connections between Warrnambool, Geelong and Melbourne to facilitate growth and support increased visitors to the region.
Sustainable personal transport

Objective

To promote the use of sustainable personal transport.

Strategies

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

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

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

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

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

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

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

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

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

Policy documents

Consider as relevant:

Public Transport

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

Strategies
Maintain and strengthen passenger transport networks.

Connect activity centres, job rich areas and outer suburban areas through high-quality public transport.

Improve access to the public transport network by:

- Ensuring integration with walking and cycling networks.
- Providing end-of-trip facilities for pedestrians and cyclists at public transport interchanges.

Plan for bus services to meet the need for local travel.

Ensure development supports the delivery and operation of public transport services.

Plan for and deliver public transport in outer suburban areas that is integrated with land use and development.

Provide for bus routes and stops and public transport interchanges in new development areas.

Policy documents
Consider as relevant:

- Public Transport Guidelines for Land Use and Development (Victorian Government, 2008)
- The Victorian Transport Plan (Victorian Government, 2008)
- Cycling into the Future 2013-23 (Victorian Government, 2012)
Facilitate the development and expansion of the railway station precinct at Warrnambool.
Road system

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

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

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

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

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

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

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

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

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

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

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

Design and locate local car parking to:

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

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

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

Policy documents
Consider as relevant:

Planning for ports

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

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

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

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

Policy documents
Consider as relevant:

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

Strategy

Support the expansion of the Port of Portland as a national and international gateway for exports.
Planning for port environs

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

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

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

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

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

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

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

Ensure that any use or development within port environs:

- Is consistent with policies for the protection of the environment.
- Takes into account planning for the port.

Policy documents
Consider as relevant:

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

Objective

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

Strategies

Protect airports from incompatible land uses.

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

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

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

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

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

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

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

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

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

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

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

Plan for areas around all airfields such that:

- Any new use or development that could prejudice the safety or efficiency of an airfield is precluded.

- The detrimental effects of aircraft operations (such as noise) are taken into account in regulating and restricting the use and development of affected land.

- Any new use or development that could prejudice future extensions to an existing airfield or aeronautical operations in accordance with an approved strategy or master plan for that airfield is precluded.

Policy documents

Consider as relevant:

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

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

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

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

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

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

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

Link areas of production and manufacturing to export markets.

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

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

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

Minimise negative impacts of freight movements on urban amenity.

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

Policy documents
Consider as relevant:

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 - Great South Coast

Strategy

Plan for and sustainably manage the cumulative impacts of alternative energy development.
**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 facilities - Great South Coast

Strategies

Create connections between key health institutions and major centres throughout the region.
Support the renewal, maintenance and improvement of health facilities.
Facilitate the development and expansion of medical precincts at Warrnambool.
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.
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Education precincts - Great South Coast

Strategies

Create connections between key educational institutions and major centres throughout the region.
Support the renewal, maintenance and improvement of educational facilities.
Facilitate the development and expansion of education precincts at Warrnambool.
Cultural facilities

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

Strategies
Encourage a wider range of arts, cultural and entertainment facilities including cinemas, restaurants, nightclubs and live theatres in the Central City and at Metropolitan Activity Centres.

Reinforce the existing major precincts for arts, sports and major events of state wide appeal.

Establish new facilities at locations well served by public transport.
Social and cultural infrastructure

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

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

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

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

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

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

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

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

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

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

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

Protect large regional parks and significant conservation areas.

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

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

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

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

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

Develop open space to maintain wildlife corridors and greenhouse sinks.

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

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

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

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

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

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

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

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

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

Policy documents
Consider as relevant:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy documents
Consider as relevant:

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

- *Planning Permit Applications in Open, Potable Water Supply Catchment Areas* (Department of Sustainability and Environment, 2012)
Telecommunications

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

Strategies
Facilitate the upgrading and maintenance of telecommunications facilities.
Ensure that modern telecommunications facilities are widely accessible to business, industry and the community.
Ensure the communications technology needs of business, domestic, entertainment and community services are met.
Ensure that the use of land for a telecommunications facility is not prohibited in any zone.
Encourage the continued deployment of broadband telecommunications services that are easily accessible by:

- Increasing and improving access for all sectors of the community to the broadband telecommunications trunk network.
- Supporting access to transport and other public corridors for the deployment of broadband networks in order to encourage infrastructure investment and reduce investor risk.

Ensure a balance between the provision of important telecommunications services and the need to protect the environment from adverse impacts arising from telecommunications infrastructure.
Planning should have regard to national implications of a telecommunications network and the need for consistency in infrastructure design and placement.

Policy documents
Consider as relevant:

Waste and resource recovery

Objective

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

Strategies

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

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

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

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

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

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

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

Encourage development that facilitates sustainable waste and resource recovery.

Policy guidelines

Consider as relevant:

- Any applicable Regional Waste and Resource Recovery Implementation Plan.

Policy documents

Consider as relevant:

- Statewide Waste and Resource Recovery Infrastructure Plan (Sustainability Victoria, 2015)
- 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.
INTRODUCTION
The Municipal Strategic Statement outlines strategies and policies affecting land use within Moyne Shire. The Municipal Strategic Statement (MSS) provides a vision for the future development of the Shire. The MSS seeks to support Council’s corporate plan through objectives and strategies to achieve the desired future. Objectives, strategies and means of implementation are set out under the following headings:

- Population and housing
- Environment
- Economic development
- Infrastructure.

The purpose of the MSS is:

- To provide clear and positive direction for the future use and development of land in the Moyne Shire; and
- To form a basis for the local policies in Clause 22 and for the controls in the scheme.

As a strategic planning framework, the Statement provides Council with a basis for future decision-making, and has relevance not only to the planning scheme, but also to all areas of Council activity including service delivery, capital works, asset management and co-ordination with other government agencies.

The MSS contains:

- An overview of the Shire which addresses the location and features of the Shire, historical development and population characteristics. (21.02);
- Factors influencing future planning and development (21.03);
- A vision statement which provides the basis for the land use objectives and strategies and links to the corporate plan (21.04);
- Thematic objectives, strategies and means of implementation for land use in the Shire (21.05 to 21.08);
- Local level implementation of the objectives set out in Clauses 21.05 to 21.08 (21.09);
- Monitoring and review of the scheme (21.10);
- Reference documents (21.11).

The Municipal strategic statement has been developed in tandem with the Moyne Shire Land Use and development strategy 1997. The land use development strategy provides a guide to the future direction of land management and development in the Shire through various visions, goals and strategies. The strategy focuses on land use issues which confront the challenge of achieving a sustainable economy for the Shire. The strategy is holistic, integrated and coordinated with the needs of the relevant government agencies and their specific requirements and was developed in close consultation with the community.
MUNICIPAL OVERVIEW

In providing a framework for planning, management and development of the Moyne Shire, it is imperative to develop an overall profile of the municipality. A map of the Shire’s physical characteristics is shown on the following page.
Location and features

The Shire is located in southwestern Victoria and occupies an area of approximately 5600 square kilometres. The Moyne and Hopkins Rivers flow through the municipality from north to south. The Hamilton and Princes Highways are the main road links through the municipality.

The Moyne Shire Council was formed in 1994 by the municipal amalgamation of the former Shires of Belfast, Minhamite and Mortlake, the Borough of Port Fairy and the Shire of Warrnambool, excluding the Bushfield/Woodford area, and parts of the Shires of Mount Rouse, Dundas and Hampden. The road network covers 3,490 kilometres. The administrative headquarters are located in Port Fairy, whilst the Council operates an office in Mortlake and Macarthur.

The Shire encircles the City of Warrnambool and shares common boundaries with Corangamite Shire to the east, Glenelg Shire to the west and with Southern Grampians Shire and the Rural City of Ararat to the north.

The Shire has a coastline of over 90 kilometres extending westward (with the exception of the City of Warrnambool) from Curdies Inlet near Peterborough, to a point near the mouth of the Fitzroy River approximately mid-way between Port Fairy and Portland. The western portion of the Shire extends some 50 kilometres inland from Port Fairy, whilst the eastern portion extends some 90 kilometres inland.

The coastline provides an important recreation, leisure and tourism asset as well as providing significant environmental, conservation and social values and experiences.

The Shire is predominantly rural based with a focus on grazing agriculture. Wool and prime lamb production are the most significant grazing activities throughout the Shire. Dairy and beef production are also agricultural pursuits that occur throughout the Shire. Aquaculture and cropping are other important agricultural activities.

Regional landscape character

A landscape character assessment of the coast was undertaken on a regional basis as part of the Great Ocean Road Region Strategy (Great Ocean Road Landscape Assessment Study, 2003) and the Coastal Spaces project (Coastal Spaces Landscape Assessment Study 2006). An analysis of broad landscape character types was undertaken for the region, focussing on the distinctions between landscape character types and their capacity to accommodate different types of development. The key purpose of the assessment was to determine how development can be managed in different types of landscapes.

Within the Moyne Shire’s coastal area, the Great Ocean Road Landscape Assessment Study identified the Western Coastal Cliffs as a significant landscape comprising a section for Port Campbell and a section for Nirranda.

The Coastal Spaces Landscape Assessment Study identified the following significant landscapes along the Shire’s coast:

- Lake Yambuk to Port Fairy Coast
- Port Fairy to Warrnambool Coast
- Tower Hill and Environs

Development pressures

The majority of development pressure in the Shire relating to landscape character is occurring in coastal areas. This is primarily centred on existing townships as well as between towns, and is largely residential or tourism related. Development between settlements is occasionally occurring on previously subdivided lots, and often on highly visible sites.
Dwellings that are being constructed in coastal areas are also more often permanent or semi-permanent homes, as opposed to holiday shacks. As a result they are larger, more ‘imposing’ dwellings, that are designed to maximise coastal views and often protrude above existing vegetation. The development of more permanent homes is also resulting in the development of additional infrastructure, and in turn, additional dwellings.

Though there are still B&B and small scaled accommodation developments occurring between townships, there is increasing pressure for substantial tourism developments in coastal and ‘wilderness’ locations throughout the Region. Signage, car parking and viewing platforms are other tourism related development pressures being experienced.

Other infrastructure pressures include wind farms and natural gas pipeline and processing plants in the coastal hinterland, and telecommunication and electricity towers throughout the landscape. Commercial timber plantations are also continuing to be developed inland.

**Historical development**

Prior to white settlement the northern portion of the Shire was occupied by the Kirrae, Buloke, Tjapwurong, Gournditch-mara and Gunditjmara Tribes. The Peek Whunrong Tribe roamed in small bands along the southern coast and banks of rivers between Portland, Kirkstall and the hopkins River. The Barath gundidji clan occupied the mouth of the Curdies River. The Mallungundidji clan was centred on Griffith Island and was the only Victorian Aboriginal community to be based on an island along the open coast. Given the nomadic nature of various tribes many of the groups occupied the same areas across the Shire at different times. Following European contact Aboriginal missions were established at Lake Condah and Framlingham in the 1850’s.

Port Fairy was first settled by Europeans in 1828. Whalers and sealers from Tasmania established a lucrative whaling and sealing industry on nearby Griffith Island until the mid-1840’s. Trade at the port reached a peak during the 1850’s. Wealth created by the Victorian gold rush and surrounding farms created significant town growth. The Port Fairy area continued to prosper until the 1930’s depression. Following the Second World War there was a resurgence in the rural economy creating more growth for the township. Today, an increase in tourist visits, holiday homes and people seeking to develop a rural lifestyle has kept Port Fairy’s population constant as surrounding areas generally experience a decline.

The Koroit area was first settled in 1837 by Scottish and English farmers. Between the 1840’s and 1850’s there was a substantial influx of Irish settlers due to the poor economic conditions in Ireland, the availability of small land holdings and the tenancies created by absentee landlords on the rich volcanic soils. The Koroit area developed further after the discovery of gold in Victoria. Prices for wheat and agricultural produce increased because of the need to supply the growing gold rush population. The wealth created between 1860 and 1880 by potato, pea, hay, dairy and pig production is reflected in the design of the town buildings. Farming had continued to be the mainstay of Koroit’s economic activity until recently, when prices for agricultural goods declined, or other growing areas closer to the Melbourne market developed. Today the Koroit township is slowly increasing in size, attracting Warrnambool commuters or retirees seeking a rural based lifestyle.

The northern area of the Shire including the Mortlake area was settled in the 1850’s. Large pastoral stations developed along with the dairying industry. Smaller farms were established by soldier settlement and the closer settlement schemes. Farming continues to support Mortlake, however changes in farm practice has seen the slow decline in population in the northern portion of the Shire in recent years.

**Population characteristics**

The Shire’s overall population has undergone gradual decline since 1981. This is reflected by the 1981, 1986, 1991 and 1996 Census which recorded permanent populations of 16,806, 16038, 16142 and 15,894 respectively for the area now encompassed by the Shire.
The 1996 population of the three main urban centres of Port Fairy, Koroit and Mortlake was 2557, 1515 and 985 respectively, with the rural areas and small townships and rural settlements accounting for the balance of the Shire’s population.
FACTORS INFLUENCING FUTURE PLANNING AND DEVELOPMENT

There are a number of key factors which are of importance to the Shire’s future land use and development:

- The municipality relies heavily on agricultural activity as its economic base.
- The population of Moyne is relatively stable with some population decline in the northern area of the Shire.
- The population in the Shire’s townships and settlements is ageing and this trend is likely to continue as older people remain in the townships, people retire from farms to towns, and retirees move to the Shire from other areas.
- The decline of the population in the northern areas of the Shire will have an impact on the viability of many commercial activities and the provision of community services.
- South West Water and Portland Coast Water are able to extend water and sewerage infrastructure in various areas of the municipality which may affect settlement patterns.
- The dairy industry of the Western District is growing by approximately 8 per cent per annum, with this growth expected to continue, with the South West Region of Victoria becoming the major Victorian dairy production area by 2005. Milk processing plants are located in and around Moyne.
- The existing agricultural base needs to be preserved in recognition of its strong economic performance.
- Sustainable farming practices are necessary to protect water supply, address salinity and pests and lead to the long term viability of agriculture in the Shire.
- Agricultural areas along the coast, between settlements or on the edge of townships are under pressure from other forms of development, most noticeably housing.
- Demand for low density residential and rural living lifestyles has the potential to fragment productive agricultural land.
- Timber production is a potentially significant issue for the Shire. The growth and management of forests for timber production will need to consider a balance with environmental, landscape and social values.
- Moyne Shire is a major tourist destination, containing a section of the Great Ocean Road. It provides a wide range of beach, heritage, maritime and environmental experiences, and provides a range of tourism facilities and accommodation facilities.
- Effective tourism infrastructure must be established to support the tourist industry in a sympathetic way so as not to adversely impact on the existing opportunities.
- The impacts of a large influx of tourists needs to be considered in terms of balancing environmental impact and pressure for development.
- Protection of those assets on which tourism depends is an important consideration in the future development of the Shire.
- The development of housing in sensitive locations, such as the coastline is an issue.
- The Shire has a high quality historic built environment, a wide range of heritage places in towns and rural areas, towns of distinctive urban character, farmland of historic and landscape interest and rich aboriginal heritage.
- The sustainable management of the Shire’s coastal resources, including the identification and protection of significant environmental features and the need for clear directions regarding the future use and development of the coast.
• Stream side qualities in the municipality are severely degraded, and the majority of indigenous vegetation cleared. The environmental and recreational qualities will benefit from restoration and revegetation works.

• Existing roadside vegetation is under threat and needs to be preserved through protection.

• Aquaculture and other diversified industries provide the opportunities to expand the agricultural base of the Shire.

• There are opportunities for the wider use of geothermal energy that is widely available in the region.

• The importance of landscape character to the economy of the Region and the need to relate new development to landscape character.

• The importance of containing township development within defined boundaries, and of managing development on the fringes of townships so that it enhances the character of the town’s landscape setting.

• The need to retain the dominance of the landscape between townships, and avoid ribbon development.

• The importance of views of the landscape from road corridors, and the need to control and manage development that is highly visible from main road corridors and principal tourist routes.

• The need to retain the dominance of the landscape from key viewing locations throughout the Region.

• The need to ensure the sustainable protection of remnant native vegetation along and adjoining the coast, estuaries, wetlands, waterways and the coastal hinterland.

• The preference for screening timber plantations with an indigenous or native vegetation buffer so that they are not visible from main road corridors and principal tourist routes.

**Regional coastal context statement**

Moyne Shire forms part of the Coastal Region that incorporates the Victorian coast from Moonlight Head to the South Australian border and covers the municipalities of Corangamite Shire, Moyne Shire, Warrnambool City and Glenelg Shire. The Coastal Region has a number of highly valued environmental and scenic attributes and much of the coastline is protected by National Parks and coastal reserves.

The Coastal Region plays an important role in the economic development of the broader area and the State through a range of activities including tourism, agriculture, port activity, industrial activity and commercial fishing. Tourism in particular is a growing industry that is likely to remain a key component of the region’s economy in the future.

Indigenous cultural heritage values of the Coastal Region coastline are significant. The Coastal Region also has significance in terms of its place in the development of European settlements in Victoria.

There are numerous settlements of various sizes within the Coastal Region that cater for permanent and seasonal residents. The Victorian Coastal Strategy recognises a range of attributes that exist within the Coastal Region generally, and also those values and threats existing within Moyne Shire that will require careful management to ensure ongoing protection and enhancement of important features in the coastal area.

The coastline within Moyne is recognised in the Victorian Coastal Strategy for its environmental and landscape values. The Great Ocean Road, which is a major focus of tourist activity, passes through Moyne Shire.

Under the Coastal Spaces Recommendations Report, (2006), coastal settlements in Moyne Shire have the following classified roles and functions:
Port Fairy – District Town with moderate growth capacity with some growth potential beyond existing urban zoned land or through infill but within defined settlement boundaries;

Koroit – Town with moderate growth capacity with some growth potential beyond existing urban zoned land or through infill but within defined settlement boundaries;

Peterborough – Village with low growth capacity with growth contained within existing urban or appropriate zoned land primarily through infill capacity and renewal within defined settlement boundaries;

Codrington, Yambuk, Killarney and Tower Hill classed as rural districts comprising a cluster of housing located on smaller than average rural sized allotments with non-urban zones and no reticulated sewerage services and in some cases no reticulated water supply services. Despite, this classification under the Coastal Spaces report, Yambuk is considered to have a role and function more akin to a Hamlet given its township zoning and clustering of accommodation and town services with a general store, hotel and community hall.

Port Fairy and Peterborough are the main coastal settlements in Moyne Shire. The town of Port Fairy is recognised as an activity node in the Victorian Coastal Strategy and is identified as exhibiting the following values:

- Natural and cultural values including sites of indigenous and non-indigenous significance, scenic landscapes, wildlife viewing and wetlands and ecosystems;
- Commercial fishing, shipping and boat harbour activities and residential development; and
- Tourism and recreation values including swimming and surfing beaches, recreational fishing and boating and a range of accommodation types.

Port Fairy has significant regional heritage significance in terms of its role in European settlement of the area.

The area in the vicinity of Port Fairy is recognised in the Victorian Coastal Strategy as a priority area requiring management of a range of environmental threats including erosion/sedimentation and turbidity, altered coastal processes and marine pollution.

Port Fairy is recognised in the Victorian Coastal Strategy as a strategic location for improved boating facilities.

The village of Peterborough is identified in the Victorian Coastal Strategy as exhibiting the following values:

- Natural and cultural values including scenic landscapes, indigenous heritage values, wildlife viewing and wetlands and ecosystems; and
- Recreation and tourism values including swimming and surfing beaches and recreational fishing and boating.

Moyne Shire is located within both the Glenelg-Hopkins and the Corangamite Regional Catchments and both the Glenelg Regional and Corangamite Regional Catchment Strategy is recognised in the Victorian Coastal Strategy as the primary mechanism to coordinate and improve catchment based activities that impact on the coastal and marine environment.

Climate change will impact on the coastline and planning for sea level rise of no less than 0.8 metres will be adopted for all development.

Many of the issues identified above are addressed in further detail in other sections of the Municipal Strategic Statement. Reference should also be made to the following:

- Clause 21.05 Settlement and housing;
- Clause 21.06 Environment;
- Clause 21.07 Economic Development; and
- Clause 21.08 Infrastructure and Particular Uses.
MUNICIPAL VISION

Vison statement as expressed in the corporate plan

Council’s corporate plan is a blueprint for the Shire’s operation and development. It is a plan for how the municipality will manage its affairs. It provides clear direction, defines the future for the Shire and outlines a range of commitments for the next three years. The plan is a dynamic document that is updated to reflect changing priorities and external factors.

The Council’s mission statement as set out in its corporate plan is “to balance the provision of services throughout the community and to facilitate sustainable development”.

In supporting this, the Council has adopted a number of goals including:

**Urban Development**
- To have well maintained, healthy and thriving towns.

**Economic Development**
- To maintain and increase employment and to have real values of property increases.
- To support and protect the agricultural base of the Shire, recognising the potential of improving primary production, adding value to primary products and diversifying into other industries, in an effort to start new business, employment and increase economic wealth.

**Environment**
- To strive to have the cleanest environment in Victoria and to protect the natural environment.
- To have a balance between development and the protection of the natural environment.

**Land Use planning**
- To have balanced development and to protect the natural environment.

The preparation of the new planning scheme has been highlighted in the corporate plan as a means of achieving these goals.

**Land use and development vision**

The MSS ensures that the corporate values for the municipality are met and the strategic planning and development within the municipality is consistent with the overall operations of the Council.

The land use vision for the Moyne Shire is “Moyne Shire will be a vibrant and prosperous community characterised by strong social, economic and environmental leadership”. Key elements of the Council’s strategic planning vision are shown on the accompanying strategic framework map.

The land use vision includes a Shire where the settlements have distinct characters and identities and provide a broad range of economic and social opportunities that meet the expectations of the community. Where there is a strong sense of place and association, where people can live in a safe and healthy environment. Where the economy uses the strengths of the agricultural foundation to further diversify and improve production and increase opportunities for value added activities, industrial expansion, tourism and recreation and leisure experiences. Where the Shire is widely recognised for its spectacular coastline, personable towns and cultural activities and festivals. Where the settlements are strong and vibrant communities and also places of memorable heritage and enviable lifestyles for residents and visitors alike. Where resources are used in a sustainable way to promote the aspirations of its residents and meet the needs of tourists and visitors, while still valuing, protecting and enhancing the significant natural landscape, environmental features and heritage places for the appreciation of future generations.

The vision for the municipality will be achieved through the implementation of land use objectives and strategies based on the main issues facing the Shire.
The Moyne Municipal Strategic Statement has been prepared in the context of the State Planning Policy Framework (SPPF).

The SPPF is divided into five main sections titled: Settlement, Environment, Housing, Economic Development and Infrastructure. Aside from combining Settlement and Housing, these sections are used as headings in this MSS to provide the objectives and strategies for land use and development of the Moyne municipality, with linkages to the State Planning Policy Framework.
SETTLEMENT AND HOUSING

Overview

The Moyne Shire is made up of large tracts of rural areas and a number of towns and settlements. The predominant service centres in the Moyne Shire are Port Fairy, Koroit and Mortlake.

Port Fairy is an historic coastal town that offers a high quality of life for its residents and is a popular tourist destination.

Koroit is located near Tower Hill State Game Reserve and was originally established as a rural service town in which a major diary processing plant operated by Murray Goulburn is located on the edge of the urban area of the town.

Mortlake is the main town and service centre in the northern part of the municipality. It is a major council service centre and has good road access to surrounding regional centres including Warrnambool. There is a regional quarry nearby. A 550 megawatt (MW) gas-fired power station is operational 12 km west of the town.

Hawkesdale, Peterborough, Macarthur and other small service towns located throughout the Shire also provide a focus for much of the population. There are also a number of smaller settlements or rural hamlets including Caramut, Woolsthorpe, Woornadoo, Panmure, Garvoc, Kirkstall, Killarney, Cudgee, Nullawarre, Purnim, Yambuk, Orford and Framlingham.

The heritage places and precincts in Port Fairy and other historical townships and rural hamlets within the Shire give it a distinctive character.

Population characteristics

As noted in 21.02 the Shire’s overall population has undergone gradual decline since 1981. This is reflected by the 1981, 1986, 1991 and 1996 Census which recorded permanent populations of 16,806, 16,038, 16,142 and 15,894 respectively for the area now encompassed by the Shire.

The 1996 population of the three main urban centres of Port Fairy, Koroit and Mortlake was 2557, 1515 and 985 respectively, with the rural areas and small townships and rural settlements accounting for the balance of the Shire’s population.

Most of the decline in the Shire’s population has occurred in the northern portion of the Shire and can be attributed to structural changes in the agricultural sector. This has been countered to some degree by a slight increase in the population in the southern section of the Shire. This trend is expected to continue as a result of the restructuring of rural enterprises and the “spillover” of population from the Warrnambool urban area. In particular, Port Fairy and the areas around Koroit are expected to experience further growth as a result of their attractiveness to retirees and people in search of a better lifestyle.

Age structure

The following changes in the demographic composition of the Shire over the period 1981 to 1996 are most noteworthy:

- There was a significant increase over this period in the percentage of the Shire’s population in the 35-49 year age group. This is normally important in terms of population growth given that people in these age groups are in the prime of their working lives.

- Despite the above, the 5-34 year age groups experienced a decline over this period, from 51.4% of the population in 1981 to 40.5% in 1996. This is a significant change which over time will result in a corresponding decline in the number of persons of child bearing age in the Shire and in the number of persons in the workforce.

- The main reason for the change is probably the trend towards smaller families, though people in the 18-34 age group leaving the Shire over this period would also have been a factor.
The percentage of the population over this period aged over 60 years was relatively stable. However this percentage will increase fairly significantly in the future as those in the 35-49 and 50-59 year age groups reach retirement and having regard to the decline in the numbers of younger persons in the Shire.

The following additional observations about the Shire’s population were revealed in the 1991 Census:

- The largest proportion of households contained two persons (49.8%) which is substantially higher than the Victorian average which was 30%. Households with three or four residents accounted for 33.7% of the total number of households, whilst households with 5 or more people accounted for 16.5% of the total.
- The majority of people lived in separate (detached) dwellings, which accounted for 95.3% of the total building stock in the Shire, compared with 84.1% for Victoria as a whole. In terms of ownership, 84.1% of dwellings were privately owned. As far as occupancy was concerned, some 15.9% of dwellings in the Shire were vacant at the time of the Census, which is a reflection of the large number of holiday houses in Port Fairy and other areas in the southern part of the Shire.
- Income of both individuals and households is lower in the Shire than for Victoria as a whole, with 84.2% of persons and 62.1% of households earning less than $25,000 (compared with 74.9% and 41.2% respectively for Victoria as-a-whole).

Population projections

The Victorian Government has predicted (“Victoria in Future - The Victorian Government’s population projections for the State’s Local Government Areas 1996 - 2021”) that the Shire’s resident population will increase to 16,777 by 2011. Most of the population growth will occur in the southern portion of the Shire, which will also experience population increase as a result of the redistribution of population within the Shire. In this regard, the restructuring of rural enterprises is likely to result in a continuing drift of people from farms to the towns, and the spill-over from Warrnambool is likely to continue, particularly around Koroi. In addition, retirees could be attracted to Port Fairy and the rural areas in search of better lifestyles.

In terms of demographic composition, it is expected (in line with general trends in the Australian population) that Moyne’s population will become older in the future due to the combined effects of longevity, declining numbers in the fertile age group (20 to 39 years) and declining birth rates. In this regard, the combined effects of couples choosing to have fewer children (or choosing not to have children at all), together with the lower proportion of parents, will mean that the birth rate is unlikely to exceed the death rate. Population growth in the Shire, if it occurs, will therefore be due to the in-migration of retirees and/or older adults. In addition, young people (15-24 years) are expected to continue to leave the area to access higher education opportunities and the attractions of metropolitan life.

Population and housing

The population is ageing and this trend is likely to continue. Population structure and composition, rather than size will be the most dramatic change in Moyne’s demography over the next 15 years. Accordingly, there is a need to cater for an ageing population, particularly in relation to suitable housing, leisure and community services. There are a number of community clubs, groups and associations currently active in the Shire which makes up the fabric of settlements in the Shire. They are the focus for the community, particularly in generating social activities and maintaining community spirit, interest and association. The encouragement of self sufficiency within the community is most effectively promoted through the various clubs, groups and associations.

As mentioned earlier Port Fairy will experience an increase in population movement driven by its attractiveness as a location for new development because of its setting on the coast and along the Moyne River estuary. Port Fairy is made up of a number of different areas, each with its own set of distinct characteristics and natural and built qualities. This combination of natural and built...
assets generates Neighbourhood Character, which is often valued due to the sense of local identity it provides. Demand has been strong for new development, redevelopment of older existing properties and more intense forms of urban housing. This has lead to an increase in building heights, which have detrimentally affected the unique character of parts of Port Fairy along the coast and river environment.

**Coastal settlement**

Development pressure within the Shire of Moyne relating to landscape character and sensitive natural environments such as estuaries, wetlands and coastal dune systems is focused along the coast and in the coastal hinterland, and is centred on townships such as Port Fairy, Peterborough, Killarney and Yambuk. Development is also occurring between townships and includes residential and tourism ribbon development. B&B style accommodation is increasingly occurring in coastal and rural hinterland areas. Increased rural residential development has encroached upon Tower Hill increasing the level of impact on its scenic attributes. Golf course and associated resort accommodation development located within coastal locations isolated from settlements, community services and infrastructure support have also been proposed.

**Heritage**

The Moyne Shire contains an outstanding collection of heritage places, which are recognised as a significant asset to the municipality. Port Fairy has had local heritage planning controls and policy applied to the area for several decades. This was the result of Port Fairy being the subject of one of the earliest heritage studies undertaken in Victoria in 1976. Mortlake township has two heritage precincts, one which has been in place for many years, and has recently been extended. Many identified heritage precincts in townships outside of Port Fairy and Mortlake, and individually significant heritage places across the municipality are not yet protected and remain vulnerable to inappropriate development.

**Issues**

The key strategic issues are:

- The population is generally stable, with some population decline in the northern area of the Shire and strong demand for growth along coastal areas of the Shire particularly Port Fairy and Peterborough. The coast is attracting population movement from inland areas.
- Young people are leaving the Shire in search of better education and employment opportunities.
- The population in the Shire’s townships and settlements is ageing and this trend is likely to continue as older people remain in the townships, people retire from farms to the towns, and retirees move to the Shire from other areas.
- The decline of population in the northern area of the Shire will have an impact on the viability of many commercial activities and the provision of community services.
- Population structure and composition, rather than size, will undergo the most dramatic change over the next 15 years.
- There is a need to cater for the increase in older residents.
- There is a need to improve education and employment opportunities to encourage young people to remain within the Shire.
- There will be pressure on the defined urban edges of some of the towns within the municipality.
- The tourist population is likely to continue to increase.
- Port Fairy contains a range of natural and built elements, which contribute to a unique Neighbourhood Character and which, is being threatened by intensive forms of new development.
- Development in Port Fairy is placing pressure on views from the public domain on the coast and river environment, which contribute to the character of the town and are sensitive to the height of development.
The appropriate location for the encouragement of medium density development is an issue, in particular in relation to established areas of Port Fairy. Unit development will continue to be balanced against infrastructure limitations and heritage and local character issues. The Port Fairy Design Guidelines have been refined.

There are opportunities for sustainable low density residential development in most towns and settlements within the Shire.

Moyne’s heritage and the unique character of particular areas needs to be identified, protected and conserved.

The ageing of the population and an increased demand for retiree accommodation is expected to increase in significance.

The importance of containing township development within defined boundaries, and of managing development on the fringes of townships so that it enhances the character of the town’s landscape setting.

Increased rural residential and small lot development outside settlements and close to scenic locations such as Tower Hill resulting in impacts on scenic landscape quality.

Objectives

To define a sustainable urban/non urban edge to the main townships and settlements within the Moyne Shire.

To maintain compact urban forms that will allow for the ease of service delivery and minimal infrastructure costs. Unplanned developments that have potential to adversely affect the landscape and environmental qualities of the municipality, will not be supported.

To identify, protect and promote the conservation and enhancement of Moyne’s heritage places and precincts.

To recognise the different requirements of the population by allowing the accommodation of the population of the municipality within a range of dwelling types suitable for the needs of the community.

To recognise the significance of local Aboriginal heritage and appropriately protect sites of archaeological, cultural and scientific importance in accordance with relevant State and Commonwealth legislation, in consultation with the appointed Aboriginal authority.

To prevent unwarranted alienation and fragmentation of valuable farming land by not supporting rural living and low density residential development, except in areas zoned for those purposes.

To direct the built form and appearance of development in culturally and environmentally significant areas through appropriate design guidelines.

To achieve a quality of residential development which conforms with accepted principles of sustainability and efficiency.

To protect the Neighbourhood Character of Port Fairy.

To ensure that new development in Port Fairy respects built form and/or the coastal and riverine location of the area, including existing character, the integrity of the dune formations, maintenance of floodplains, native vegetation and significant view lines to and from the coast.

To protect and enhance the natural and man made assets of Moyne Shire.

To provide an environment with the capacity to support a range of community and leisure facilities.

To identify flood prone land and ensure that new development is compatible with flood hazard

To encourage energy efficiency in housing design and construction.

To encourage the development of aged and special care accommodation within the Shire.
• To avoid residential and rural residential development on small rural lots or re-subdivision of existing lots that may form isolated developments that are unrelated to existing townships and impact on farming activities and sensitive environments such as dunes, wetlands, estuaries, waterways, remnant areas of native vegetation or scenic volcanic landscapes like Tower Hill.

• To manage development on the fringes of townships so that it enhances the character of the town’s landscape setting.

• To retain the dominance of the landscape between townships.

• To avoid ribbon development along the coastal edge and along main roads such as the Great Ocean Road and Princes Highway and key tourist routes.

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

• To promote the compact development of Mortlake in accordance with the Mortlake Urban Design Framework (April 2010) (adopted 2015).

Strategies

General

• Provide for a diverse range of housing opportunities that do not detrimentally impact on the residential amenity of an area.

• Emphasise landscaping and urban design in the assessment of permit applications for buildings and works in residential and rural residential areas.

• Encourage limited rural living and low density residential development within existing zoned areas, ensure that any effects upon the surrounding farms are minimised.

• To encourage population growth within all areas of the Shire.

• To encourage a range of accommodation opportunities in urban areas including medium density housing to suit the various and changing needs of the Shire’s residents.

• To apply the Port Fairy Design Guidelines to protect the Neighbourhood Character of the town.

• Support development that is sympathetic to heritage places and precincts.

• Avoid development, including complete demolition, which would adversely affect the significance of a heritage place or precinct.

• To introduce mandatory building height controls to ensure that new development will not dominate the coastal and Moyne River estuary surroundings and viewlines of Port Fairy.

• To introduce discretionary building height controls to ensure that new development will respect the Neighbourhood Character in the established areas of Port Fairy away from the coast and the Moyne River estuary.

• To encourage residential development within existing serviced areas and established settlements.

• To encourage aged and special care accommodation within the Shire.

• To encourage energy efficiency in housing design and construction.

• Encourage the siting of development within areas that, avoid the need to remove native vegetation.

• Protect residential amenity by encouraging a reasonable sharing of views between new and established properties, particularly where the view is of a significant landscape feature, including views of the ocean and coastal shoreline, coastal cliffs and sand dunes, rivers and estuaries and notable cultural and scenic landscape features.
Discourage new residential subdivision or development in sensitive or dynamic areas such as primary or secondary sand dunes, or wetlands or where views to and from scenic landscapes such as The Bay of Islands Coastal Park, The Crags, Lake Yambuk and Tower Hill may be impacted.

Discourage development that generates and disposes of wastewater on-site within 100 metres of a waterway or wetland.

Encourage development to locate a sufficient distance from the high water mark of the coast, estuary or wetland to enable protection from erosion hazards and the impacts of sea level rise and to allow for landward migration of shorelines, saltmarsh and wetland vegetation communities.

Encourage development which will not expose acid sulphate soil hazards.

**Townships and settlements**

- Ensure that townships and settlements have a definite visual edge, delineating the boundary between urban development and the natural landscape beyond.

- Ensure that buildings and structures located at the edges of settlements are carefully sited and designed to integrate with existing topography and vegetation.

- Prevent the privatization of foreshores by requiring development adjacent to the coastal edge of settlements to maintain public access.

- Ensure that signage is located away from entrances and exits to townships wherever possible.

- Concentrate coastal tourist and commercial recreation development within existing settlements or close to existing settlements where existing infrastructure and community services can be utilised and consider proposed major developments outside existing settlements only when:
  - A genuine need has been demonstrated in response to a regional tourism product strength, outlines the desired visitor experience to be achieved and demonstrates consistency with regional tourism strategies;
  - Ensures minimal impact on environmental capability, and is subordinate to the visual and environmental qualities of a particular locality, minimises the overall footprint of a development and provides for significant benefits for environmental biodiversity;
  - Accommodation should be specifically designed to prevent conversion to permanent residential occupation to protect the future overall availability of accommodation stock; and
  - The need to provide for an appropriate scale and intensity of use and development relative to a site to manage the provision of additional services such as water and sewerage.

- Discourage residential and commercial development which are not dependent on a coastal location (i.e. require access to marine or estuarine waters or support coastal, estuarine or marine activity) from areas which are isolated or unrelated to settlements which contain adequate infrastructure and community services.

- Maintain coastal settlements with little or no existing infrastructure at their present development density.

- Facilitate the restructuring of existing small lot titles located in coastal locations and coastal townships as opportunities arise and where development of such lots will not result in significant environmental impacts.

- Screen commercial timber plantations that are located adjacent to either the Great Ocean Road or the Princes Highway with a 20 metre wide (minimum) indigenous or native vegetation buffer including understorey.
Rural living and low density residential development

- Ensure that development on small lots avoid impacts on sensitive environmental features such as remnant vegetation, wetlands, coastal reserves and waterways.
- Ensure that rural living and low density residential development uses permeable surfacing for all unbuilt areas to minimize surface run-off and to support vegetation.
- Ensure that trees, which form part of a continuous canopy are retained and that new planting is encouraged which contributes to vegetation canopies being enhanced and maintained.
- Encourage fencing of property boundaries using post and wire structures and vegetation for screening development.
- Ensure that buildings are sited to minimise views of the building from main roads into townships.

These strategies will be implemented by:

The above strategies can be facilitated in part through the Planning Scheme, by:

- Including suitable areas for future residential development in the following zones:
  - Residential 1 Zone - for suitable areas in Port Fairy, Koroit and Mortlake only.
  - Township Zone - for suitable areas in the various smaller townships and settlements located throughout the Shire.
  - Low Density Residential Zone – for existing low density areas on the periphery of the built-up area of the main towns and settlements, and as an alternative to the Township Zone where development is very dispersed.
- Including land required for associated commercial, industrial or community development in the appropriate industrial, commercial or public use zones.
- Using local policy to control development of flood prone land, which is defined as land subject to inundation by a 1:100 year flood. Planning controls will be the Land Subject to Inundation Overlay.
- Applying the Heritage Overlays to heritage places and precincts of local significance.
- Apply the Significant Landscape Overlay to parts of coast between Peterborough and Warrnambool, Lake Yambuk and Port Fairy, Port Fairy and Warrnambool and to the area around Tower Hill.
- Using local policy to guide development in areas affected by Aboriginal Heritage.
- Using local policy to guide development of heritage places and precincts.
- Using local policy to guide development in Port Fairy.
- Using local policy to guide development in Koroit.
- Using local policy to guide development in Mortlake.
- Using local policy to guide development in Macarthur.
- Using local policy to guide development in Peterborough.
- Using local policy to guide development in small townships and settlements.
- Using local policy to guide development in the Killarney or Belfast Rural area.
- Using local policy to guide construction of dwellings in Low Density and Rural Living Zones.
- Using local policy to guide development in a manner that protects the Tower Hill environs.
- Using local policy to guide unit development and public open space provision for multi-unit developments.
- Using local policy to manage development within coastal landscapes.
- Applying the Design and Development Overlay to Port Fairy through a number of schedules to introduce the requirements of the Port Fairy Design Guidelines through Character Areas 1 to 14.
- Applying the Environmental Significance Overlay (ESO1) to coastal areas, estuaries and remnant native vegetation along the coast.
- Undertake an Urban Design Framework or similar strategic planning investigation to identify options and determine a sustainable township boundary for Yambuk township.
ENVIRONMENT

Overview

Since early European settlement, the characteristics of the Shire have changed greatly. The majority of the land in the Shire has been converted to agriculture, whilst other land is used for purposes including urban settlement, industrial activity and manufacturing, extractive industry and recreation. Some areas including the various parks and reserves have however been retained in an essentially natural state.

Overall, the condition of land, water and biological resources in the region is declining. Human activity exerts pressure on natural resources and changes the state or condition of the resources. Continuous reduction of the region’s biodiversity in turn affects the ability to use the natural resources in a sustainable way. The Glenelg-Hopkins Catchment Management Authority has prepared a Regional Catchment Management Strategy which seeks to create sustainable land management through the better coordination of government, land and water managers and the community. The strategy has identified a need to:

- Significantly reduce the impact of pest plants and animals on the Shire’s resources and production.
- Protect the region’s soil resources for the long-term benefit of all users.
- Balance competing demands for water while maintaining and improving water quality through responsible waterway and drainage arrangements.
- Protect and enhance the region’s indigenous genetic biodiversity by maintaining the extent and diversity of the various ecosystems.

The Shire comprises four distinct physiographic units, as described below:

- The flat basalt Volcanic Plains which account for the majority of the Shire’s area. These are composed of “newer basalts” and are almost horizontal at an elevation of 150-200 metres, with only a slight inclination to the south. A number of volcanic cones are scattered over the plains and typically rise to heights of between 120 and 180 metres above the plains.

- The “Stony rises” which lie above the general level of the volcanic plains (and which were produced as a result of latter volcanic activity closely associated with scoria cones). These areas are to be found in the north-west corner of the Shire (around Mt Eccles), in a belt extending north from Port Fairy to the Shire’s northern boundary, to the east of Framlingham and around Dundonnell in the north-eastern corner of the Shire. Such areas are characterised by a severely contorted topography of irregular ridges and depressions, with no defined system of surface drainage.

- The Coastal Plains which exist in the south-eastern portion of the Shire between the City of Warrnambool and the Curdies River, generally to the south of the Princes Highway. This consists of flat-lying Cainozoic sediments, which slope gently to the east, although the Curdies River and its tributaries have incised steep-sided valleys on the plains. A further area of Coastal Plain exists in the south-western portion of the Shire, to the west of the Shaw River and south of Mt Eccles National Park.

- Coastal Dunes along the western extent of the Shire’s coastline (to the west of Lake Yambuk).

The topography of the Shire is essentially flat, with most of the Shire being lower than 150 metres above sea level. However, the north-eastern portion of the Shire (more or less in a line to the north of Mortlake) rises to about 300 metres above sea level. In addition, Mt Warrnambool and The Sisters in the eastern portion of the Shire also rise to 216 metres and 180 metres respectively. Overall, the Shire’s terrain slopes to the south at a gentle gradient.

The Shire contains many areas, which have significant natural landscapes and features of environmental value. In particular, the Shire’s coastline is of particular significance.
The various rivers and streams which flow through the Shire from north to south and divide it into a series of watersheds, are also significant and comprise:

Mt Emu Creek, the Hopkins River, the Merri River, the Moyne River, the Shaw River, the Eumeralla River and Darlot Creek.

Most of the land adjacent to the above watercourses is in private ownership as a result of the Shire’s early settlement.

Volcanic eruptions, beginning about 20,000 years ago, formed a series of craters in the region, including the volcanic crater in the Tower Hill State Game Reserve, volcanic crater and lava landscapes in Mount Eccles National Park, Mount Shadwell and the Peak volcanic crater.

Other significant natural features include some limited areas of indigenous native forest, and various wetlands and grasslands.

Coastal environment

The coastline is a major feature of the Shire. With the exception of the stretch of coastline within the City of Warrnambool, the Shire’s coastline extends over ninety kilometres from Curdies Inlet near Peterborough, westward to a point near the mouth of the Fitzroy River approximately mid-way between Port Fairy and Portland. The Marine and Coastal Special Investigation study (1996) by the Land Conservation Council revealed the Shire’s coast to be quite unique, containing 11 of the State’s 14 coastal habitats including sub-tidal rocky reefs, inter-tidal rocky reefs and sandy beaches, calcarenite and non-calcarenite cliffs/slopes, stable well-vegetated dunes, active sparsely-vegetated dunes, saline marshes and brackish/freshwater marshes. A lessor known environmental asset of the Shire’s coast but nonetheless important environmental feature are the estuaries and associated wetlands including the Curdies River estuary, The Cutting (Kelly Swamp which is the former entrance to the Merri River), Lake Yambuk and the Shaw and Eumeralla Rivers and the Moyne River and Belfast Lough. Curdies Inlet at Peterborough forms the municipal boundary with Corangamite Shire and although not within Moyne Shire is also influenced in terms of estuary health by land use and development from the Shire area. The estuaries and estuarine wetlands comprising saltmarsh and seagrass vegetation communities have been recognised under the South West Victoria Estuaries Coastal Action Plan 2001 and provide important biodiversity value linked to their connection with their catchment areas and the marine influence of the southern ocean. The Moyne coast is home to large breeding colonies of Short-tailed Shearwaters and provides habitat for endangered, vulnerable and rare bird species such as Orange bellied Parrot, Hooded Plover and Rufous Bristle Bird respectively. The significance of the Moyne coastline is also reflected in the Victorian Coastal Strategy 2014 and Moyne Shire Coastal Action Plan 2001, which establish directions for improved strategic planning of the coast.

The coast is under threat from the effects of climate change including sea level rise and increased storm surges. Rising sea levels may threaten development from eroding shorelines, increased cliff instability and landward penetration of saline water within estuaries. The potential risk hazard to coastal development needs to be considered in terms of siting, design and appropriateness to be located close to the coast and estuaries of the Shire. Development located close to coastal and estuarine areas may also threaten the capacity of the environment to adapt to climate change impacts through limiting the ability of wetland vegetation and shorelines to migrate landwards under rising sea levels and increased tidal penetration landwards. Such limitations can be in the form of sea walls and other protective structures which can effectively lead to the loss of coastal features such as beaches and wetland vegetation communities from coastal squeeze.

The attractiveness of living close to coastal estuaries and wetlands can also contribute to increased potential to generate and become affected by acid sulphate soils. Estuarine and wetlands areas often overly potential acid sulphate soils which if disturbed or uncovered by development can generate significant environmental and development asset impacts. It is important for development activity to avoid impacting the environment from the generation of acid sulphate soils.
The coastline provides an important recreational and leisure asset for the Shire and also offers environmental, conservation and social values and experiences that are strongly interconnected to recreation and leisure pursuits.

Some of the Shire’s coastal areas are relatively remote and natural, being without public access or accessible only by minor low grade vehicular roads. Conversely there are other relatively natural areas that can be accessed by high standard gravel and sealed roads and which are also developed with car parks, walking tracks, interpretive and toilet facilities. Within the Shire’s urban areas there are also highly developed and intensely used beach and foreshore areas offering a full range of high standard facilities and conveniences.

The coastal area also contains a number of heritage sites of importance, including archaeological and shipwrecks.

The Shire’s coastal area is comprised of a combination of public and private lands. Crown land reserves vary in width from between high and low watermarks to a few hundred metres inland. Freehold titles exist in many locations to the high water mark and have major implications in terms of public accessibility.

**Landscape character elements**

**Townships**

Townships within the Moyne Shire vary in their landscape character and relationship to the surrounding landform. For example, Peterborough is dominated by its coastal setting, which forms a natural barrier to its development, along with Curdies Inlet and river. Similarly, Port Fairy is also bordered by the coast, Moyne River and Belfast Lough and has a built form that dominates its coastal setting. Yambuk township in contrast is settled on the Princes Highway adjoining Lake Yambuk and the Shaw River and consists of a small settlement with scattered dwellings located both north and south of the Highway. In contrast, towns in the northern part of the Study Area are located in a relatively flat and featureless landscape, dominated by cleared paddocks, shelter belts and long distance views to volcanic craters and cones.

Key issues in Moyne townships include unchecked sprawling development, a particular concern at the western edge of Peterborough, around Port Fairy and within the Killarney coast between Port Fairy and Warrnambool and around Tower Hill. It is important to contain townships, and for the natural landscape to dominate beyond that edge. Sprawl on the periphery of townships often occurs in low density residential areas where development ‘spills’ into the natural landscape. Signage clutter and bulky industrial development along the main road into a township and can have a similar negative visual effect. Another key issue is the emergence of ‘heavy’ urban or suburban building forms that have no relationship to the landscape setting, particularly in coastal towns. This has the potential to detract from these townships that were previously defined by a casual, ‘beachside’ character derived from light, simple buildings with articulated forms and a mix of materials.

**Edges**

‘Edges’ occur in the landscape when different landscape types or features intersect. They create complexity in the landscape and provide visual contrast and a point of interest. For any given landscape (eg the sea, a forest) it is often the edge (eg the coastline, a clearing in the forest) that attracts the most people and creates management issues. There are many edges within the Moyne landscape, including the following:

- Township / natural landscape edges
- Edges where landscape character types intersect
- Edges where landscape character precincts meet
- The coastline
- Coastal park edges
Topographical edges

Features in the landscape creating edges ie incised valleys, stands of vegetation, rivers and other waterways, shelter belts etc

Road corridors creating edges

Corridors

Main road corridors and key tourist routes that pass through the Study Area in Moyne include the Great Ocean Road and the Princes Highway. There are a number of other key routes including the secondary north – south roads that access tourism destinations such as the Bay of Islands, Lake Yambuk, The Crags and Killarney Beach. The road corridors throughout the Shire pass through different landscape types and precincts, resulting in a variety of landscape experiences and scenery throughout the journey. The assessment and management of development that can be seen from main road corridors is therefore an important issue in the Shire.

Key Views

There are a number of key viewing locations within the Shire that are frequented by tourists and visitors to the Region. These are mostly coastal views, and include the steep sea cliffs and offshore formations at the Bay of Islands, at The Crags, Lake Yambuk and Tower Hill. The views, from these particular sites are key locations in Moyne and the protection and management of views from such popular and established viewing locations is a key issue within the Shire. It is very important to retain the dominance of the natural landscape from these key viewing points, and to ensure that any new development is assessed for its impact on the character of the landscape.

Landscape character and significance

The following areas have been identified as having landscape character considered as significant along the Shire’s coast:

- Western Coastal Cliffs – National/State Significance, which is evident by the Bay of Islands area with its rugged coastal cliff formations intermixed with coastal heathland vegetation;
- Lake Yambuk to Port Fairy – Regional Significance, which is evident by the spectacular views of The Crags, around Lake Yambuk and its wetlands and out to sea towards Lady Julia Percy Island (Deen Maar);
- Port Fairy to Warrnambool Coast – Regional Significance, which is evident by the contrasting landscape views between the open farming areas and coastal edge at Killarney from Tower Hill and the Princes Highway encompassing the coastal dunes and waterways; and
- Tower Hill and Environs – State Significance, which is evident by the visually stunning volcanic landscape with geological features found within an open volcanic plain.

The “Preferred Character” of the coastal landscape between Peterborough and Warrnambool is:

 Built form should be largely contained to settlements, within distinct edges. Any development that does occur in the coastal strip, between townships, has the potential to be better integrated with the landscape. Protection and increased use of vegetation inland would result in a further “softening” of the landscape and maintenance of the rural outlook from the Great Ocean Road.

The “Preferred Character” of the coastal landscape between Codrington and Port Fairy is:

 An open rural character will be retained and enhanced with increased coverage of native vegetation which links through corridors to adjacent vegetated hillsides in the west and north. Cultural vegetation patterns in productive pastoral areas (including non-invasive exotic feature planting) will be maintained. The neat and open character of the rural area will be maintained by encouraging urban developments within defined township boundaries. The coastline will retain a largely undeveloped character and become increasingly vegetated.

The “Preferred Character” of the coastal landscape between Port Fairy and Warrnambool is:
The coastal edge will retain a wild and natural character outside of Port Fairy. Increasing indigenous vegetation at the coastal edge and immediate hinterland will enhance this character. Further inland, a rural landscape with a distinctly cultural flavour will be protected and enhanced by retaining dry stone walls and shelterbelts and encouraging the appropriate siting of built developments amongst vegetation, mimicking traditional homestead clusters in the landscape. The neat and open character of the rural area will be complemented by a defined urban edge to Warrnambool.

The “Preferred Character” of the coastal area around Tower Hill is:

An open rural character will be retained and enhanced with increased coverage of native vegetation in stands and corridors in the area. Tower Hill will be protected and managed as a valued and natural landscape feature while cultural vegetation patterns in productive pastoral areas (including non-invasive exotic feature planting) will be maintained.

In recognition of the significance of the coastline, the Shire commissioned its own Coastal Area Study, which was undertaken in 1996 by Scenic Spectrums Pty Ltd. The outcomes of this study include proposals for six “Action Plans” for various segments of the coastline. The recommendations for these areas deal with strategic land use, tenure and management issues and have been incorporated into this MSS.

Moyne Shire contains a number of parks and reserves of flora and fauna significance, including:

- Tower Hill State Game Reserve; Mount Eccles National Park; Framlingham Forest; Childers Cove, Bay of Islands Coastal Reserve; Yambuk Coastal Reserve; Ralph Illidge Sanctuary, Cobden-Warrnambool Road, Naringal East; and the Botanic Gardens in Port Fairy and Koroi.

There are also areas of significant grassland vegetation in the Shire, including the Kobra Killuc grassland and the Mortlake common. Important areas of grassland are also protected as part of roadside preservation areas around the Shire. There are also significant areas hosting indigenous native vegetation and numerous wetlands and lakes. There are also small areas such as narrow reserves along streams, roadsides, railways nature reserves and areas of private land which retain native vegetation.

Much of the privately owned land in the Shire has been cleared resulting in the loss of native flora and fauna communities.

The Shire contains limited areas of its original natural vegetation cover which primarily consisted of native forests and a combination of grasslands, woodlands and wetlands. Much of the remaining remnant vegetation exists only in small fragments, many of which are in poor health and restricted to small parcels of public land, scattered throughout the Shire. Most of the extensive areas of remaining native vegetation are on public land with limited areas of remnant vegetation located on private land. The remaining areas of native vegetation support a diverse range of flora and fauna.

A number of areas of roadside vegetation exist within the Shire and often provide the only areas within the district which have not been cleared for agricultural use.

The parks and reserves, coastal reserves and pockets of remnant vegetation throughout the Shire provide varied wildlife habitats, which support mammal, reptile and bird species. With a large proportion of the Shire developed for agriculture, it is essential that these habitats be increased and managed to ensure the survival of all species.

Moyne Shire is renowned for its picturesque natural and man-made landscapes. Spectacular views exist along the coastline. Significant views are also to be found throughout the rural areas, with those in the environs of Tower Hill being particularly noteworthy. The rural views are in many cases enhanced by windbreaks and introduced species such as cypress trees. These make a significant contribution to the cultural environment and heritage of the region. While there is some pressure to remove introduced species from the environment, it is important that these stands of trees be retained and/or replaced so their original windbreak function is fulfilled and also to act as important features of the landscape.
Sites of Victorian Rare and Threatened Species of Flora and Fauna have been identified and mapped. Consistent with State Environmental Policies it is important that changes in land use or development do not threaten these sites.

Flood plains are temporary flood storage, which are progressively filled and emptied as a flood peak travels downstream. The proper management of flood plains protects the natural environment and the investment, which has been made in homes and businesses, located in areas subject to inundation. Appropriate flood controls form part of the Moyne Planning Scheme.

Pest weeds are a significant environmental issue in the City. Measures are required to control their spread and ensure their removal.

The Norfolk Pines and other exotic tree species line a number of streets and roads throughout the Shire and are an important local landscape feature. There are numerous other significant exotic trees worthy of planning scheme protection. The Botanical Gardens at Port Fairy and Koroi have well documented heritage values.

New developments will be appropriately sited so that the magnificent vistas throughout Moyne are not impeded.

**Floodplain Management**

The catchments of the various rivers and streams within the municipality include areas of flood prone land, where flooding poses a natural hazard to the community including the natural and built environments. Floods are naturally occurring events and the inherent functions of the floodplains to convey and store floodwater should be recognised and preserved to minimise the deterioration of environmental values, the long term flood risk to floodplain production, assets and communities.

Flooding imposes substantial costs on individuals and the community. While significant costs are incurred by direct damage to public and private property, indirect costs to the community such as loss of productivity, displacement of residents, closure of roads, trauma and ill health are also significant. Notwithstanding these significant impacts, natural flooding of floodplains and their associated wetlands provide essential breeding habitats for bird and aquatic species, and promotes the health of rivers and floodplains.

Sound floodplain management is the means by which the economic, social and environmental risks associated with floodplain use and development can be minimised. This level of management is provided by local floodplain development plans one of which has been prepared for Port Fairy. This plan addresses flood management issues associated with the interface between the Moyne River and its open estuary to the sea and Belfast Lough with the township. This plan has been incorporated into the scheme at Clause 81 and provides a framework to assist in planning and managing land use and development. The Port Fairy Local Floodplain Development Plan is supported by applying the Floodway Overlay (FO) and Land Subject to Inundation Overlay (LSIO). These overlays have been applied using a combination of both catchment derived flooding and oceanic derived storm tide and have included the effect of a 0.8 metre rise in sea levels projected to the year 2100 for greenfield development and an increase of 0.2 metres over current 1 in 100 year flood levels by 2040 for urban infill development. In this way planning for flood hazard and floodplain management in Port Fairy factors in both the 100 year ARI (Annual Recurrence Interval) flood and storm tide with the effects of projected sea level rise.

**Issues**

- Identify, protect and enhance natural environments including coastal systems - particularly the cliffs and primary dune systems, the estuaries and coastal wetlands of the Curdies River, The Cutting, Moyne River and Belfast Lough, Lake Yambuk and the Shaw and Eumeralla Rivers and the riparian sections of the Hopkins and Merri, Eumeralla Rivers and other significant waterways,
- Recognise and prevent the degradation of scenic landscapes including the coast, estuaries, wetlands, river valleys and inland ridgelines.
- Recognise and address environmental problems affecting the municipality such as degraded land, erosion, the need for pest eradication and the lack of riparian vegetation.
- Maintain biodiversity by protecting and enhancing the habitat of rare and threatened species.
- Identify and protect significant exotic and indigenous trees, which contribute to the overall character of the Municipality, including avoidance of removal and lopping of such trees to facilitate the construction of buildings and works and installation of utility services.
- Improve public access to the rivers and coast at appropriate locations.
- Degraded riverbanks and adjacent land areas must be given high priority for restoration work and inappropriate development will be excluded.
- It is vital that the qualities of the Shire’s coastline not be compromised in the future through mismanagement of sewerage and waste water, improper tourism and housing development, and pollution of the various streams and creeks that feed into the sea.
- There is a need to protect significant environmental features, and to establish clear directions in terms of future use and development of the coast.
- The coastal and estuarine environment is being affected by activities, uses and development occurring outside and adjacent to the coastal area.
- The hazard of development on the coast and close to estuaries and coastal wetlands disturbing acid sulphate soils and being affected by rising sea levels associated with climate change.
- There is a need to develop programs that actively restore or protect further the important elements of the coastal environment.
- There is pressure for urban and rural subdivision along the coastline.
- Development in coastal areas must occur in a sensitive manner that does not impact upon the environmental significance and sensitivity of the coast.
- There needs to be a greater understanding of coastal processes in order to protect the coastal attributes present in Moyne Shire.
- Coastal access needs to be improved through the acquisition of land adjacent to the coast and providing fenced access points for the public.
- The need to control further clearing, given that most of the Shire has already been cleared for agriculture.
- The need to maintain the natural and man-made landscapes of the Shire.
- The need to develop strategies to protect or enhance areas of environmental significance.
- The need for coordinated management of public and private land to provide a diversity of flora and wildlife refuge areas.
- The need to protect remnant areas of native vegetation and associated habitats.
- The need for effective management of pest plants and animals that damage native flora and fauna.
- The need to retain the dominance of the landscape between townships, and avoid ribbon development.
- The importance of views of the landscape from road corridors, and the need to control and manage development that is highly visible from main road corridors and principal tourist routes.
- The need to retain the dominance of the landscape from key viewing locations throughout the Region.
- The need to protect and enhance Tower Hill as a scenic landscape feature by retaining views.
The preference for screening timber plantations with an indigenous or native vegetation buffer so that they are not visible from main road corridors and principal tourist routes.

**Objectives**

- To encourage restoration of degraded land, particularly stream frontages.
- To protect water quality by preventing urban run-off leading to erosion, siltation or degradation of waterways.
- To protect significant natural environments and where appropriate form effective open space an/or habitat corridors, along river and coastal areas
- To protect and enhance landscaping, including street trees, on all major approach routes, access roads and local streets.
- To maintain the integrity of the existing urban floodways and to identify new floodway areas outside the urban areas.
- To integrate the effects on flood hazard from both a 100 year ARI flood event and storm tide with a 0.8 metre rise in sea levels projected to the year 2100 in assessing development of greenfield sites in Port Fairy.
- For urban infill development in Port Fairy, a projected sea level rise of 0.2 metres over current 1 in 100 year flood levels by 2040 will be used to assess development.
- To implement the requirements of the Port Fairy Local Floodplain Development Plan 2013 Incorporated Document.
- To ensure that waste disposal systems for residential, industrial, and commercial purposes are not detrimental to the environment.
- To develop and implement sensible fire management solutions that reduce risks to the community and recognise the balance between fire safety and healthy natural environments.
- To apply principles of ecologically sustainable development within the Municipality wherever feasible.
- To identify landscapes of high scenic value.
- To minimise stormwater run-off in urban and in rural areas.
- To ensure that the preferred character for significant coastal landscapes are protected and supported by appropriate development.
- To retain the open and rural character of views and outlooks, particularly from main road corridors.
- To retain clear views of the coastal cliffs and formations from coastal areas.
- To retain and enhance indigenous native vegetation in coastal and estuarine areas.
- To ensure that appropriate risk assessment is undertaken to consider the impact and hazards of sea level rise and climate change impacts.
- To avoid impacting the environment from the exposing of acid sulphate soils.
- To ensure that appropriate risk assessment is undertaken to consider the impact of potential acid sulphate soils.

**Strategies**

- Develop action plans to encourage the revegetation and fencing of riverbank margins.
- Undertake a detailed land capability study for the Shire.
- Undertake an assessment and monitor the extent and severity of land degradation in the Shire.
- Use environmental overlays and zones to protect watercourses, recharge areas, significant landscape features, vegetation, eco-systems and coastal dune areas.
- Recognise the Glenelg Regional Catchment Strategy in strategic decision making.
- To encourage farmers to develop whole farm plans to promote the effective management of individual properties.
- To ensure all land forming and construction work is undertaken in accordance with EPA guidelines.
- To undertake a comprehensive survey of exotic vegetation. All mature Norfolk Island Pines are to be protected from removal and lopping, where such species is to be removed, relocation of the tree will be strongly encouraged.
- To minimise land clearing.
- To require a detailed site analysis, management and remediation plan where extensive clearing is proposed.
- To encourage integrated catchment management and the development of land protection initiatives.
- Minimise development (including the construction of roads) within prominent areas such as hillsides, promontories, ridgelines and headlands, and in fragile, unstable and flood prone areas to lessen their impacts.
- To ensure development avoids disturbing acid sulphate soils and where disturbance is unavoidable to comply with the requirements of the EPA’s Industrial Waste Management Policy (Waste acid sulphate soils).
- To ensure that development is appropriately setback from the coastline, estuary shoreline or wetland edge to avoid impacts associated with climate change and sea level rise effects.
- To promote the economic and environmental importance of land as a resource.
- To protect watercourses, recharge areas, significant landscape features, vegetation, particularly heathlands, coastal saltmarsh, swamp scrub and woodland eco-systems and coastal dune areas.
- Protect and enhance waterways by controlling urban run-off.
- Maintain the integrity of the existing urban floodways by preventing development in floodway areas. Identify land subject to inundation and control new development accordingly. Incorporate into the planning scheme areas newly identified as floodways, or land subject to inundation.
- Apply principles of ecologically sustainable development within the Municipality.
- Protect landscapes of high scenic value from inappropriate development by the use of the local policies on Coastal Areas, Hilltop and ridgeline protection, and other appropriate measures.
- To protect and enhance flora and fauna communities throughout the Shire.
- To integrate public land management with private land management.
- Ensure that the siting and heights of buildings and structures are designed to avoid overshadowing of foreshore areas, waterways, wetlands or areas of public access e.g. boardwalks, walkways and pathways.
- Ensure that development close to the coast minimises and clearly defines pedestrian and vehicular access to the facility through the coastal landscape to avoid visual and erosion impacts of development within coastal locations.

**These strategies will be implemented by:**

Applying the following overlay controls in determining permit applications on land to which each overlay is applicable:
Environmental Significance Overlay for areas on or adjoining the coast including around estuaries and their associated coastal wetlands (ESO1).

Investigate the application of a new Environmental Significance Overlay for riparian waterways environs including the Hopkins, Moyne and Eumeralla and Merri Rivers and their tributaries.

Significant Landscape Overlay for the Mount Rouse area of natural beauty.

Significant Landscape Overlay for areas along the coast (SLO3, SLO4 and SLO5).

Significant Landscape Overlay for the area over and around Tower Hill (SLO6).

Investigate the application of new Significant Landscape Overlays for other significant landscapes in the Shire.

Applying the Floodway Overlay (FO) and Land Subject to Inundation Overlay (LSIO) to parts of Port Fairy that are flood liable from both a 100 year ARI flood and storm tide and influenced by a 0.8 metre rise in sea levels projected to the year 2100 for greenfield sites and a 0.2 metre rise in sea levels by 2040 for urban infill development sites.

Using local policy to protect the natural and coastal values of the coast, in order to maintain these values, and to use and develop the coast in a sustainable manner.

Ensure all subdivisions are assessed in terms of urban run-off (Subdivision Controls 19.01, 52.01, 56.07-4 and State Planning Policy Framework 15.01-2).

Using local policy to emphasise the importance of conservation sites where rare and threatened species are found, and to take the need to conserve such sites into consideration in determining any permit application which may impact on such a site.

Using local policy to identify areas of high ground water recharge and to ensure that development is compatible with site capability.

Using local policy to identify and protect areas susceptible to mass movement.

Using local policy to contain the spread of pest plants.

Using local policy to identify areas steep land and to ensure that development and use takes account of environmental constraints.

Using local policy to identify and protect significant hilltops and ridgelines.

Using local policy to protect and enhance fauna and flora communities throughout the Shire.

Using local policy to integrate public and private land management.

Using local policy to manage coastal landscapes.

Requiring applicants to provide a written environmental management plan as a means of ensuring that the construction and maintenance of development proposals meets the requirements of this scheme.

Supporting actions include:

- Undertake a study to identify and protect significant exotic and indigenous trees that contribute to the overall character of the Municipality.

- Liaise with the Western Coastal Board in implementing relevant Coastal Action Plans.

Reference documents


Glenelg - Hopkins Catchment Management Authority Native Vegetation Plan (draft) 1997 Hamilton.


Great Ocean Road Region Landscape Assessment Study (Planisphere, 2003).


Coastal Spaces Landscape Assessment Study (Planisphere 2006).

Glenelg Hopkins Regional Catchment Strategy.

Corangamite Regional Catchment Strategy.

Port Fairy Regional Flood Study, 2008.

Port Fairy Regional Flood Study Addendum Sea Level Rise Modelling, 2010.

Port Fairy Sea Level Rise Modelling Project 2012.
ECONOMIC DEVELOPMENT

Overview

The economy of the Shire has traditionally been based on agriculture and to a lesser extent manufacturing, tourism and commerce.

The Shire is one of Victoria’s most productive and enterprising regions, particularly in the area of agriculture. In this regard, the region’s economy is strongly based on land resources, particularly those related to livestock production. The manufacturing industry is dominated by the processing of agricultural products. Animal agriculture is the most important economic sector in terms of exports and the largest generator of employment and household income followed by the trade and community service sectors.

While the traditional agricultural pursuits such as dairying, beef and wool production have largely formed the basis of the Moyne Shire economy, diversity in production is being pursued. Further diversity in the economic base, employment and business is also being pursued through the development of agriculturally linked value added industries together with the continuing expansion of tourism, recreation and leisure opportunities in the Shire. Aquaculture ventures such as abalone farming and the development of bed and breakfast operations are new examples of diversifying businesses.

There are numerous well established businesses in the Shire including Clarkes Pies in Mortlake, the Murray Goulburn dairy factory in Koroit and the Warrnambool Cheese and Butter factory at Allansford, BAM Stone, Glaxo and Southwest Seafoods in Port Fairy. Community services such as the Port Fairy hospital, local schools and the council also make important contributions to the economy.

Tourism and domestic holiday sectors of the economy continue to grow, in Port Fairy in particular. Port Fairy, Koroit and Mortlake are important character and heritage tourism towns. Port Fairy and Koroit contain a wide range and type of historic buildings and Mortlake has a nationally significant Bluestone Precinct. Other attractions of southwestern Victoria such the Great Ocean Road, the whale nursery and the Shipwreck Coast add to the region’s appeal. Tourists are also attracted to the national parks and the various volcanic features located throughout the Shire. In addition, significant promotions such as the Port Fairy folk festival and the Mortlake buskers festival, Rhapsody in June (Port Fairy), Koroit Irish Festival and the Murray to Moyne Charity Cycle Race continue to promote tourism.

Warrnambool provides a range of high-end services for Moyne Shire residents, including health services at the Warrnambool and District Base Hospital, educational opportunities at Deakin University, and various large stores and government departments. A growing number of Moyne Shire residents commute and work in Warrnambool.

Employment

The local economy is heavily dependent upon agriculture (the agriculture, forestry and fishing sector as categorised by the ABS). The proportion of the workforce employed in this sector declined consistently over the 1981 to 1991 period (from 55% of males and 49.1% of females in 1981, to 49.5% of males and 33.1% of females in 1991), the sector still accounts for about half the male workforce in the Shire and about one-third of the female workforce. This would partly account for the fact that the proportion of individuals and households in the Shire with income in the lower annual income bracket was substantially higher than for Victoria as a whole (ie due to the depressed state of agriculture).

After agriculture, the wholesale and retail trade sector is the next most important employment category (males 11.6% and females 14.5% respectively in 1991, compared with 19.9% and 21.5% for Victoria as a whole). This was followed by community service occupations (7.6% of males and 26.6% of females, compared with 11.2% and 29.6% for Victoria as a whole). Manufacturing employed 9.4% of males and 5.9% of females, which is lower than for Victoria as a whole (21.5% of males and 12.5% of females).
Agriculture

Agriculture is the most significant land use in the Shire, due to the mild climate, high and well-distributed rainfall, suitable soils and good access to markets. Intensive dairying and crop production activity are significant land uses along the coastal areas, whilst large cattle and sheep farms are significant activities in the northern portion of the Shire.

Agriculture is also the most important sector of the local and regional economy, in terms of its contribution to gross product, value-adding, employment and trade. The economic well-being of the towns, as well as the Shire generally, is directly related to the incomes of primary producers. In this regard, business enterprises in the Shire’s rural townships are largely oriented to servicing primary producers and include farm input suppliers, transport operators and agricultural product processing.

Dairying accounts for 43.1% of total farm production, while cattle/prime lamb production and wool production account for 18.8% and 17.9% respectively of total farm production. However, shifts in the market fortunes of local livestock, horticulture, vegetable production and wool has caused decreasing producer margins since the mid 1980’s. As a result farms have had to become larger to become more viable. Farmers are also attempting to remain viable by diversifying into other agricultural products such as vineyards, agroforestry, ostrich and other exotic meats and a limited number of market garden activities.

Value adding onsite or closer to the source of the product is considered an ideal way of increasing local revenue. This way the Shire can gain from the secondary process, not only primary production.

Mining / extractive industry

The mining of export quality bluestone and granite occurs near Port Fairy. Some local use of mineral sandstone also occurs. Mining of red scoria occurs near Mortlake.

Wind farms and other energy facilities

Wind farms have been established along the Yambuk and Codrington coasts. There is an increasing amount of pressure for wind farms and gas plants along the coastal hinterland from Peterborough to Warrnambool, including large wind farms containing multiple turbines. A 550 megawatt (MW) gas-fired power station is operational 12 km west of Mortlake.

Timber plantations

A key issue is the clear felling of plantation trees adjacent to main road corridors and tourist routes. This practice leaves large and often highly visible areas of the landscape scarred, detracting from the landscape character of the region. Introducing a policy requirement to require plantations to be screened from main road corridors by an indigenous and/or native vegetation buffer including understorey thus obscuring clear felled areas from key tourist routes and other main roads will support protection of landscape quality.

Commercial

Port Fairy, Koroit and Mortlake are the principal retail and service centres in the Shire, and also perform important commercial, community and administrative functions. As far as retailing is concerned however, their role is limited to convenience shopping, weekly shopping and a modest range of clothing and comparison merchandise. In this regard, Warrnambool provides a number of larger stores offering higher order consumerables such as durable household and non-food merchandise. Portland and to a lesser degree Hamilton also cater for similar needs, particularly for residents in the western part of the Shire. Ballarat caters for residents in the northern part of the Shire.

Manufacturing

Manufacturing endeavours are mainly focused on the processing of primary products and resources, or the production of particular specialised products.
There are numerous well-established businesses in the Shire, including Clarke’s Pies in Mortlake, the dairy factories in Koroit and Allansford, BAM Stone, Glaxo and Southwest Seafoods in Port Fairy.

Clarke’s Pies in Mortlake makes a range of pies for local consumption and contract supply for events or special markets. The location of the Clarke’s Pie factory in the centre of Mortlake raises issues related to future factory expansion and vehicular access to the site. Similarly, future expansion of operations at the dairy industry sites in Allansford and Koroit will also need to be provided for under the new planning arrangements. In general however, separation of other existing manufacturing businesses from other land uses, particularly residential, is considered important in order that they may carry out their activities without conflict.

**Tourism**

Tourism is a key sector of the local economy and has significant growth potential. Tourists are attracted to the various heritage buildings and towns in the Shire, of which the following are of particular interest:

- the Mortlake bluestone buildings,
- the Koroit Church Precinct and Main Street,
- the historic commercial and residential buildings in Port Fairy,
- the Port Fairy Lighthouse, Battery Hill fortifications and historic lifeboat station,
- Motts Cottage, Port Fairy,
- Woodbine Homestead, Port Fairy.

Tourists are also attracted to the local reserves, national parks and the various volcanic features present throughout the Shire, including:

- The Tower Hill State Game Reserve (volcanic features and wildlife),
- Johnstone Reserve, Woolsthorpe (vegetation),
- Pallisters Reserve (vegetation),
- Maam Wetlands (vegetation and wildlife),
- Framlingham Forest (vegetation and wildlife),
- Wilton Reserve, Naringal South (vegetation),
- Doug Fenick Reserve (vegetation),
- Ralph Illidge Sanctuary, Naringal East (vegetation and wildlife),
- Childers Cove, Bay of Islands Coastal Park (geological and historical features, and vegetation ),
- Yambuk Coastal Reserve (good fishing, vegetation and wildlife),
- Orford Recreation Reserve (vegetation and wildlife),
- Grass Tree Plains Reserve (vegetation),
- Kurri Kurri Co-operative Reserve (vegetation and wildlife),
- Mahogany Walking Track (walking, historical features and landscapes),
- Mount Eccles National Park (volcanic features, vegetation, wildlife and recreational opportunities),
- Botanical Gardens, Koroit and Port Fairy (historical and amenity),
- Muttonbird Rookery, Port Fairy (wildlife).

The Shire has a well-established program of music festivals in Port Fairy, Koroit and Mortlake.
The Shire’s historic character and beautiful landscapes are key attractions for tourists, who typically enjoy informal, independent travel around the various points of interest. As a result of visitors organising their own activities, existing tourism business relates to accommodation, food and some craft shopping. Some fishing charters exist, but in general the organised “guided tour businesses” are not present.

The provision of accommodation needs for independent visitors has significant potential and needs to be encouraged. High quality bed and breakfast or farm stay accommodation catering for a wide range of budgets has become popular in Port Fairy in particular, whilst cottage, house and flat hire provides longer term holiday accommodation for domestic visitors. Camping grounds are popular in summer months and youth hostels also provide low cost visitor accommodation.

A range of dining opportunities exists throughout the Shire, from restaurants and cafes to take-away establishments. Given that the majority of accommodation is non-catering, the availability of both accommodation and restaurants is important.

The Great Ocean Road is a major component of the tourist infrastructure in the region. The number of travellers on the Great Ocean Road continues to expand and it compliments other attractions of southwest Victoria such as the whale nursery and the Shipwreck Coast.

Port Fairy is the only activity node in the Moyne Shire, as identified in the Victorian Coastal Strategy 2014.

There is potential for further development of tourism in the Shire, provided that a base level of infrastructure is provided and information made available on places to visit and activities.

**Issues**

The key strategic issues include:

- The municipality relies heavily on agricultural activity as its economic base.
- The existing agricultural base needs to be preserved in recognition of its strong economic performance.
- Timber production is a potentially significant issue for the Shire. The growth and management of forests for timber production will need to consider a balance with environmental, landscape and social values.
- The impacts of a large influx of tourists needs to be considered in terms of balancing environmental impact and pressure for development.
- Protection of those assets on which tourism depends is an important consideration in the future development of the Shire.
- The sustainable management of the Shire’s coastal resources, including the identification and protection of significant environmental features and the need for clear directions regarding the future use and development of the coast.

**Objectives**

- To support and facilitate the development of local employment opportunities.

**Strategies**

- To maintain the status of agriculture as the key element of the economy.
- To encourage innovative farming practices and new products to expand the agricultural sector’s role.
- To encourage enterprisers which add value to local produce in appropriate locations.
- To encourage manufacturing and processing industries in appropriate locations.
- To encourage service based industries in existing settlements.
- To encourage the expansion of tourism as an important sector in the local economy.
- To encourage tourism development in settlements and in appropriate locations near natural, cultural or historic features.

**These strategies will be implemented by:**

- Complying with the Victorian Coastal Strategy 2014.
- Applying the Environmental Significance Overlay for areas on or adjoining the coast.
- Ensure coastal and river developments that optimise tourism potential do so in a manner which recognises the sensitive nature of these assets.
- Applying the Business 1 zone to the primary retail and commercial areas of Moyne within the townships of Port Fairy, Koroit and Mortlake.
- Applying the Farming Zone to agricultural land in Moyne.
- Applying the Industrial 1 Zone to industrial areas that do not border residential areas and the Industrial 3 Zone to areas that do border residential areas and industry is to be encouraged.
- Using local policy to encourage well planned industrial development.
- Using local policy to protect the amenity of residential areas from the effects of industrial activity while not impeding industrial productivity.
- Using local policy to encourage the appropriate development of the timber industry.
- Using local policy to protect the natural and physical resources upon which agricultural industries rely.
- Using local policy to conserve heritage places and precincts of importance to tourism.
- Using local policy to protect agricultural land from non-productive use and development.
- Using local policy to ensure that excision of house lots in the Farming Zone is consistent with the purpose of the zone.
- Using local policy to encourage the proper siting and construction of dams.
- Using local policy to encourage appropriate fire protection measures in the Farming and Rural Living Zones.

**Supporting actions include:**

- Establishing appropriate design and siting guidelines to ensure all industrial development along highways is of an appropriate standard.
- Enhance all industrial areas through the development and maintenance of landscaping to a high standard.
- Ensure all industrial development and agricultural activity minimises its impact upon the coastal and river environments in the Moyne Shire.
INFRASTRUCTURE AND PARTICULAR USES

Overview

Moyne has a number of major highways, rail lines and other transport facilities that provide excellent transportation options within the Shire and to other areas and centres. The national highway traverses the southern section of the Shire, linking the municipality with Melbourne and Adelaide and the regional centres of Portland and Colac.

The Hopkins and Hamilton Highways are important roads within the Shire for internal travel and for connection to Hamilton and Warrnambool. There are numerous other main roads that provide transport corridors for passenger and freight purposes.

The Great Ocean Road is a major tourist asset that runs from the south east corner of the Shire to the Princes Highway, immediately north of the Cheese and Butter factory at Allansford.

A passenger rail service operates from the Warrnambool and Terang stations providing three services each day to and from Melbourne. A regional airport facility also operates within the Shire.

Water

Domestic water supply for the townships is presently provided by the following water authorities using ground water or lake supplies:

- Portland Coast Region Water Authority serves Port Fairy;
- South West Water Authority serves Mortlake, Koroit, Caramut, Purnim, Peterborough and Allansford; and
- The Glenelg Region Water Authority supplies water to Macarthur.

South West Water advises that alternative bore sites are presently being examined for Mortlake due to the increasing salts content of the existing supply. Ultimately this may require that Mortlake be supplied from the Otway system. As far as Koroit is concerned, it is proposed to connect to the Warrnambool system in 5-6 years time.

It is has been suggested that the South West, Portland Coast and Glenelg Water Authorities may be amalgamated in the near future.

Sewerage

Port Fairy, has a reticulated sewerage systems provided by Portland Coast Region Water Authority. The South West Water Authority is currently constructing sewerage systems in Mortlake and Koroit.

Port Fairy’s waste water system has large capacity services extending to the present edge of development. The waste is processed at a new treatment plant in the northwest of the town. A new wastewater facility is under construction for processing Mortlake's waste, to the southeast of the town.

It is proposed that wastewater from Koroit will soon be piped to Warrnambool for processing. The disused Warrnambool to Koroit Railway Line is being used as a corridor to convey this pipeline.

The provision of wastewater infrastructure to service Macarthur is presently being investigated by the Glenelg Region Water Authority.

The establishment of wastewater services in Peterborough would be difficult to achieve given the terrain of this area, even though this is a township that requires an improved method of waste disposal.

Roads

A combined state and local government road network of thousands of kilometres provides access within and to the Shire. All roads in the Shire are managed and maintained by Council with the exception of the following VicRoads declared roads:

Vic Roads traffic counts over the period 1992-1995 recorded two-way traffic volumes on the Princes Highway of between 2000 and 2700 vehicles per day (vpd), with truck movements varying between 370 and 400 vpd. Over the same period, the two-way traffic volumes recorded on the Hamilton Highway varied between 1000 and 1100 vpd, with truck movements varying between 100 and 200 vpd.

The former planning schemes for the Shire included Highway Environments Zones to promote safe and efficient roads. The new planning scheme will provide the same degree of protection by way of the State Planning Policy Framework and the particular provisions that will:

- protect the amenity of the arterial roads.
- maintain and enhance the safety of the arterial roads and prevent ribbon development.
- control access to and from arterial roads from individual properties and from any development of a property.
- ensure that conflict between arterial road use and abutting land uses is minimised.

Ports and Harbours
The Port of Port Fairy is located within the visually important Port Fairy-Moyne River environments. The Port infrastructure caters for recreational boaters, a small fishing fleet and the annual refitting of fishing trawlers into squid boats.

In November 1995 the responsibility for the Port Fairy Port was transferred to Department of Natural Resources and Environment. It subsequently appointed the Council as the Committee of Management.

Energy and Power
Three-phase electricity is generally distributed throughout the municipality and its availability is dependent on the site(s) selected. A study is currently being undertaken to determine the requirements and options for upgrading electricity supplies into rural areas.

Telecommunications
Telstra aims to meet all demand for the full range of telecommunications services. Telstra is driven by customer requirements, which ultimately determine when and where the networks are located. Current legislation provides a framework of rules under which Telstra is governed and includes a Code of Compliance, which effectively gives local government a path to input on any decision concerning land use and other activities which may impact on the land. Telstra is also a referral authority and local government is required to provide information on details of subdivisions prior to issuing permits. This allows Telstra to reserve land for future plant and equipment purposes.

Fire fighting
Fire fighting services are provided for the Shire by the CFA. The Shire’s fire risk is considered to be moderate in comparison to other areas because of the absence of vegetation and densely populated areas, and because of the availability of water supplies. There are a number of areas within the Shire have been identified as having a high risk of wildfire.

Transport
Moyne contains a number of main roads and highways, providing excellent internal connection and ready access is provided to the neighbouring centres of Warrnambool, Portland, Hamilton, Colac, as well as Ballarat, Geelong and Melbourne.
An aerodrome east of Koroit and west of Mailors Flat which is used for emergency air links, freight facilities for local producers, and has the potential to be developed for commuter service. It is important that uses that are not compatible with the long-term operation of the aerodrome are not allowed to establish around this facility.

**Community Services**

Health and community support services are provided to the residents of the Shire by a number of agencies, and requires coordination at a number of levels.

Moyne Shire has two public hospitals located in Port Fairy and Koroit. The Port Fairy Hospital has 30 beds and also provides an outpatient service. There is also a 25 bed hostel on the hospital site, and plans exist to establish a new 30 bed nursing home. The former hospitals at Mortlake and Macarthur are now used as an outreach centre for medical and social purposes. In addition, of course, the residents of the Shire are served by the Warrnambool Base Hospital, and also have access to the Public Hospital at Hamilton.

The Department of Human Services provides the following accommodation facilities in the main centres of Port Fairy, Koroit and Macarthur:

- In Port Fairy, a total of 60 facilities comprising 8 bed-sits, and 13 one-bedroom, 14 two-bedroom and 25 three-bedroom facilities.
- In Koroit, a total of 27 facilities comprising 7 bed-sits, 4 one-bedroom, 4 two-bedroom, 11 three-bedroom and one 4-bedroom facilities.
- In Macarthur, a total of 9 facilities comprising 7 bed-sits and 2 one-bedroom facilities.

**Education**

There are 12 state schools providing primary and secondary school teaching for approximately 1300 students across the Shire, at the following locations:

Cudgee, Koroit and District Primary School, Woolsthorpe Primary School, Caramut Primary School, Panmure Primary School, Macarthur Primary School, Nullawarre and District Primary School, Bessiebelle Primary School, Mortlake P12 College, Grassmere Primary School, Hawkesdale P12 College, Port Fairy Consolidated School.

**Recreation**

Recreation facilities provide a valuable social focus for the Shire’s townships and surrounding districts. It is generally considered that there is a good range of recreation facilities and services located throughout the Shire. However because of population change and the decline in discretionary incomes, it is becoming increasingly difficult for communities to raise the funds required to maintain and improve their recreation facilities.

The structure and composition of the Shire’s population, rather than its size, is expected to change dramatically over the next 15 years, and will necessitate a review of recreation service strategies. In this regard, the issue of an ageing population will require careful consideration as far as the type of recreation services to be provided is concerned (eg retirement planning, education for leisure services, passive low impact leisure services, therapeutic recreation services, social recreation services and/or cultural and entertainment services).

**Gaming**

There are no existing gaming facilities within the Moyne Shire, although the Port Fairy football club has received permission for the establishment of a gaming facility in a hotel in Port Fairy. It is Council policy to discourage further expansion.

**Issues**

The key strategic issues are:

- The increasing pressure on Council for the provision and maintenance of infrastructure services.
Council cannot totally fund the level of infrastructure that has come to be expected.

There is a need to seek alternative sources of funding to establish or upgrade infrastructure services.

There is considerable pressure being placed on the existing infrastructure services.

Increased cost of power supply establishment.

Increased road maintenance cost.

Increased size of vehicles using rural roads for dairy and timber production.

Objectives

Maintain an efficient and comprehensive range of community facilities.

Encourage development in locations where a range of infrastructure and appropriate community services are available.

Where reticulated sewer is not available ensure that a high standard of effluent disposal is achieved and that all wastewater is retained within the site.

Ensure that new developments in the small settlements and on urban/rural interface are adequately designed and serviced to take into account the risk of uncontrolled fire.

Maintain and enhance public transport to and within Moyne.

Provide facilities and services that satisfy the range of community needs for children, youth and the aged.

Provide a range of recreational, cultural and entertainment facilities that serve the needs of all age groups in the community.

Discourage any further expansion of Gaming venues or machines within Moyne.

Protect the Premier Speedway at Allansford from encroachment by residential development.

Strategies

To maintain and enhance key infrastructure.

To ensure existing infrastructure is adequately maintained and new infrastructure provided.

To ensure that private developers contribute to the provision of new infrastructure.

Prepare a development contribution plan which requires private developers to contribute towards the provision of identified key infrastructure.

Identify key infrastructure which is essential to the sustainable future of the Shire

Seek funding of new or upgraded infrastructure from alternative sources such as development contributions.

To ensure infrastructure is provided in the most cost-effective manner, whilst ensuring equitable servicing of the whole municipality.

To encourage new development to concentrate where possible in existing serviced areas.

To avoid the duplication of services and assets where possible.

To encourage major development close to the high priority road routes.

Implementation

Using local policy to encourage the coordinated expansion of the Port Fairy Hospital.

Using local policy to recognise the significance of the sewerage treatment plant and to minimise amenity impacts of the plant.

Using local policy to regulate the expansion of gaming.
• Using local policy to recognise the significance of the Premier Speedway.
• Apply local policies to guide development to areas where infrastructure is available.

**Other supporting actions**
• Maintain and develop the rail connection and the bus system for Moyne.
• Ensure an adequate water supply can be obtained locally for consumption and fire fighting purposes, where reticulated water is unavailable.
• Ensure appropriate landscaping and beautification of public access areas.
LOCAL AREAS

General

This clause focuses on local level implementation of the objectives and strategies set out in Clauses 21.05 to 21.08 of the Moyne Planning Scheme. Each section relates to a particular rural township or precinct within the municipality where detailed planning has been undertaken. This section should be read in conjunction with the rest of the Municipal Strategic Statement and not in isolation.

The sections are organised under the following Local Area headings:
21.09-1 - Peterborough
21.09-2 - Mailors Flat
21.09-3 - Port Fairy
21.09-4 - Mortlake
21.09-5 - Port Fairy West

21.09-1

Peterborough

Peterborough is a small coastal village on the Great Ocean Road. It is located within a dramatic coastal landscape contrasting with the serene backdrop of the Curdies River estuary and rural hinterland. Flooding is a crucial issue in the areas of Peterborough adjacent to the Curdies River. The population of the town increases substantially over the summer holiday period. Development and tourism pressures are expected to increase when the town is connected to a sewerage system, and given the ongoing popularity of the Great Ocean Road region.

Vision

To maintain and enhance the role of Peterborough as a peaceful small coastal village on the Great Ocean Road set within the dramatic scenery of the renowned Port Campbell National Park, Bay of Island Coastal Park and lesser known Curdies River estuary.

To limit the growth of the township and scale of development, including commercial development, to ensure the character, serenity and functioning of the township is protected for the enjoyment of permanent and semi-permanent residents and visitors.

Local area implementation

Ensure that any proposed use or development within Peterborough is generally consistent with the Residential Design Guidelines, Peterborough, Victoria 2006 and the Peterborough Framework Plan (see 21.09-1.1), so as to protect and enhance:

- The small scale coastal village character;
- The dramatic coastal and serene estuarine and rural landscapes; and
- The local environment including the Peterborough coastline, the Curdies River, the adjacent Port Campbell National Park, Bay of Islands Coastal Park, limestone depressions and indigenous vegetation.

Residential and Township development

Ensuring that the objectives and strategies in the Residential Design Guidelines, Peterborough, Victoria, 2006 are achieved through consistent application of the design standards for development, subdivision and infrastructure within the document when assessing planning permit applications.

Limit the height, scale and density of development, and encouraging site responsive design and view sharing.

- Encourage appropriate stormwater management especially in new subdivisions.
- Limit the extent of development by managing a sustainable township boundary as shown in Map 1 ‘Peterborough Framework Plan’.

- Focus the limited expansion of commercial activity around the existing Mac Street precinct, encouraging the redevelopment of existing commercial properties, and seeking high quality architectural design responses for proposals in prominent locations.

- Implement the Urban Design Priority Program to enhance public places, precincts and facility provision in the town as identified in the Residential Design Guidelines, Peterborough, Victoria 2006.

**Road network and infrastructure**

- Ensure safe vehicle and pedestrian access on the Great Ocean Road.

**Environment**

- Support on-going environmental studies and initiatives concerning the Curdies River estuary, catchment and coastal system.

**Flooding**

- Identify potential flood hazards and provide a sound basis for the future development and use of land thought to be liable to be at risk of flooding

- All land thought to be liable of flooding will be included within a Land Subject to Inundation and Floodway Overlay, generally in accordance with the controls established by the relevant floodplain management authority.

**Exercise of Discretion**

It is policy that:

- In areas subject to Land Subject to Inundation Overlay and Floodway Overlay, it is policy that as a first preference no fill will be allowed. Fill under a designated building footprint, outside a building footprint or for a safe and proper access to and from the site will be discouraged. Written justification to the satisfaction of the Responsible Authority must be provided by the applicant for any such fill, including why other construction techniques cannot be used.

**Reference documents**


Mailors Flat

Mailors Flat is located on low-lying flat land about 9 kilometres north of Warrnambool and 800 metres east of Warrnambool Airport. It is characterised by low-density residential uses with scattered rural industrial and retail uses. Agricultural land within and around Mailors Flat is on productive volcanic soils that are used for dairying and grazing. Pockets of significant remnant vegetation occur in the eastern area around Shady Lane. The township is attractive as a rural residential area owing to its closeness to Warrnambool and its landscape character. Mailors Flat must have sustainable water use, where groundwater usage for stock and domestic use is not detrimentally affected by development. The area has no provision for reticulated water or sewerage, no integrated drainage scheme and the road network requires significant improvement. The terrain and clay soils require special measures to ensure that wastewater can be adequately treated and that drainage systems are effective.

Vision

To enhance the low-density township character of Mailors Flat centred around town services and businesses while respecting surrounding rural land and protecting the features of the natural landscape.

Local area implementation

Ensure that any proposed use or development within Mailors Flat is generally consistent with the Mailors Flat Structure Plan (see 21.09-2.1).

Residential development

- Ensure that lot sizes for residential development are based on the capacity of the lot to treat and retain all wastewater within the lot.
- Direct smaller residential lots (average lot size 0.4 hectares) to the township centre as defined by the Township Zone.
- Direct low density residential development (minimum lot size 1.0 hectare) to the Low Density Residential Zone.
- Direct rural residential development to the Rural Living Zone where it can be demonstrated that the development will not adversely affect agricultural uses, biodiversity and landscape values and the operation of Warrnambool Airport.

**Township development**
- Direct commercial and industrial development that respects residential amenity to the township centre as defined by the Township Zone.
- Encourage the establishment of community facilities including park and playground facilities, public toilets, improved bus stops and footpaths in the township centre as defined by the Township Zone.
- Encourage signage and landscape works to enhance the appearance of the township.

**Road network and infrastructure**
- Encourage new development to concentrate in areas where infrastructure can be provided in a cost-effective manner.
- Make provision for new street links between Russells Road and Warrnambool–Caramut Road to improve connectivity through Mailors Flat.
- Create a new Russells Road/Warrnambool–Caramut Road intersection to replace the existing intersection.
- Downgrade vehicle access along Shady Lane.
- Encourage integrated wastewater systems for development proposals in the Township and Low Density Zones.
- Ensure that new development has access to a suitable integrated drainage network.
- Encourage the reuse of stormwater run-off.
- Ensure that new development has access to a safe and efficient road network.

**Environment**
- Encourage the maintenance of remnant native vegetation and encourage the establishment of wildlife corridors and biolinks.
- Encourage the protection of significant vegetation along roadsides, especially in the vicinity of Shady Lane.
- Discourage vehicle access through Shady Lane and promote it as a pedestrian/bicycle trail.
- Encourage the maintenance of localised areas of planted vegetation, scattered trees and windbreaks.
- Promote the planting of indigenous vegetation that reflects the area’s natural heritage.

**Reference documents**
Strategy and Structure Plan for the Mailors Flat Township (Final Plan – March 2010).
Port Fairy is located on the Southern Ocean Coast and was discovered by the Europeans in 1828. It is a charming Heritage town founded on the whaling and sealing industry. Port Fairy is the major business and administrative centre in the Shire with a population of 2458 people. Integral parts of the town’s character are the historic buildings around the town’s centre, the fishing port, Moyne River, Griffith Island and the nearby coastal areas.

Vision

- To maintain and build Port Fairy as a strong economically sustainable settlement that provides services for the local community.
- To retain the distinctive character of Port Fairy based on the heritage features, the coastal location and high quality urban design.
- To recognise the constraints of the Moyne River floodplain on the development of land.
Local area implementation

Ensure that any proposed use or development within Port Fairy is generally consistent with the Port Fairy Framework Plan (see 21.09-3.1).

Urban Character

- The coastal and river character of Port Fairy should be retained and enhanced.
- The existing avenues of Norfolk Island Pines should be maintained and protected.
- The vegetation throughout Port Fairy should be maintained and protected.
- Existing commercial, residential heritage areas and other heritage sites and places in Port Fairy should be protected.
- For all new development:
  - New buildings and works should respect Port Fairy’s built form and/or the coastal location of the area.
  - Development should respect the historic built form and natural environment through the sensitive use of materials and colours.
  - New development should reinforce the traditional streetscape.
  - New development should respect traditional forms of landscaping and/or significant coastal vegetation.
  - The design of buildings and spaces should protect existing building stock and streetscapes of the Town Centre and the Moyne River Environs and new development should reflect the traditional elements of heritage buildings in Port Fairy.
  - Design and appearance controls for residential areas within Port Fairy should limit structural heights and encourage new structures to reflect the traditional elements of heritage buildings in the town.

Housing

- A range of residential opportunities is facilitated which protect and reflect the important historical and amenity values present in Port Fairy.
- Smaller lot subdivision and higher density types of residential development compatible with the character and appearance of the area be encouraged.
- Infill residential development should be encouraged to strengthen the population base within walking distance of the commercial area.
- Retirement and aged support based industries should be encouraged to develop within the town.

Commercial

- Port Fairy should remain the retailing, service and cultural centre for the surrounding districts.
- The consolidation of major retailing and commercial functions within the central commercial area of Port Fairy should be promoted.
- Carparking facilities within the Port Fairy central area should be upgraded.
- Streetscape improvements in the Port Fairy central area should be carried out.
- Provision should be made for the expansion of commercial activities within the central area.
- Non-retail activities should be allowed throughout the town where they are in harmony with the local neighbourhood and contribute to the village feel and to tourism.
- Limited commercial activities (non-retail) throughout Port Fairy should be encouraged.
- Home industries and craft based activities throughout Port Fairy should be encouraged.
Advertising signage displayed in the commercial historic precincts of Port Fairy must be designed having regard to the Moyne Commercial Areas Signage Guidelines.

**Industrial**
- Industrial development in and around Port Fairy is promoted.
- Industry should be focused on the existing industrial areas and on land beyond the sewerage treatment plant.
- Industrial development should be located to minimise its visual impact, particularly near major access roads into and out of Port Fairy.
- Sufficient fully serviced and easily accessible industrial land should be provided to accommodate the needs of industries seeking to locate within Port Fairy.

**Infrastructure**
- The establishment or retention of community and engineering services necessary to support the needs of the community should be facilitated.
- Development of the wastewater treatment site in the northwest area of Port Fairy should be encouraged and supported.
- Existing infrastructure should be upgraded in a manner that reflects the character of Port Fairy.

**Tourism**
- Port Fairy should be promoted as an important tourist destination.
- Appropriate tourist infrastructure should be developed and encouraged without impacting upon the present scale and heritage values of Port Fairy.
- Provision should be made for suitable bus and caravan parking areas in the Port Fairy central area.
- Small-scale tourist related facilities and services that are consistent with the traditional design elements and character of heritage buildings and the historical function of the original settlement should be encouraged.
- The economic base of the town should be strengthened to provide employment and wealth generation.
- The unique coastal, river and harbour location of Port Fairy should be utilised to develop tourist-related activities that are sensitive to the character of the settlement.

**Accessibility**
- A high degree of accessibility within Port Fairy should be promoted.
- Safe, direct and convenient pedestrian and cycle routes between major residential areas, schools, public open spaces and the Port Fairy central area should be provided.
- Development of the Town Bypass should be pursued to better integrate Port Fairy as one consolidated unit, and to improve safety and amenity values and reduce noise.
- Better links between existing residential areas and the town centre should be established.

**Environmental**
- Significant environmental features which contribute to the appeal of Port Fairy, including the coastline, the Moyne River, the Lough and the significant areas of open space should be protected and promoted.
- The coastline and coastal dunes around Port Fairy should be protected from inappropriate development.
Flooding

- Avoid increasing risks to human life and property from flood damage.
- Minimise development on land liable to flooding and, where development is permitted, ensure that the siting of buildings and works takes into account the potential depth of flooding, the route of major floodways and the impact on the operation of the Moyne River floodplain and its tributaries.
- Ensure that all new development permitted on the floodplain maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard and local drainage conditions.
- Protect private and public assets from the impacts of flooding.
- Minimise the effects on the Moyne River and its tributaries from changes to natural flow regimes such as flood frequency, run-off volume and flow velocity.
- Strongly discourage the filling of land which is liable to flooding unless balanced cut and fill can be achieved as per the Glenelg Hopkins Catchment Management Authority Guidelines for Floodplain Cut and Fill.
- Ensure that new development does not have adverse impacts on neighbouring properties and environments in terms of flooding and water quality.
- In future planning such as structure planning or planning scheme amendments, the risks to the township associated with flooding from the Moyne River should be considered and seek to ensure the use of the floodplain is not excessively intensified.
- Future development access needs to be considered to avoid access hazards associated with flooding.

Exercise of Discretion

It is policy that:

- An application for subdivision or a new dwelling should meet the following performance measures:
  - Access to habitable buildings be achieved from flood free areas via roads or other access ways that are subject to not more than 0.5 metre deep flood water for storm events up to and including the 1% Average Exceedence Probability standard. Where this cannot be achieved regard must be had to:
    - The number of persons likely to use the development and the likely adverse effects of the flood access hazard on potential future occupants;
    - The potential for measures to avoid or minimise the flood access risk, including emergency management and prevention plans.
    - That the use and development of land for habitable buildings is consistent with flood access hazards.

Reference documents

Moyne Commercial Areas Signage Guidelines.
Feasibility Study for the Industrial Park Port Fairy, March 2009.
Port Fairy Regional Flood Study, 2008.
Port Fairy Regional Flood Study Addendum Sea Level Rise Modelling, 2010.
Port Fairy Sea Level Rise Modelling Project 2012.
Mortlake

Overview

Mortlake is in the northern portion of the Shire and is located at the foot of Mount Shadwell, a significant landscape feature visible from the town. It is a service centre for the surrounding farming country with a range of community and recreational facilities. It has excellent road access to other regional centres including Warrnambool. There is a regional quarry nearby and a 550 megawatt (MW) gas-fired power station in operation 12 km to the west. Recently, Mortlake has experienced a small population increase owing to its attraction for those seeking a quieter rural lifestyle and retired farmers relocating to the town. There are a substantial number of historical bluestone buildings within Mortlake considered to be some of the finest in the State.

The Avenue of Honour on the eastern approach to Mortlake is historically and aesthetically significant to Victoria as a memorial to World War 1 and 2 veterans and is listed on the Victorian Heritage Register.

Vision

- To direct the contained development of Mortlake, in a manner that strengthens Mortlake’s role as a commercial centre for the region while respecting the town’s historic character, surrounding rural land and the natural landscape.

Local area implementation

The vision for Mortlake will be implemented by:
Defining a settlement boundary.
- Promoting development growth and economic investment.
- Protecting the valued views and outlook to Mount Shadwell from development.

**Town centre**

**Objectives**
- To maintain and develop Mortlake as a retail and service centre for the town and the surrounding region.
- To strengthen the town centre as a hub for commercial development and a community focal point.

**Strategies**
- Key commercial development should be maintained in Dunlop Street between Webster Street and Officer Street.
- Streetscape works, landscaping, pedestrian links and other design measures that promote the appearance of the town centre should be supported.
- Higher density residential development in close proximity to the town centre should be supported.
- The style, materials, scale and form of new development should conserve the existing built form and streetscape.

**Urban Character**

**Objective**
- To support design of new development that contributes to the urban character of Mortlake.
- To protect and promote heritage and environmental features that contribute to the urban character of Mortlake.

**Strategies**
- New development should be consistent and appropriate in scale and character to Mortlake’s role as a rural and highway service centre.
- Significant heritage buildings, precincts and areas of bluestone should be protected, including the Mill, the various churches and public buildings.
- Significant environmental features, which contribute to the appeal of Mortlake, including the Tea Tree Lake Reserve, should be protected.
- Signage and landscape works at the eastern and western end of the Hamilton Highway should be supported to improve the entry points into town.
- Public areas should be upgraded through improving traffic management, and better pedestrian circulation and safety.
- Improvements to the interface between the rear of commercial premises and adjoining residential areas should be supported.
- A landscaping and tree planting plan for public spaces should be developed and facilitated.
- The siting and design of new development should protect the key views to Mount Shadwell.

**Residential areas**

**Objective**
- To require new residential development to respect the urban character of Mortlake.
To facilitate ongoing sustainable residential growth and development of Mortlake.

**Strategies**

- An adequate supply of land should be provided within the General Residential Zone.
- Infill development should be supported close to the town centre in proximity to existing services and infrastructure.
- Investigate the rezoning of Rural Living land located east of the township bound by Boundary Road, Terang-Mortlake Road, Hamilton Highway and Pound Lane at a future stage to maintain a 15 year land supply.
- Residential development that is cost-effective in infrastructure provision should be supported.
- Larger lots should be supported north of Mill Street in order to protect the open rural character of the town and views to Mount Shadwell.
- The design and siting of new development, including provision for gardens and fences, should protect the existing urban character and heritage values of the surrounding residential precinct.

**Industrial**

**Objective**

- To support industrial development in appropriate locations around Mortlake.

**Strategies**

- Industry in the existing industrial area should be supported.
- Opportunities for manufacturing and industrial establishment should be facilitated without adversely impacting on the scale and character of the town.
- The importance of existing industries should be recognised and supported for their endeavours.
- The development of the Mortlake Industrial Estate should be supported.

**Infrastructure**

**Objective**

- To provide a range of community and engineering services necessary to support the needs of the community

**Strategies**

- A wastewater treatment system for Mortlake and its industries should be facilitated.
- New development should be supported to concentrate in areas where infrastructure can be provided in a cost-effective manner.

**Tourism**

**Objective**

- To strengthen local features and events as points of tourist interest.

**Strategies**

- Well-designed and sited tourist facilities compatible with the urban and rural character of Mortlake should be supported.
Accessibility

**Objective**
- To facilitate a high degree of accessibility within Mortlake.

**Strategies**
- Safe, direct and convenient pedestrian and cycle routes between major residential areas, schools, public open spaces and the centre of Mortlake should be provided.
- Improved pedestrian facilities including pedestrian crossings, street furniture and pedestrian lighting should be supported.

Rural

**Objective**
- To maintain the rural character of land surrounding Mortlake.

**Strategies**
- Key views to Mount Shadwell and surrounding rural areas should be protected in the design and siting of future development.
- Small lot subdivision should not encroach on existing agricultural land and areas of environmental and landscape significance.

**Reference documents**
21.09.4.1 Mortlake Framework Plan

MORTLAKE FRAMEWORK PLAN

Legend
- Future Residential Land
- Commercial
- Industrial Estate
- Open Space
- P-12 College
- Investigate rezoning area from Industrial to Public Park and Recreation and Residential
- Public Uses and Residential
- Residential
- Rural Living

★ Town Entry Treatment

Mortlake Township Boundary
Port Fairy West

Overview

Port Fairy West is located to the west of the Port Fairy Township and is bound by the Princes Highway to the north, the Southern Ocean to the south, rural properties to the west and the existing urban zoned areas of Port Fairy to the east.

Current land uses vary within the area, with a high proportion of tourist accommodation provided along the foreshore, residential lots located adjacent to Thistle Place and rural uses in the western section.

The population of the town increases substantially over the summer holiday period. Due to the ongoing popularity of the Great Ocean Road region, development and tourism pressures are expected to increase therefore a framework is required to direct development in this area.

Given the subject areas proximity to the Southern Ocean, there is an increased risk of coastal inundation and erosion due anticipated sea level rise of not less than 0.8m by 2100.

Vision

To preserve the low-density and rural living character and coastal landscape of Port Fairy West whilst improving pedestrian and vehicular connectivity.

Local area implementation

Require that any proposed use or development within Port Fairy West is generally consistent with the Port Fairy West Structure Plan (see 21.09-5.1).

Residential Development

Objectives

- To avoid additional development in areas of identified risk from coastal inundation and erosion.
- To require future development to respond to the capability of the land.
- To improve road and footpath connectivity from east to west.

Strategies

- Require that lots sizes for residential development are based on capacity of the lot to treat and retain all wastewater within the lot.
- Direct additional residential development away from areas subject to inundation.
- Require all dwellings to be serviced by aerated treatment systems rather than septic tanks
- Require that all access to future subdivision and residential development be via existing access points on the Princes Highway.
- Require future residential development to upgrade the intersection of Thistle Place (west)/Princes Highway to the satisfaction of the Roads Corporation.

Tourism and Commercial Development

Objectives

- To protect the low-density and rural living township character and coastal landscape of Port Fairy West.

Strategies

- Avoid further intensification of tourism and commercial development.
- Avoid further intensification of advertising signage.
Coastal Erosion and Inundation

Objectives
- To manage land use and development having regard to potential coastal inundation and erosion.

Strategies
- Avoid additional development in areas of identified risk from coastal inundation and erosion
- Protect the coastline and dune systems from inappropriate development.
- Avoid increasing risk to human life and property, including private and public assets, from coastal erosion and flood damage.
- Avoid development on land liable to flooding and, where development is permitted, ensure that the siting of buildings and works takes into account the potential depth of flooding.
- Require that all new development permitted on the floodplain maintains the free passage and temporary storage of floodwater, minimises flood damage and has safe access during all floods ranging in magnitude up to the 100 year ARI event.
- Avoid the filling of land which is liable to flooding unless balanced cut and fill can be achieved as per the Glenelg Hopkins Catchment Management Authority Guidelines for Floodplain Cut and Fill to the satisfaction of the Floodplain Management Authority.
- Identify potential flood hazards and provide a sound basis for the future development and use of land thought to be liable to be at risk of flooding
- Future development access needs to be considered to avoid access hazards associated with flooding.

Exercise of Discretion

It is policy that:
- In areas subject to Land Subject to Inundation Overlay it is policy that as a first preference no fill will be allowed. Fill under a designated building footprint, outside a building footprint or for a safe and proper access to and from the site will be discouraged. Written justification to the satisfaction of the Responsible Authority must be provided by the applicant for any such fill, including why other construction techniques cannot be used.

Reference documents
Port Fairy West Structure Plan, September 2014
Future Coasts – Port Fairy Local Coastal Hazard Assessment 2013
MONITORING AND REVIEW

General
The Council proposes a system of monitoring and review of the following components of the scheme:

- Continual monitoring of decisions of Panels and the Victorian Civil and Administrative Tribunal, as a basis for any required changes.
- Monitor the success of the local policies in achieving the aims intended.
- Review the applications that relate to the Urban Floodway controls.
- Annual review, in conjunction with Council’s budgetary process, of strategic planning issues.
- Monitor the land supply for residential, rural residential, agricultural, industrial and commercial purposes.

Peterborough
- Monitor and review the ten-year land supply availability for residential development within Peterborough so that when the supply of land falls below the projected ten year supply a review of land availability in Peterborough will be undertaken.

Mailors Flat
- Monitor and review the fifteen-year land supply availability for residential development within Mailors Flat so that when the supply of land falls below the projected fifteen year supply a review of land availability in Mailors Flat will be undertaken.

Mortlake
- Monitor and review the ten-year land supply availability for residential development within Mortlake so that when the supply of land falls below the projected ten year supply a review of land availability in Mortlake will be undertaken.
REFERENCE DOCUMENTS

There are a number of other strategies and plans relating to the Shire and/or the wider region which assist in guiding decision making, including:

- Koroit Strategy Plan, 1991
- Land Conservation Council Public Land Recommendations, 1982
- Moyne River Management Plan
- Moyne Shire Coastal Area Study, 1996
- Moyne Shire Recreation Strategy, 1997
- The Municipal Strategic Statements of those municipalities abutting the Moyne Shire
- Port Fairy Strategy Plan - Background & Issues Report, 1992
- Recreation Areas and Coastal Reserves, 1996
- Killarney Outline Development Plan, July 2001
- Killarney Subdivision and Design Guidelines, July 2001
- Port Fairy Design Guidelines, 2001
- Moyne Coastal Action Plan 2001
- South West Victoria Regional Coastal Action Plan 2001
- South West Victoria Estuaries Coastal Action Plan 2001
- Peterborough Urban Design Framework 2002
- Residential Design Guidelines, Peterborough, Victoria 2006
- Great Ocean Road Region Landscape Assessment Study (Planisphere, 2003)
- Great Ocean Road Region Strategy, 2004
- Coastal Spaces Recommendations Report (Victorian Coastal Council, 2006)
- Coastal Spaces Landscape Assessment Study (Planisphere 2006)
- Strategy and Structure Plan for the Mailors Flat Township (Final Plan - March 2010)
- Port Fairy Regional Flood Study (Water Technology, 2008)
- Port Fairy Regional Flood Study Addendum – Sea Level Rise Modelling (Water Technology, 2010)
- Port Fairy Sea Level Rise Modelling Project (Water Technology, 2012)
- Port Fairy Heritage Citations 2015 (Context Pty. Ltd., 2015)
- Port Fairy West Structure Plan (Brown Consulting, 2014)
- Future Coasts - Port Fairy Local Coastal Hazard Assessment 2013
- Mortlake Heritage Citations 2016 (Context Pty. Ltd., 2016)

The MSS has been prepared having regard to these existing strategies and plans. Some of these plans have and/or will be superseded over time (such as town strategies). However, they provide a valuable base to assist with the future planning of the Shire.
LOCAL PLANNING POLICIES

Local Planning Policies are detailed directions that will guide day to day decision making about geographic or sectoral issues, so that cumulatively those decisions will support the achievement of the objectives, or at least will not undermine their achievement.

The Moyne Planning Policies are arranged in four sections:

- 22.01 - Settlement & Housing
- 22.02 - Environment
- 22.03 - Economic Development
- 22.04 - Infrastructure
Aboriginal Heritage

This policy applies to all land.

Policy Basis

The Moyne Shire has been occupied by three Aboriginal clans. As noted in the MSS, there are many significant cultural heritage sites are known to exist in Moyne, particularly along the coast and river valleys). The MSS recognises the need to appropriately protect Aboriginal sites.

Objectives

To promote the protection and appropriate management of Aboriginal cultural heritage values.

Policy

It is policy that, in considering an application, particularly in the vicinity of the coast or river valleys, the responsible authority will:

- Have regard to the current Aboriginal heritage study document for the municipality, or have regard to the Aboriginal cultural resource management grid map and guidelines provided by Aboriginal Affairs Victoria;
- Where there is a known Aboriginal archaeological site, request a report be prepared by a suitably qualified archaeologist detailing the impact of the proposal on Aboriginal cultural heritage values, and this report will be referred for comment to the appointed Aboriginal authority.

Port Fairy Residential Heritage Precincts

This policy applies to all that land designated on the Heritage Overlay Map as HO13, HO49, HO50, HO51, HO52, HO53, HO54, HO55, HO56, HO57, HO68, HO70, HO71, HO73, HO74.

Policy Basis

Europeans first settled Port Fairy in 1828. Whalers and sealers from Tasmania established a lucrative whaling and sealing industry on nearby Griffith Island until the mid 1840’s. Trade at the port reached a peak during the 1850’s. Wealth created by the Victorian gold rush and surrounding farms created significant town growth. The rich history of Port Fairy and the connection with the sea is reflected in its built form.

The MSS has identified tourism as an important component of the future economic development of the Shire. Moyne’s heritage and the unique character of particular areas need to be identified and protected.

Objectives

The objectives of this policy are:

- To conserve and enhance the architectural and historic character of the buildings, works, objects, sites and streetscapes within the area.
- To accommodate a range of residential land uses within the area.
- To encourage development of a type which is sympathetic to the existing character and appearance of the streetscapes and area generally.
- To ensure new development and alterations to existing development are not visually intrusive or dominate their surroundings and play their part in retaining Port Fairy’s character.

Policy

It is policy that:
General

- The objectives of the policy will be taken into account in assessing any planning permit application.
- the existing architectural or historic character of any building, work, object or site proposed to be demolished, removed, altered or decorated will be taken into account and consideration will be given to the contribution that the building, work or site makes to the architectural or historic character of the area;
- any proposed building or works will harmonise in character and appearance with adjacent buildings and with the character of the area;
- the general form of new residential buildings will include single or double gabled roofs, timber posted verandahs and vertical rectangular timber windows;
- consultation will occur with Heritage Victoria, the Australian Heritage Commission or the National Trust (Victoria) where relevant in relation to the application;
- Preference will be given to buildings or building additions that are constructed to a height of not more than one storey.

Building Settings and Setbacks

- New development should consider the characteristic range of setbacks and settings within the lot along the street and be set in its lot in a way that is characteristic of the street as a whole.
- Corner lots will affect the appearance of more than one street and consequently should consider the characteristic front and side setbacks of all the lots from both streets.

Relationship to Street

- Wide building facades of new development should be articulated through changes in footprint or height to break down perceived building bulk.
- New development should orientate the main door of the dwelling and the windows of habitable rooms towards the street.
- Verandah treatments are encouraged and should be constructed to use style, materials and detailing which complements those of heritage buildings and should be pitched less steeply than roofs.

Pitched Roofs and Chimneys

- New development should be designed with pitched roofs of at least 30 degrees.
- Chimneys are encouraged to reflect existing residential skyline character.

Services

- Infrastructure services such as air conditioning units, storage for gas bottles, TV aerials, above ground rainwater tanks and solar panels should be located where they cannot be seen from the street.

Colours and Materials

- The use of muted tones of lighter colours are encouraged for larger surfaces such as walls and roofs while darker deep colours are encouraged for details such as window frames, door frames and verandah posts.

Window and Wall Ratios

- Window treatments in new development should reflect the predominant vertical orientation and pattern and a 33%-67% window to wall proportion, which is characteristic of early heritage buildings in Port Fairy.
- Window recesses of at least 300mm depth are encouraged.

**Garages, Carports and Parking**

- Garages and carports should be sited behind dwellings and if not practical should be setback behind the building façade. The greater the width of garage/carport, the greater the setback should be to minimise the impact of the garage/carport on the street facade.
- Vehicle crossovers should be as narrow as possible and constructed using permeable materials such as gravel which is more ecologically friendly than concrete.
- Areas of hard paving should be screened, where possible by planting when viewed from the street.

**Landscaping**

- New development should contribute to maintaining and establishing the garden character of Port Fairy by retaining street trees, providing low boundary walls, landscaped cottage gardens, permeable surfaces and avoiding excavations and parking areas over the root spread of street trees.

**Corner Lots**

- Development on corner lots should be designed to present an attractive and appropriate façade to all street frontages including similar street setbacks, verandahs, glazing styles, fencing styles and materials on all facades facing a public street.

**Reference Document**

“Port Fairy - A study” prepared by Cox Tanner Pty Ltd.
Port Fairy Heritage Citations 2015 (Context Pty Ltd 2015).

**Port Fairy Commercial Heritage Precinct**

This policy applies to all that land designated on the Heritage Overlay Map as HO14.

**Policy Basis**

Europeans first settled Port Fairy in 1828. Whalers and sealers from Tasmania established a lucrative whaling and sealing industry on nearby Griffith Island until the mid 1840’s. Trade at the port reached a peak during the 1850’s. Wealth created by the Victorian gold rush and surrounding farms created significant town growth. The rich history of Port Fairy history is reflected in its built form.

The MSS has identified tourism as an important component of the future economic development of the Shire. Moyne’s heritage and the unique character of particular areas need to be identified and protected.

**Objectives**

The objectives of this policy are:

- To accommodate a range of retail, commercial and service uses within the town centre.
- To conserve and enhance the existing scale, character and architectural detail of the streetscapes and the area generally.
- To ensure new development and alterations to existing development are not visually intrusive or dominate their surroundings and play their part in retaining Port Fairy’s character.

**Policy**

It is policy that:
General

- the objectives of the policy will be taken into account in assessing any planning permit application.
- the existing architectural or historic character of any building, work, object or site proposed to be demolished, removed, altered or decorated will be taken into account and consideration will be made to the contribution that the building, work or site makes to the architectural or historic character of the area;
- any proposed building or works will harmonise in character and appearance with adjacent buildings and with the character of the area;
- the general form of new buildings will include post supported verandahs, recessed doorways, parapets which may be combined with a pediment or gable end and timber windows;
- consultation will occur with Heritage Victoria, the Australian Heritage Commission or the National Trust (Victoria) where relevant in relation to the application;
- the need for a permit condition will be considered specifying siting, dimensions, roof pitch and design requirements, including the provision of loading docks, as well as materials, colours and finishes to be used; and
- Preference will be given to buildings or building additions that are constructed to a height of no more than one storey.

Building Settings

- New development should consider the characteristic range of settings within the lot along the street and be set in its lot in a way that is characteristic of the street as a whole.
- Corner lots will affect the appearance of more than one street and consequently should consider the characteristic setting of all the lots from both streets.

Relationship to Street

- Wide building facades of new development should be articulated through changes in footprint or height to break down perceived building bulk.
- New development should orientate the main door and windows of the building towards the street.
- Verandah treatments are encouraged and should be constructed to use style, materials and detailing which complements those of heritage buildings and should reflect the characteristic pitch and coverage across the entire footpath.

Parapets and Chimneys

- New commercial buildings should incorporate parapets that reflect the variety of parapet styles in the commercial centre of Port Fairy.
- Chimneys for shop top housing are encouraged to reflect existing skyline character.

Services

- Infrastructure services such as air conditioning units, storage for gas bottles, TV aerials, above ground rainwater tanks and solar panels should be located where they cannot be seen from the street.

Colours and Materials

- The use of muted tones of lighter colours are encouraged for larger surfaces such as walls and roofs while darker deep colours are encouraged for details such as window frames, door frames and verandah posts.
Window and Wall Ratios

- Window treatments in new development should reflect the predominant vertical orientation and pattern with ground floor commercial buildings encouraged to provide full glazing while upper floor areas are encouraged to provide a 33%-67% window to wall proportion, which is characteristic of early heritage buildings in Port Fairy.

- Window recesses of at least 300mm depth are encouraged.

Corner Lots

- Development on corner lots should be designed to present an attractive and appropriate façade to all street frontages including similar street settings, verandahs, glazing styles and materials on all facades facing a public street.

Reference Document

“Port Fairy - A study” prepared by Cox Tanner Pty Ltd.
Port Fairy Heritage Citations 2015 (Context Pty Ltd 2015).

Mortlake Heritage Precincts

This policy applies to all that land designated on the Heritage Overlay Map as HO12 and HO77.

Policy Basis

Mortlake was established in the mid nineteenth century at the base of Mount Shadwell as a service centre for pastoral stations, and resting place for travellers between Geelong and Hamilton. The township experienced significant development in Shaw Street in the latter half of the nineteenth century, and retains a number of important civic, religious and residential buildings and the market reserve dating from this period, as well as important later nineteenth and early to mid twentieth century places. The town’s commercial focus developed along Dunlop Street from the late nineteenth century, and experienced significant growth and development in the late nineteenth century, the period immediately after World War One and the Post World War Two ‘boom’ period. The growth of the area is well represented by a range of intact commercial premises from these periods, as well as residential buildings.

The MSS has identified tourism as an important component of the future economic development of the Shire. Moyne’s heritage and the unique character of particular areas need to be identified and protected.

Objectives

The objectives of this policy are:

- To conserve and enhance the existing scale, character and architectural detail of the streetscapes and the area generally.

- To ensure that development is compatible with the existing bluestone buildings of the area

Policy

It is policy that:

- In considering applications the responsible authority shall have regard to the objectives of the Overlay

- the existing architectural or historic character of any building, work, object or site proposed to be demolished, removed, altered or decorated will be taken into account and consideration will be made to the contribution that the building, work or site makes to the architectural or historic character of the area;

- any proposed building or works will harmonise in character and appearance with adjacent buildings and with the character of the area;
any alterations to existing buildings will retain all bluestone elements;
- consultation will occur with Heritage Victoria, the Australian Heritage Commission or the National Trust (Vic) where relevant in relation to the application;
- the need for a permit condition will be considered specifying siting, dimensions, roof pitch and design requirements, including the provision of loading docks, as well as materials, colours and finishes to be used.

Reference Document

Koroit
This policy applies to land in the Residential, Business, Low Density Residential, Industrial and Rural Living Zones in and around Koroit.

Policy Basis
Koroit is a rural settlement located to the north of the Tower Hill State Game Reserve. It was established in 1837 and prospered with an influx of Irish settlers and wealth associated with the Victorian gold rush and agricultural production. The town currently has a population of some 1530 people. Koroit’s main street character, collection of heritage buildings and semi rural lifestyle is important elements that attract visitors and new residents. The town also contains the Murray Goulburn milk production factory that is one of the major industries in the district.

Objective
To strengthen and diversity Koroit’s economic, social and cultural base in a sustainable manner that preserves the character of the town and promotes a good quality of life for its residents.

Policy
It is policy that:

Development
- Development in accordance with the following framework plan is promoted.

Character
- New development should be of a consistent and appropriate scale and character for Koroit based on its present rural village character.
- The existing building stock and streetscapes of Koroit’s central area should be protected and new development should be managed to reflect the traditional elements of heritage buildings in the town.
- Significant heritage buildings and precincts in the town should be protected and promoted.
- The reinstatement of verandahs and the maintenance of commercial premises to reflect their original character should be encouraged.
- The church precinct should be protected and promoted.

Housing
- A range of residential opportunities should be facilitated in a manner that protects and reflects the important historical and amenity values present in and around Koroit.
- Sufficient residential land should be made available in appropriate locations within the town.
- Existing agricultural land should be protected from smaller lot subdivision.
• Smaller lot subdivision and higher density types of residential development compatible with the character and appearance of the town should be promoted.

Commercial
• The development of a range of retail and commercial facilities necessary to meet the day to day needs of residents and tourists should be encouraged.
• The consolidation of retail and service functions within Koroit’s central area should be promoted.
• Advertising signage displayed in the commercial historic precincts of Koroit must be designed having regard to the Moyne Commercial Areas Signage Guidelines.

Industrial
• Industry sympathetic in design and use with surrounding development should be promoted.
• Industry should be encouraged with the existing industrial areas.
• Manufacturing and industrial establishment should be facilitated without adversely impacting on the scale and character of the town.

Infrastructure
• The provision of community and engineering services necessary to support the needs of the community are encouraged.
• The introduction of the proposed sewerage system and infrastructure should be promoted.

Tourism
• Koroit and surrounding areas should be promoted as points of tourist interest.
• Small-scale tourist related facilities and services that are consistent with the traditional design elements and character of heritage buildings and the historical function of the original settlement should be encouraged.
• Improvements to Commercial Road in accordance with the adopted streetscape improvement plan should be carried out.

Accessibility
• A high degree of accessibility within Koroit will be promoted.
• Safe, direct and convenient pedestrian and cycle routes between major residential areas, schools, public open space and Koroit’s central area should be provided.

Environmental
• The significant environmental features around Koroit are to be protected and promoted.
• The Tower Hill crater rim should be protected from inappropriate and intrusive development.

Reference documents
Moyne Commercial Areas Signage Guidelines
Macarthur
This policy applies to the township of Macarthur and environs.

Policy Basis
Macarthur is a rural service centre located in the northwestern portion of the Shire, to the east of Mt. Eccles National Park. It enjoys good access to both Port Fairy and Hamilton via the Port Fairy-Hamilton Road. The township has a number of historic buildings and a primary school.

Objective
To strengthen and diversify Macarthur’s economic and social functions in a sustainable manner that promotes ongoing prosperity and a good quality of life for its residents.

Policy
It is policy that:

Development
- Development in accordance with the following framework plan is encouraged.

Character
- New buildings and development should be of a consistent and appropriate scale and character for Macarthur based on its role as a rural service centre.
- Significant heritage buildings in the town are protected and promoted.

Housing
- A range of residential opportunities should be encouraged in a sustainable manner that promotes a high quality residential living environment.
- Existing agricultural land is protected from smaller lot subdivision.
- Rural residential subdivision is concentrated around the town.
- The development of a range of residential types to meet the town’s needs, including medium density development should be provided.

Commercial
- The development of a range of retail and commercial facilities consistent with the town’s role as a service centre for the surrounding rural area should be facilitated.

Industrial
- Sympathetic industrial development should be promoted.

Infrastructure
- The provision of community and engineering services necessary to support the needs of the community should be encouraged.

Tourism
- Macarthur should be promoted on the basis of its proximity to Mt. Eccles National Park.

Accessibility
- A high degree of accessibility within the town is encouraged.
Smaller Townships and Settlements

This policy applies to the following townships and settlements: Yambuk, Mailors Flat, Winslow, Woolsthorpe, Grassmere, Hexham, Caramut, Ellerslie, Framlington, Cudgee, Panmure, Garvoc, Nullawarre, Chatsworth, Woorndoo, Killarney, Kirkstall, Hawkesdale, Bessiebelle and Orford.

Policy Basis

There are a number of smaller townships and settlements located throughout the Shire, which provide an important community focus, and, in some instances, a local convenience shopping role. The population of these townships and settlements is in most cases declining and there is unlikely to be pressure for growth in the foreseeable future. Beyond catering for the immediate needs of the local communities, there is no justification for any extension of the retail facilities within these settlements, or for any extension of the settlements themselves.
Objective
To encourage growth within the smaller townships and settlements in the Shire within clearly established boundaries in order to protect the character of the townships/settlements, protect adjoining farm land and to ensure that the environment of the area is not compromised.

Policy
It is policy that:

- Residential development opportunities within and adjacent to existing serviced areas should be encouraged.
- Improvement and enhancement in the appearance and character and streetscape of settlements should be encouraged.
- The development and implementation of townscape plans should be encouraged.
- Local communities are encouraged to maintain the appearance of settlements.
- A key feature of the townships/settlements (eg. a hall, school or similar facility) should be promoted as a central focus point for local interaction.
- The continued operation of existing recreational and community facilities, such as the East Framlingham Golf Club, is supported.
- Township zones are applied in order to provide flexibility in the development of the smaller townships/settlements but within existing designated boundaries.
- Development in the Hexham Township must be designed having regard to the Hexham Strategic Plan.

Reference documents
Hexham Strategic Plan

The Belfast Rural Area
This policy applies to land identified in the Schedules 5 and 6 to the Significant Landscape Overlay.

Policy Basis
The Belfast Rural area (also known as the Killarney Area) between Rosebrook and the Tower Hill State Game Reserve comprises high quality fertile volcanic soils which have traditionally been the focus for potato farming. The area is characterised by a large number of small land holdings, which are predominantly managed as conglomerations.

Objectives
To maintain the rural character of the Killarney area.
To discourage subdivision or development that is not compatible with, or may compromise the use of the land for farming or primary production.
To encourage:

- maintenance of existing large lots;
- consolidation of lots through restructure of old subdivisions;
- protection of the coastal environment;
- protection of environmental values;
- compatibility between residential and rural land uses; and
- conservation of fertile soils.
To ensure that:
development is preceded by adequate infrastructure; and

development responds to land capability.

To provide for the sustainable use of land for intensive agricultural production.

To encourage:

- an integrated approach to land management;
- protection and creation of an effective rural infrastructure and land resource;
- improvement of existing agricultural techniques;
- protection and enhancement of the biodiversity of the area;
- value adding to agricultural produces at source;
- promotion of economic development compatible with rural activities; and
- development of new sustainable rural enterprises

Policy

It is policy that:

- Farming and primary production on the high quality fertile volcanic soils around Koroit and Killarney should be provided for and encouraged.

- Subdivision or development that is not compatible with, or which may compromise, the use of the land for farming or primary production should be discouraged.

- The rural character of the area should be protected.

- The amalgamation of titles should be encouraged and the further subdivision of land, which may be detrimental to the environment and to the agricultural sustainability of the land, should be discouraged.

- The design of subdivision and housing should ensure that compatibility between residential and rural land uses be achieved.

- Development is preceded by the provision of an effective rural infrastructure.

- Sustainable use of the land for intensive agricultural production should be encouraged.

- Development and use of land in accordance with sound management and land capability practices, and which takes into account the environmental sensitivity and biodiversity of the locality should be encouraged.

- Subdivision, which promotes effective land management practices and infrastructure provision, should be encouraged.

- Improvements in existing agricultural techniques and of value adding to agricultural products at source should be encouraged.

- Economic development in the area, which is compatible with rural activities including the development of new sustainable rural enterprises, should be promoted.

Building Construction in Low Density Residential and Rural Living Zones

This policy applies to all applications for new buildings in the Low Density Residential Zone and Rural Living Zone.

Policy Basis

The MSS refers to the need to provide for quality residential development taking into account landscaping and urban design of development in low-density residential zones and rural living zones.
Objective
To ensure that all structures harmonise with the surrounding environment.
To ensure that the aesthetic amenity of the area is preserved and/or enhanced.

Policy
It is policy that:

- The external cladding of all new buildings within the rural living and low density residential zones should be of a subdued tone, except where the buildings are not readily visible from roads, public land or adjoining properties due to the topography or existing vegetation.
- The colour of building materials should minimise the visual intrusion of structures in any area by use of a green or earthy tone.
- Subdued toning should be used which is a non-reflective surface unless an effective visual buffer is provided to adjoining landowners and/or roadways or any other public space.
- The buildings should be painted, screen planted or otherwise treated within 6 months of completion.

Tower Hill
This policy applies to land identified in Schedule 6 to the Significant Landscape Overlay.

Policy Basis
The Tower Hill volcanic crater and environs are major natural features of geological, ecological and landscape significance. The rim of the crater should be protected from development which may impact on these physical and biological features of the Tower Hill reserve and its volcanic crater.

Objective
To recognise the geological and ecological significance of the Tower Hill volcanic crater and to protect and enhance its environmental qualities and character.

Policy
It is policy that

- Development around the rim of Tower Hill should minimise the physical impact of any development on the reserve itself.
- Tourism development around the rim of Tower Hill should be encouraged, which is sensitively designed and does not have a detrimental impact on the geology and ecology of the reserve.

Unit Development and Public Open Space Provision for Multi-Unit Developments

Policy Basis
The MSS mentions the importance, in township areas, of public open space, including the provision of open space in conjunction with medium density development.

Objective
To enable the appropriate provision of public open space for medium density developments where a contribution in the form of land is not viable.

Policy
This policy applies to all medium density development applications. At the time of construction of the proposal, an open space levy, to the satisfaction of the responsible authority, may be required.
Coastal Areas

This policy applies to all land adjacent to the coastline including the area affected by the Environmental Significance Overlay Schedule 1.

Policy Basis

The coastal areas of the municipality are a major natural, economic and environmental resource. The MSS recognises the need to protect, conserve, manage and develop the coast in a sustainable environmental and economic manner. The MSS also recognises the need to ensure that any developments on the coast that optimise tourism potential must do so in a manner which recognises the sensitive nature of these assets.

It is policy to recognise the:

- Natural character of the coastal area, which is of special cultural value to the municipality and to visitors from elsewhere.
- Importance of the coastal zone to Aboriginal people, in particular traditional uses and Aboriginal culture.
- Dynamic, complex and interconnected nature of biological and physical processes in the coastal zone (terrestrial and marine).
- Susceptibility of the coast to the effects of natural events, including sea-level rise.
- Importance of good water quality to marine ecosystems.
- Importance of maintaining representative or significant natural ecosystems and sites of biological importance, biodiversity and indigenous coastal flora and fauna.
- Protection of coastal sites and features of cultural and historic value is of State and regional importance.
- Coast as a major economic asset.
- Desire of the community for allocation of space and resources in the coastal area for a variety of recreation and commercial fishing opportunities.
- Economic and social values of tourism and recreation in the coastal area in general.
- Importance of public access to and along the coast consistent with protection of natural coastal values, systems and processes.
- Coastal environment as being affected by activities, uses and development occurring outside the coastal area.

Objectives

- To protect the natural and cultural values of the coast.
- To use and develop the coast in a sustainable manner.
- To share responsibility for the integrated management and protection of the coastal zone.
- To recognise the Regional Coastal Context Statement.

Policy

It is policy that:

- The coast will be protected by an Environmental Significance Overlay.
- All development should be in accordance with any adopted coastal action plan.
- The development or draining of limestone depressions is discouraged.
The further clearing of remnant indigenous vegetation is discouraged.

Buildings and structures should not exceed 8.0m above natural ground levels

All buildings and structures should utilise non-reflective exterior colours and materials that complement and blend with the natural features and elements of the surrounding coastal environment

All development should provide substantial landscaping using environmentally suitable plant species in order to screen and blend development with coastal environs.

All development should be visually complimentary to the landscape setting

Additional access roads leading to or running parallel with the coastline should be discouraged

The further development of buildings and structures for agricultural, residential, commercial or industrial purposes on sand dunes or free hold properties should be discouraged.

Soil removal and excavation close to the boundary of the coastal reserve should be discouraged.

Reference documents

Rare and Threatened Species
This policy applies to all land.

Policy Basis
Sites of Victorian Rare or Threatened Species of Flora and Fauna have been identified and mapped in the municipality. State Policies on the environment and the MSS recognise the need to protect these sites from land uses or development that would have an adverse impact. The intent of this policy is to give consideration to the importance of these sites as part of the planning permit process.

Objectives

- To maintain and enhance biodiversity in Moyne.
- To recognise the location of Victorian Rare and Threatened Flora and Fauna Species including but not limited to those listed under Schedule 2 of the Flora and Fauna Guarantee Act 1988.
- To maintain and enhance the habitat, particularly the critical habitat, of Victorian Rare and Threatened Flora and Fauna species including but not limited to those listed under Schedule 2 of the Flora and Fauna Guarantee Act 1988.

Policy
It is policy that in considering a planning permit application:

- The responsible authority refers to ‘Selected Biodiversity Components - LGA of Moyne’ DNRE, May 1996 to determine whether the land could potentially contain the habitat of a Victorian Rare and Threatened Flora or Fauna species.
- Should the land be identified to potentially contain the habitat of a Victorian Rare and Threatened flora or fauna species, the responsible authority shall obtain comment from the Department of Natural Resources and Environment and other appropriate bodies, to determine whether and under what conditions the proposed development should proceed.
- Clearing of remnant vegetation and habitat corridors in areas identified as habitat for Victorian Rare and Threatened Flora or Fauna species will be strongly discouraged.

Reference Documents
Potential for Ground Water Recharge

This policy applies to all land.

Policy Basis

The MSS refers to areas along the coast and to the west of the municipality, which have been identified as high potential recharge areas. This matter should be taken into consideration in regards to developments which have the potential to impact upon the water table.

Objectives

- To identify areas subject to high ground water recharge.
- To ensure development is compatible with site capability and that native vegetation is retained.

Policy

It is policy that:

- Mapped Salinity Discharge and Potential for Recharge within the Moyne Shire Draft Map shall be used as a guide to identify areas within the municipality that are High Potential Recharge Areas.

- Applications for significant developments within High Potential Recharge areas, including multi-lot subdivisions which are not proposed to be connected to reticulated sewer, should be referred to the Department of Natural Resources and Environment, to determine whether further information should be submitted in relation to the likely impact of the development on the recharge area.

- The comments of the Department of Natural Resources and Environment shall be taken into account when considering permit applications.

- Maintenance of existing vegetation, tree planting and establishment of deep rooted, high water-use pastures species shall be encouraged to reduce rain fall accessions to the water table in High Potential Recharge Areas.

Reference Documents


Susceptibility to Mass Movement

This policy applies across the municipality.

Policy Basis

The MSS recognises that some areas of Moyne, particularly to the east and north, have been identified as susceptible to mass movement or landslip. This matter should be taken into consideration in regards to developments which have the potential to be affected by this type of erosion or which could increase potential for erosion.

Objectives

To protect areas prone to erosion by minimising land disturbance and vegetation loss.
Policy

It is policy that:

- Areas susceptible to mass movement within the Shire should be identified and the means of stabilising such areas should be investigated.
- Applications within areas identified as susceptible to erosion are to be accompanied by plans showing the gradient of the site, the extent of any existing erosion, the extent of any proposed earthworks and the means proposed to stabilise disturbed areas.
- Within areas susceptible to mass movement comment be sought from the Department of Natural Resources and Environment to determine the extent of susceptibility to erosion.
- Any necessary earth works should be undertaken in accordance with advice from the Department of Natural Resources and Environment.

Reference Documents

Susceptibility to Mass Movement (Landslip) within the Moyne Shire - Draft Map.

Pest Plant Management

This policy applies to all land in this planning scheme.

Policy Basis

The spread of pest weeds is a major environmental issue. The MSS identifies the need to control the spread of pest weeds and ensure their removal.

Objectives

To contain the spread of noxious and pest weeds and to progressively reduce the areas affected.

Policy

It is policy that the responsible authority will take into account the management and removal of pest weeds on land and where possible, include conditions or requirements to achieve the objectives of this policy.

Steep Land

This policy applies to all land having a slope greater than 20%.

Policy Basis

The MSS refers to the existence of slopes in excess of 20%. In these areas it is important that building should be discouraged and removal of vegetation minimised.

Objectives

To ensure that the use and development of land with a greater than 20% slope takes into account environmental constraints such as erosion and fire hazards.

Policy

It is policy that:

- The design and location of buildings and works should ensure that there is no increase in the potential for erosion or land slip.
- The need for earthworks is minimised and any necessary earth works are undertaken in accordance with advice from the Department Natural Resources & Environment.
- Removal of natural vegetation is minimised.
The location and design of access roads or drives should cause minimum visual impact and should be generally in accordance with advice from the Department of Natural Resources & Environment.

The design and siting of buildings and works should minimise the risk of loss of life and property in the event of a wildfire.

Hilltop and Ridgeline Protection

This policy applies to any buildings and works on significant hilltops and ridgelines.

Policy Basis

The MSS identifies the natural landscape of the municipality as an important asset that requires protection from inappropriate use and development. Hilltops and ridgelines are seen in the distance throughout the municipality. The visual and environmental implications of development along these natural features can destroy the attractiveness and environmental qualities of the area and is to be discouraged.

Objectives

- To protect areas of environmental and visual significance from inappropriate development.
- To limit development on prominent ridges and hilltops.
- To encourage the protection and revegetation of landscape features.
- To contribute to the protection of the environmental qualities of hilltops and ridgelines.

Policy

- It is policy that the environmental, landscape and visual significance of hilltops and ridgelines should be considered in assessing applications for new uses and development.

Flora and Fauna Local Policy

This policy applies to flora and fauna

Policy basis

Flora and fauna should be recognised not only for its ecological significance but also for its economic and cultural significance. Most of the Shire has been cleared for agriculture and the Shire contains limited areas of its natural vegetation cover. The protection and management of the bushland reserves is important to provide a diversity of flora and wildlife refuge areas and habitat. There is a need for greater revegetation and management of pest plants and animals to address areas of degraded land.

Objective

To protect and enhance flora and fauna communities throughout the Shire.

Policy

It is policy that:

- The protection, conservation and enhancement of ecological communities hosting native flora and fauna should be encouraged.
- Coordinated management and action between all agencies with environmental responsibilities in the Shire to improve biodiversity should be encouraged.
- Wildlife survival should be encouraged through the establishment and protection of wildlife corridors, areas and biolinks.
Subdivision and the development of housing within areas of native vegetation should be considered subject to the owner of the land entering into an agreement with Council pursuant to Section 173 of the Planning and Environment Act 1987. The purpose of such an agreement will be to ensure the long term protection of the vegetation.

Public Land

The Shire contains significant areas of public land, including the many parks and reserves, roadsides and along the coastline where public land reserves vary in width from a relatively thin line between low and high water mark to a few hundred metres inland from the low water mark. Roadside vegetation is very important in maintaining and restoring connectivity to the fragmented parcels of public land, which is important for the survival of many species. Accordingly, there is the need to recognise the public land resource and ensure that it and adjacent private land are properly managed. The mismanagement of the public land can affect a broad range of qualities from tourism to the health of the natural ecosystem.

Objective

To integrate public land management with private land management.

Policy

It is policy that:

- Public land should be managed in a manner which is compatible with adjacent private land and vice versa.
- The establishment of woodlots on cleared public land where appropriate is encouraged.
- The development of whole farm plans for properties adjacent to public land is encouraged.
- The development of biolinks and fire breaks on private land adjacent to public land is encouraged where appropriate.
- Responsibilities in respect to the management of public land are clearly known and ensured.
- Support is given to the establishment of a register of public land assets including details on responsibility for managing and maintaining such land including responsibilities for maintenance, usage, fire control and the issue of grazing and wood collection licenses.
- Much of the public land in the Shire is recognised as being of environmental significance and is an important home to many native flora and fauna species.
- The revegetation of areas of public land is encouraged using local species when creating or rehabilitating corridors.
- The phasing out of grazing on all roadsides and public bushland reserves which have a potential for regeneration is encouraged.
- Public land should be accessible to the community.
- The implementation of the fire prevention plan on public land is supported.
- The provision and construction of infrastructure on public land for community purposes is encouraged.
- The provision of recreation facilities on public land is encouraged.

Management of Coastal Landscapes

This policy applies to all non-urban land shown on Maps 1 and 2 Moyne Shire Coastal Landscapes Character Types and Areas, forming part of this Clause.
**Policy Basis**

Victoria’s coastal landscapes are some of the most spectacular in the country. These coastal landscapes and their hinterlands are highly valued by the community for their visual, environmental and cultural qualities, and as well as being productive agricultural land.

The State Planning Policy Framework seeks to protect coastal areas through the Victorian Coastal Strategy 2014. The Great Ocean Road Region Landscape Assessment Study 2003 and the Coastal Spaces Landscape Assessment Study 2006 aims to implement relevant objectives established within the Victorian Coastal Strategy 2002 and the Coastal Management Act 1995 by providing recommendations to manage and protect visually significant landscapes across most of Victorian Coastline.

This Local Policy seeks to ensure that land use and development responds to the landscape character and Preferred Character directions as identified in both the Great Ocean Road Region Landscape Assessment Study 2003 and the Coastal Spaces Landscape Assessment Study 2006, and the MSS. This Policy provides guidance on how development in coastal areas should respond to the natural environment and rural and built form elements that make up the landscape character of the shire. These elements include elements include vegetation, key views and vistas, settlements, coastal areas between settlements, hinterland areas between settlements and infrastructure.

**Objective**

- To ensure that coastal related development responds appropriately to the landscape setting, character and desired Preferred Character directions outlined in Clause 21.06-4.
- To maintain locally significant views and vistas that contribute to the character of the coastal and coastal hinterland region.
- To ensure that development is subordinate to the natural, visual and environmental landscape character and significance.
- To implement the recommendations of both the Great Ocean Road Region Landscape Assessment Study 2003 and the Coastal Spaces Landscape Assessment Study 2006.
- To respond to the desired future landscape character directions and management guidelines for each of the Landscape Character Areas outlined in the Great Ocean Road Region Landscape Assessment Study 2003 and the Coastal Spaces Landscape Assessment Study 2006.

*Note: Refer to Maps 1 and 2 for delineation of the Landscape Character Types and Areas.*

**Policy**

It is policy to:

**Vegetation**

- Protect and enhance indigenous vegetation, particularly:
  - at roadsides, in riparian strips and at the edge of waterways,
  - at the coastal edge and,
  - on hill slopes viewed from main roads and settlements.
- Replace indigenous trees lost where unavoidable, with indigenous trees that will grow to a similar size, either on site or nearby.
- Encourage the planting of indigenous vegetation for rehabilitation works.
- Use appropriate indigenous species or non-invasive native / exotic plantings that are already a feature of the area for landscaping around developments.
- Retain existing shelterbelts and exotic feature planting where it is a feature of the area.
- Replace shelterbelts or exotic feature plantings that are lost, old, degraded or incomplete with the same species or an alternative non-invasive species.

- Protect and enhance indigenous vegetation on hillsides in the west and north of the Lake Yambuk to Port Fairy Coast Landscape Area in corridors that link to or are adjacent to waterbodies such as Lake Yambuk and Fitzroy Outlet.

- Ensure that indigenous coastal vegetation in the Lake Yambuk to Port Fairy Coast Landscape Area is the dominant feature of the coastal landscape.

- Retain existing shelterbelts and replace degraded or incomplete shelterbelts in the Lake Yambuk to Port Fairy Coast, Port Fairy to Warrnambool Coast and Western Coastal Cliffs Landscape Areas with the same species or an alternative species suitable to the local area.

- Screen commercial timber plantations that are located adjacent to either the Great Ocean Road or the Princes Highway with a minimum 20 metre wide indigenous or native vegetation buffer including understorey.

**Key Views and Vistas**

- Protect locally significant views and vistas that contribute to the character of coastal and coastal hinterland areas, including:
  - scenic vistas from publicly accessible locations (e.g. ‘gateway’ views at topographic rises along a road, roads that terminate at the coast, and formal scenic lookouts) and,
  - views from important access corridors (e.g. main roads and tourist routes, walking tracks and recreation trails).

- Locate any development outside settlements sparsely, siting buildings and structures in previously cleared areas to avoid the loss of existing vegetation.

- Locate buildings and structures away from watercourses to allow for a substantial riparian zone and screen with vegetation.

- Design and site structures to minimise the loss of canopy trees and understorey wherever possible and maximise the area on a lot able to support vegetation.

- Set back buildings, structures and other developments from important viewing corridors (outside settlements).

**Edges of Settlements**

- Retain undeveloped breaks between settlements by focussing further development within existing township boundaries.

- Utilise existing landscape features, where they exist, (e.g. topography, vegetation coverage, vistas) to define edges to settlements, protecting the surrounding landscape character.

- Site development to minimise views of the buildings and structures from road corridors, with the exception of built form that has been traditionally located adjacent to the road (e.g. small dairying structures).

**Coastal Edges of Settlements**

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

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

- Maintain public access to the foreshore.

- Prevent overshadowing of the public foreshore of settlements.
Ridges and Hill Slopes

- Discourage development on prominent ridgelines, particularly those close to the coast.
- Ensure that in steep locations or prominent hill faces where development is unavoidable:
  - site development in the lower one third of the visible slope, wherever possible;
  - set buildings and structures among existing vegetation, and/or establish gardens of locally appropriate species;
  - design buildings to follow the contours or step down the site to minimise earthworks and;
  - articulate buildings into separate elements, and avoid visually dominant elevations.

Between Settlements – Coastal Locations

- Retain the natural and undeveloped character of the coastal strip between settlements by avoiding or carefully siting and designing development.
- Confine development to existing coastal settlements wherever possible and avoid any ribbon developments or development atop cliffs, coastal landforms visible from roads, beaches and recreation locations.
- Minimise the visual prominence and intrusion of developments in coastal locations.
- Protect the primary dune and prominent locations overlooking the coast from development.
- Set buildings or structures back from the foreshore, coast and natural coastal landforms. Where development within the coastal strip cannot be prevented (e.g. development for essential public purposes):
  - site developments on the inland slope of dunes so that buildings do not protrude above the dune ridgeline;
  - set buildings and structures among existing vegetation, maximising the retention of coastal vegetation;
  - utilise appropriate indigenous vegetation to further integrate the development with the landscape;
  - design buildings to follow the contours or step down the site and avoid visually dominant elevations;
  - limit the extent of overlooking of the foreshore; and
  - locate driveways and paths away from the foreshore.
- Limit change to the vegetated character of coastal areas by:
  - siting developments away from vegetated areas and dunes;
  - siting developments in areas of low visibility (e.g. low in inland slopes) and avoiding any locations on ridgelines; and
  - using darker colours (e.g. green, brown, black) and low-reflectivity materials
- Set development back in flatter locations (e.g. adjoining inlets), to minimise visual intrusion and retain a dominant natural character within 500 metres of the edge of the coast.
- Ensure building design responds to the natural setting in relation to siting, materials and colours. Use materials durable in the coastal environment, and colours that complement the coastal environment and minimise contrast with the surrounding landscape.
- Locate site servicing and access away from landscape features and areas of high visibility, and avoid the loss of vegetation.
- Minimise and clearly define pedestrian and vehicular access to the building through the coastal landscape.
- Develop substantial landscaping around buildings in open landscapes using indigenous coastal vegetation.
- Minimise visual clutter of the hinterland landscape with built development to retain and open spaces that provide views to the coast, capes and hinterland.
- Retain natural landforms and indigenous vegetation as an essential component of the character of the rural hinterland.
- Avoid any development on the coastal side of the Great Ocean Road.
- Design development so that it is not visible above the coastal vegetation when viewed from the Great Ocean Road.

**Between settlements – Hinterland Locations**

- Locate buildings to minimise visibility from main road corridors and key public use areas.
- Maintain clutter free views along highways and key touring routes outside settlements by preventing or carefully siting buildings, structures and signage.
- In open rural areas, set buildings back long distances from roads and/or group buildings in the landscape among substantial landscaping of indigenous or non-invasive exotic/native feature planting (including existing shelterbelts).
- Maximise the undeveloped area of a lot able to support vegetation. Use permeable surfacing for all unbuilt areas to minimise surface run-off and to support vegetation.
- Retain trees that form part of a continuous canopy beyond the property, and plant new trees in a position where they will add to such a continuous canopy.
- Use locally appropriate indigenous vegetation or native/exotic feature planting to delineate property boundaries, instead of fencing. If fencing is necessary, this should be of an open style and not visually obtrusive (e.g. post and wire style traditionally used in rural areas).
- Ensure building design strongly responds to the natural setting in relation to siting, materials and colours.
- In prominent and highly visible locations, construct buildings and structures of materials that reduce distant visibility and avoid the use of bright coloured and/or highly reflective materials.
- Prevent ribbon development along main roads and key touring routes.
- Ensure development within the Lake Yambuk to Port Fairy Coast, Port Fairy to Warrnambool Coast and Western Coastal Cliffs Landscape Areas:
  - Mirror traditional homestead clusters and reduce the impact of development on large areas of the landscape by grouping buildings in the landscape, and setting buildings back long distances from roads, with landscaping.
  - Retain existing dry stone walls.
  - Site buildings and structures away from landscape features such as rocky outcrops wherever possible.
- Ensure development within the Port Fairy to Warrnambool Coast Landscape Area:
  - Ensure the retention of an open plain surrounding the ‘Woodbine’ estate.
  - Ensure a reduction in visually cluttered advertising at the Dennington entrance and ensure no visual clutter along the Princes Highway and abutting land.
 Ensure that development between the Princes Highway and the crater rim of Tower Hill and at the southern edge of Koroit is sited and designed to minimize visibility at the skyline of Tower Hill and does not dominate views from within and into the Tower Hill reserve.

 Ensure that development does not detract on the open pasture character and scenic backdrop provided by scenic landscapes such as Tower Hill or the coast.

 Site buildings and structures away from geological features such as volcanic cones, craters and lakes, wherever possible.

 Ensure that low density and rural residential development:
 - Use permeable surfacing for all unbuilt areas to minimise surface run-off and to support vegetation.
 - Retain trees that form part of a continuous canopy beyond the property, and plant new trees in a position where they will add to such a continuous canopy.

 **Signage**

 Minimise the visual impact of signage and avoid further visual clutter across the landscape, such as large, visually intrusive or brightly coloured signage.

 Group signage at particular locations to minimise visual impact, avoid signage clutter, and to maintain scenic out-views.

 Locate advertising signage away from entrances and exits to settlements wherever possible.

 Locate all signage on the landward side of the Great Ocean Road.

 **Infrastructure**

 Minimise the visual impact of infrastructure, and avoid visual clutter across the landscape.

 Site infrastructure away from highly scenic locations, key views and near-coastal locations, or in the case of powerlines and other utility services be underground, wherever possible.

 Locate power lines, access tracks and other infrastructure in areas of low visibility, preferably in previously cleared locations.

 Use materials that minimise contrast with the surrounding landscape and avoid distant visibility.

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

 Develop a landscape plan utilising appropriate plant species, and demonstrating how the affected area will be screened and remediated after development with all new infrastructure development.

 Locate and screen large buildings and structures such as very large sheds, transmission lines and cleared easements etc to minimize visibility from the Great Ocean Road and key viewing locations.

 **References**

 State Overview Report, Coastal Spaces Landscape Assessment Study (Planisphere, 2006)

 Coastal Spaces Landscape Assessment Study (Planisphere, 2006).

 Great Ocean Road Region Landscape Assessment Study (Planisphere, 2003).

Map 1: Moyne Shire Coastal Landscapes Character Types and Areas Map – Coastal Spaces Landscape Assessment Study, 2006
Map 2: Moyne Shire Coastal Landscapes Character Types and Areas Map – Great Ocean Road Region Landscape Assessment Study, 2003
**ECONOMIC DEVELOPMENT**

**Industrial Development**

This policy applies to industrial development in Industrial and Rural Zones.

**Policy Basis**

Industrial activity including food processing is identified as a significant contributor to local economy in the MSS. It is important that industrial development should meet standards of amenity and urban design that promote the attractiveness of the municipality.

**Objective**

To encourage well planned industrial development throughout the municipality setting out clear requirements for industrial development and dealing efficiently with proposals that meet these requirements.

**Policy**

It is policy that the following matters be taken into account when considering applications to use and develop for industry:

**Supporting Information**

In considering applications for industrial development in the industrial and rural zones applicants will be requested to provide three copies of a plan or plans showing the following:

- Proposed building dimensions with distances to site boundaries
- An indication of uses within the building such as office area, production area, storage area, etc.
- Parking areas - location and number of spaces
- Signs - location
- Elevations
- Drainage
- Storage and service areas including hazardous chemicals and flammable liquids
- Landscaping and fencing
- Access and internal vehicle circulation

The following information should be included on the plans:

- Total lot area (m2)
- Total building area
- Number of car spaces
- Total landscape area
- Any other aspects of the proposal including details on advertising signs, buildings materials, chemicals to be used and any chemical process to be employed and external lighting should be described.
- Distance to residential uses should be indicated if applicable and measures shown on how residential amenity will not be adversely affected by the development.

**Performance Standards**

Development should seek to achieve the following performance standards:
Buildings

- Buildings should not occupy more than 50% of the site. Applications for buildings that do occupy more than 50% of the site should show how matters such as car parking can be satisfactorily addressed.
- Buildings should be constructed in materials that are visually attractive such as brick, masonry or colourbond metal.

Setbacks

- Setbacks may vary depending on the nature of the site, existing development and the need to ensure safe traffic circulation.
- Frontage setbacks - buildings in new areas should be setback a minimum of 10 metres from any existing or proposed road alignment. This area may be used for car parking in conjunction with landscaping.

Car Parking

- On site car parking should be provided according to the rate prescribed in the planning scheme unless a proposed use warrants a reduction.
- Vehicle loading and unloading should be designed to occur totally within the site.
- Common parking areas should be considered as part of any integrated development.

Advertising

- Advertising signs should identify the name of the business occupying the premises and the service offered.
- Above roof signs are discouraged.
- Integrated projects involving a number of lots and buildings should include a directory sign indicating business names and services offered.

Landscaping

Landscaping on each site will be encouraged to:

- Retain existing vegetation where practical.
- Use locally indigenous vegetation.
- Screen areas where visibility for safety is not essential.
- Define areas of pedestrian and vehicular movement.
- Provide landscaping that minimising maintenance requirements.
- Allow appropriate maintenance and landscaping of areas where future building may occur.
- Use landscaping instead of fencing in areas such as the frontage of the site.
- Avoid fencing at the site frontage unless the applicant demonstrates fencing is required for security reasons.

Industrial Development In Rural Areas

Development sites in rural areas may be supported where they can:

- Minimise impact on agriculture land and land management practices.
- Have sealed access roads.
- Dispose of effluent properly.
- Maintain the visual qualities of the rural landscape.
Noise Abatement Measures
Before deciding on an application, the responsible authority should consider any significant effects which the use or development may have on the environment, or which the responsible authority considers the environment may have on the use or development.

Residential and Industrial Interface
This policy applies to the urban areas within the Moyne Shire.

Policy Basis
The historical development of the urban centres has resulted in the scattered distribution of industrial and residential areas. The MSS identifies the need to ensure adequate buffers are present between dwellings and industrial activity.

Objective
To protect the amenity of residential areas from the effects of industrial activity, whilst not impeding the productivity of industrial enterprises.

Policy
It is policy that:

- Buffers are provided between new industrial and residential areas in the form of public open space, roads, substantially landscaped areas of private land or similar means intended to limit visual and acoustic impacts.
- Where industrial and residential zones are adjacent, any planning permit issued for a substantial residential or industrial use or development, or expansion of an existing development, will require the erection of appropriate fencing, screening, planting or similar visual and acoustic buffer on the common boundary between premises. A landscaping plan will be required to be submitted with such permit applications and the species and size at maturity of all plants should be specified by the applicant.
- The responsible authority will undertake a facilitative approach to resolve amenity issues on the interface of residential and industrial zones.

Timber & Timber Processing Industries
This policy applies to the establishment of new timber plantations and timber industries.

Policy Basis
The timber industry is a major industry that offers the Shire substantial opportunities for new investment and job creation. Sustainable timber production and the development of timber industries to process product are supported where they are undertaken so as to minimise adverse impacts.

Objectives

- To ensure that processing and value adding industries are located within the Shire.
- To ensure that timber production is developed in accordance with the Code of Forest Practise for Timber Production.
- To ensure that water quality is not affected during planting and harvesting of timber.
- To ensure that adequate road infrastructure can be provided to all sites.
- To ensure that adequate fire safety measures for all plantations are implemented and maintained.
Policy

It is policy that applicants for permits to use or develop land for timber production will be requested to provide the following information where appropriate:

- A management plan(s) endorsed by a qualified forester or where appropriate a Consultative Committee of Council consisting of timber representatives, for harvesting and planting of plantation coupes should be provided.
- A road infrastructure report which has examined issues relating to the existing and future access, tonnage of timber to be harvested and impacts on roads, drainage and bridge infrastructure.
- An Environmental Effects report on the location of timber processing industries on the surrounding natural and built environment.

Agricultural Production

This policy applies to all land in the Farming and Rural Living Zones.

Policy basis

Rural land in the municipality forms part of the highly productive Western District. Agriculture is the most significant land use in the Shire. It is the most important sector of the local and regional economy, in terms of its contribution to gross product, value adding, employment and trade and should be supported, while encouraging improved agricultural and environmental management measures. A mild climate, high and well distributed rainfall, a diverse range of soil types and access to markets have combined to make the area a significant farming area. Intensive dairying and crop production activity are significant land uses along the coastal area and large cattle and sheep farms are generally located in the northern area of the Shire. Milk production is the most significant activity accounting for almost half of the annual value of agricultural production.

The MSS identifies agriculture as an important element of the local economy. The significant processing and agricultural servicing facilities located in the municipalities of Moyne and Warrnambool are of advantage to local primary producers and a source of local employment.

The preservation of the maximum amount of the limited supply of agricultural land is necessary for the conservation and sustainable development of the area and the State’s economic resources.

The preservation of agricultural land in large holdings is necessary to maintain the agricultural economy of the area, the service industry which supports agriculture and industries which rely on agricultural products for processing.

Objectives

- To protect the natural and physical resources upon which agricultural industries rely.
- To promote agricultural industries which are ecologically sustainable and incorporate best management practices.
- To prevent land use conflicts between agricultural uses and sensitive uses and ensure that use and development in the municipality is not prejudicial to agricultural industries or the productive capacity of the land.
- To support the diversification of agriculture, the development of agroforestry and the processing of agricultural products grown within the municipality.
- To support, protect and assist in the diversification of agriculture.
- To ensure that land capability and land suitability will be considered in the assessment of use and development proposals.
To ensure that the use and development of land within Moyne is not prejudicial to agricultural industries or to the productive capacity of the land.

To facilitate the development of an agroforestry industry.

To facilitate the processing of agricultural products grown within the region.

**Policy**

It is policy that the following matters be taken into account when considering applications to use and develop land in rural areas:

**Rural land use**

- The traditional rural industries such as milk production, cattle, wool and cropping should be promoted and supported.

- Value adding opportunities and emerging agricultural activities that introduce diversity and productivity improvements should be provided for and encouraged.

- The development of other agriculture based industries, which are economically sustainable should be provided for and encouraged.

- Effective land management and the integration of economic and environmental needs through sustainable agricultural practices should be promoted.

- Highly productive agricultural land should be protected from development that may detrimentally affect the amount of land available for viable farming enterprises, while providing opportunities for new and innovative agricultural operations.

- Innovative and sustainable farming operations should be encouraged.

**Rural subdivision and housing**

- Rural residential development will be discouraged in areas of high quality agricultural land.

- The minimum lot sizes for agricultural land parcels should be sufficient to protect the land from speculative rural residential subdivision. In this regard, the subdivision minima in rural areas should generally be as follows:
  - 40 hectares in respect of that land for which the primary purpose is identified as broadacre grazing;
  - 10 hectares in respect of that land for which the primary purpose is identified as intensive farming (Belfast rural area);
  - 1 to 4 hectares in respect of that land for which the primary purpose is identified as hobby farms (Rural Living Zone).

- The non-agricultural use and development of high quality agricultural land should be limited.

- Adequate buffers around potentially annoying activities to avoid the creation of incompatible land use scenarios should be encouraged.

- Additional houses may be allowed on farms without the need for subdivision, where they are located adjacent to the existing house

**Housing on Lots of Less than the Minimum Area**

This policy applies to land in the rural zones that is less than the prescribed minimum area within the schedule to the zone where the requirements of Clause 35.07-2 can be met.

**Policy Basis**

The need to protect agricultural land is referred to in the MSS. It is important that agricultural land be retained in productive units and the fragmentation of land should be discouraged.
Objectives

- To limit the use of valuable farm land for non-productive agricultural purposes.
- To limit the development of houses on productive land.
- To ensure that the development of houses does not prejudice rural production activities and are appropriately sited.

Policy

Intensive farming
In addition to the requirements of Clause 35.07-2, it is policy that:

- Houses may be constructed on lots less than 2.0ha in area.
- The construction of houses on lots greater than 2.0 hectares and less than the minimum specified in the schedule to the zone will be discouraged.
- Houses constructed on lots greater than 2.0ha in area will be sited as close as possible to a road.

Extensive animal husbandry and crop raising
In addition to the requirements of Clause 35.07-2, it is policy that:

- Houses should be constructed close to a road or property boundary.

Excisions of Dwellings in the Farming Zone
This policy applies to lots proposed to be created under clause 35.07-3, dot point 1 of the Farming Zone.

Policy Basis
The need to protect agricultural land is referred to in the MSS. It is important that agricultural land be retained in productive units and that the fragmentation of land should be discouraged.

Objectives

- To ensure that the excision of lots and dwellings in the Farming Zone is consistent with the purposes of the zone.
- To limit the subdivision, use or development of land that will be incompatible with the utilisation of the land for sustainable resource use.
- To ensure that dwellings which are excised or constructed on an excised lot do not prejudice rural production activities and are appropriately sited.

Implementation

It is policy that:

- Lots created under the provisions of Clause 35.07-3 dot point 1, should have a maximum size of 2 hectares, except as otherwise required by a provision of this planning scheme.
- Dwellings excised under the provisions of Clause 35.07-3 should be in a habitable condition and comply with the Building Code of Australia.
- The smaller lot should be created in such a way that a potential or existing dwelling will not restrict surrounding agricultural activities.
- Existing dwelling refers to dwellings that existed at the date of approval of this scheme.

Dams
This policy applies to the construction of dams.
Policy Basis
The construction of dams can have a significant impact, in terms of safety issues. Also the impact of dams on watercourses and the overall landscape is also significant.

Objectives
- To ensure that dams are designed and constructed in such a manner that dam failure is minimised.
- To ensure that dams are constructed by people familiar with the appropriate dam construction and soil conservation techniques.
- To ensure that dam sizes relate to the suitability of the site and to the use intended.
- To minimise tree removal and to maximise retention and use of topsoil.
- To ensure appropriate revegetation.
- To prevent construction of dams in environmental sensitive areas, such as bush gullies.

Policy
It is policy that:
- The location of the proposed dam is appropriate to the terrain characteristics of the land and the capacity of the proposed dam is appropriate to the catchment area of the site.
- Spillways are designed to cater for a 1 in 5 year storm level.
- The removal of trees is minimised.
- Soil types on the site are suitable for water retention and if not suitable, adequate mechanical or chemical means will be employed.
- Top soil stripped from the site will be spread on any exposed batters and exposed soils will be revegetated with perennial grasses and appropriate indigenous vegetation as soon as possible after construction.
- The contractor or the applicant has consulted with the Department of Natural Resources & Environment (Land Protection Service), and is familiar with recommended dam construction techniques.
- A landscape plan shall show the location of the dam (including any mulch) on the allotment, contours and finished levels, extent of vegetation clearing works proposed, dimensions and capacity, where necessary.
- The views of the Department of Natural Resources and Environment and any relevant Drainage or Water Authority will be sought and taken into account.

Fire Protection Local Policy
This policy covers all land zoned Farming or Rural Living in the municipality.

Policy Basis
The municipality, because of its size and diversity, faces a number of complex fire risks. They include the following areas:
- agricultural and farming,
- urban bushland,
- rural residential and coastal areas.

Land use in the municipality must include measures to protect against the fire risk that relate to these areas.
Objectives
The objectives are to:

- Ensure that land use and development does not increase the level of fire risk.
- Ensure that adequate fire protection measures are considered with any development application.

Policy
It is policy that:

- Development will not be considered where safe access for fire fighting purposes is unable to be provided.
- All proposals for residential development in areas zoned Farming or Rural Living shall include provision for adequate supplies of water for fire fighting purposes.
- The views of the CFA may be sought for significant development, or amendment requests.
- Any proposed amendment or subdivision in the Farming or Rural Living Zones should provide information on what fire prevention measures are proposed.

Reference Documents
INFRASTRUCTURE

Port Fairy Hospital Policy
This policy applies to the expansion of the Port Fairy Hospital facility which is located in the vicinity of Villiers, Regent, Bank and College Streets.

Policy Basis
The hospital is an important part of the Shire’s comprehensive medical services. The MSS identifies the hospital as being accessible to public transport and an important component of the Shire.

Objectives
- To encourage the co-ordinated expansion of the Port Fairy Hospital by applying a Public Use Zone 3 to hospital owned land and encouraging development generally in accordance with the Port Fairy Hospital Master Plan 2013 in Schedule 25 to Clause 43.02.
- To ensure new development on the site maintains an appropriate residential environment for the surrounding areas.
- To provide for the development of well-designed and functional buildings across the site to meet the needs of the hospital.
- To protect the heritage significance of the Hospital Administration building.
- To provide for increased certainty for residents and land owners in the vicinity of the hospital in relation to the use and development of land by the hospital.
- To improve car parking provision, traffic movement and pedestrian access across the site in the vicinity of the hospital.
- To ensure that the design of built form across the site minimises impacts relating to building bulk and overshadowing.
- To ensure the construction is appropriately staged to avoid disruption to the hospital services and the surrounding community.

Policy
It is policy to:
- Ensure the Port Fairy Hospital Master Plan 2013 in Clause 3.0 to the Schedule 25 to Clause 43.02 guides the future expansion of the Port Fairy Hospital.

Sewerage Treatment Plant Local Policy
This policy covers the area within 200 metres of the boundaries of the Sewerage Treatment Plant, off Port Fairy-Hamilton Road, Port Fairy, and Section Lane, Mortlake.

Policy Basis
The MSS notes the Sewerage Treatment Plant is of great significance to the people of Port Fairy and Mortlake. This local policy is designed to reduce to a minimum the possible unacceptable amenity impacts of development in proximity of the Sewerage Treatment Plant, in Port Fairy and Mortlake.

Objectives
- To discourage residential subdivision or development within 200 metres of the boundaries of the Sewerage Treatment Plant.

Policy
It is policy that:
- Subdivision, or residential development will be discouraged within 200 metres of the boundaries of the Sewerage Treatment Plant.

**Reference Documents**

PARTICULAR USES AND DEVELOPMENT

Gaming Venues and Machines Local Policy
This policy states Council Policy in respect of gaming venues. The policy covers the commercial areas of Port Fairy, Koroit and Mortlake.

Policy Basis
Planning controls are in place that control the introduction of new gaming venues and machines in the existing commercial areas. The basis of this policy is that Council wishes to control the number of venues and the number of machines in the Moyne Shire, due to the significant social and economic impacts of Gaming on the community.

Objectives
- To regulate the number of venues and gaming machines in Moyne Shire.

Policy
It is Council policy that:

- Gaming machines should be excluded from all strip shopping centres within the townships of Port Fairy, Mortlake and Koroit, excluding existing hotels and clubs in these shopping areas.

Premier Speedway
This policy applies to land identified in close proximity to Premier Speedway, Allansford.

Policy Basis
Premier Speedway is an established racing facility located west of the Allansford township. The MSS identifies it as a significant recreational feature for residents and visitors. Sprint car and bike racing events are held at the venue regularly, which are of economic benefit to Moyne.

Objective
- To recognise the Premier Speedway as one of the regions major sporting attractions.
- To encourage the continued operation of the Premier Speedway.
- To prevent new residential development in the vicinity of Premier Speedway to ensure the long term continued operation of the venue.

Policy
Council will not support residential development in close proximity to the Premier Speedway, unless the dwelling is associated with Premier Speedway, or the relevant Environment Protection Authority Noise Control Guidelines can be satisfied in relation to current and future operations at Premier Speedway.
ALLANSFORD RURAL INDUSTRY PRECINCT LOCAL PLANNING POLICY

This policy applies to land to the east of Allansford either side of the Great Ocean Road to the south of the Warrnambool-Cobden Road as shown in Map 1 below.

Map 1: Location of the Allansford Rural Industry Precinct

Policy Basis

This policy seeks to facilitate and guide rural industry activities and development around the Warrnambool Cheese and Butter Factory to the east of the Allansford Township.

The need to facilitate rural industry in the region has arisen from an identified shortage of appropriately located and zoned land outside of urban areas to service the strong agricultural and dairy sectors of Moyne Shire and Warrnambool. The dairy industry in south west Victoria makes up a significant component of the region’s economic viability and employment, and activities that add value to or support this production should be encouraged and facilitated.

Policy Objectives

- To promote and encourage a diverse range of rural industry and rural activity uses which support the agricultural sector and are more appropriately located away from urban areas.
- To ensure the Allansford Rural Industry Precinct is developed in accordance with the Master Plan.
- To recognise the role of the precinct in association with the region’s agricultural and dairy industries.
- To discourage uses which can reasonably be accommodated in an urban area.
To promote and encourage tourism use and development that is compatible with the rural industry activities within the precinct.

To ensure use and development within the precinct does not compromise the production activities of the neighbouring farming activities nor the activities of the Warrnambool Cheese and Butter Factory.

To ensure that adequate spatial separation, design and siting and landscaping is provided between existing residential dwellings and industrial uses so as to reduce potential effects of noise, dust and visual intrusion.

To ensure that uses do not adversely affect the use of land in the precinct for rural industry and rural activity.

To ensure that waste disposal from industry and any other use and development does not damage the surrounding environment.

To ensure consolidation and reduction of the number of traffic access points onto the Great Ocean Road so as to improve traffic management.

**Policy**

**Land Use**

It is policy that:

- Land in the precinct be used and developed in accordance with the Allansford Rural Industry Precinct Master Plan as shown in Map 2 to this policy.

- Further investigations regarding supply and demand for rural industry and activity uses and geotechnical capacity for development will be required prior to rezoning or issue of a permit for use or development within any part of Stage 3 of the Master Plan.

- Further investigations on buffer distances required by either the Environment Protection Act 1970 or Clause 52.10 will be undertaken prior to rezoning or issue of a permit for the use or development within any part of Stage 3 of the Master Plan.

- Use and/or development of land within the Master Plan area shall comply with the buffer distances identified by the Environment Protection Authority and Moyne Planning Scheme with regard to separation of industrial development to surrounding dwellings and other sensitive land uses.

- The use and/or development of land within the Master Plan area shall be sited, designed and landscaped so as to minimise any adverse impact to the surrounding area and residential dwellings.

- Reticulated sewerage services will be required for any new use and/or development that the sewerage authority determines is necessary.

- No new vehicular access will be permitted onto the Great Ocean Road.

- An access management analysis report relating to the Great Ocean Road access and traffic management will be required for any new use and/or development to the satisfaction of the road authority, except where an overall access management strategy is developed and approved as an incorporated document of this Scheme.

- No use and development, or any buildings and works must be permitted to be constructed outside of the building envelopes shown in figure 1.

- New development will not be constructed on land that is susceptible to erosion from limestone depressions and/or general land instability.

- A site investigation report undertaken by a suitably qualified professional will be required for any new use and/or development application within the precinct area.
Subdivision

It is policy that:

- Subdivision is to be directed at providing appropriate sized allotments for rural industry and activity uses.

Dwellings

It is policy that:

- Dwellings not directly associated or required for the rural industry or activity use are strongly discouraged within the precinct.

- When considering a permit application for the construction of a dwelling, all of the following requirements must be met:
  - The use it is associated with must have been established; and
  - The dwelling will not compromise the activities of the surrounding uses.

Policy Decision Guidelines

- All applications for use, subdivision or buildings and works will be assessed according to the policy objectives of this clause.

- All applications for use and development should be accompanied by a response which indicates:
  - How the proposal meets the objectives of this policy.
  - How it is in accordance with the Allansford Rural Industry Precinct Master Plan.
  - That there are no significant geotechnical issues which prevent the site from being developed as proposed.

- All applications for use and/or development within the Master Plan area must provide a response that addresses the following, but not limited to:
  - the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil
  - provision of drainage and connection to services; hours of operation;
  - the likely number of vehicle movements generated and the impact of this on the surrounding areas;
  - the appearance of any building, works or materials;
  - the location of business identification/any other signage;
  - The off-site impacts of any use and/or development on surrounding areas, particularly residential dwellings and more sensitive land uses.
  - Demonstrates that the land will not be subject to erosion from limestone depressions and/or general land instability.

Reference Documents

- EPA Guidelines – Noise from Industry in Regional Victoria (Recommended Maximum Noise Levels from Commerce, Industry and Trade Premises in Regional Victoria) October 2011
- Recommended Buffer Distances for Industrial Residual Air Emissions (Environmental Protection Authority, 1990) in assessing the separation between land uses that reduce amenity and sensitive land uses.
RELATIONSHIP TO THE PLANNING POLICY FRAMEWORK

Clauses 21 and 22 of this planning scheme (the Local Planning Policy Framework) form part of the Planning Policy Framework. Where a provision of this planning scheme requires consideration of the Planning Policy Framework, that consideration must include Clauses 21 and 22.

A reference in this planning scheme, including any incorporated document, to the:

- State Planning Policy Framework or the Local Planning Policy Framework is to be taken to be a reference to the Planning Policy Framework.
- Planning Policy Framework is to be taken to include the Local Planning Policy Framework.
OPERATION OF THE MUNICIPAL STRATEGIC STATEMENT

The Municipal Strategic Statement (MSS) is a concise statement of the key strategic planning, land use and development objectives for the municipality and the strategies and actions for achieving the objectives. It furthers the objectives of planning in Victoria to the extent that the State Planning Policy Framework is applicable to the municipality and local issues. It provides the strategic basis for the application of the zones, overlays and particular provisions in the planning scheme and decision making by the responsible authority.

The MSS provides an opportunity for an integrated approach to planning across all areas of council and should clearly express links to the corporate plan. The MSS is dynamic and enables community involvement in its ongoing review. The MSS will be built upon as responsible authorities develop and refine their strategic directions in response to the changing needs of the community.

When preparing amendments to this planning scheme and before making decisions about permit applications, planning and responsible authorities must take the MSS into account.
OPERATION OF THE LOCAL PLANNING POLICIES

Local Planning Policies are tools used to implement the objectives and strategies of the Municipal Strategic Statement.

A Local Planning Policy is a policy statement of intent or expectation. It states what the responsible authority will do in specified circumstances or the responsible authority’s expectation of what should happen. A Local Planning Policy gives the responsible authority an opportunity to state its view of a planning issue and its intentions for an area. A Local Planning Policy provides guidance to decision making on a day to day basis. It can help the community to understand how the responsible authority will consider a proposal. The consistent application of policy over time should achieve a desired outcome.

When preparing amendments to this planning scheme and before making decisions about permit applications, planning and responsible authorities must take any relevant Local Planning Policy into account.
ZONES

This section sets out the zones which apply in this scheme.
LOW DENSITY RESIDENTIAL ZONE

Shown on the planning scheme map as LDRZ with a number (if shown).

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Must meet the requirements of Clause 52.22-2.</td>
</tr>
<tr>
<td>Dependent person’s unit</td>
<td>Must be the only dependent person’s unit on the lot.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 32.03-2.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td>Must be the only dwelling on the lot.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 32.03-2.</td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td>The gross floor area of all buildings must not exceed 250 square metres. 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</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>animal husbandry and Racing dog husbandry)</td>
<td></td>
</tr>
<tr>
<td>Car park</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Car wash</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Convenience restaurant</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Convenience shop</td>
<td></td>
</tr>
<tr>
<td>Dependent person’s unit – if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 32.03-2.</td>
</tr>
<tr>
<td>Domestic animal boarding</td>
<td></td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding) –</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>Dwelling (other than Bed and breakfast) – if the Section 1 condition</td>
<td>Must result in no more than two dwellings on the lot.</td>
</tr>
<tr>
<td>is not met</td>
<td>Must meet the requirements of Clause 32.03-2.</td>
</tr>
<tr>
<td>Food and drink premises (other than Convenience restaurant)</td>
<td></td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation and</td>
<td></td>
</tr>
<tr>
<td>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</td>
<td></td>
</tr>
<tr>
<td>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></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>Clause 59.01</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></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>Clause 59.04</td>
<td></td>
</tr>
</tbody>
</table>
**Class of application**

- A12 Daylight to existing windows.
- A13 North-facing windows.
- A14 Overshadowing open space.
- A15 Overlooking.

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory. If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

---

**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.

**32.03-7 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 land other than that specified below.</td>
</tr>
<tr>
<td>The Low Density Residential Zone around Mailors Flat township south of Ibbs Lane.</td>
<td>1 hectare</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. 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>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Residential aged care facility</td>
<td></td>
</tr>
<tr>
<td>Rooming house</td>
<td>Must meet the requirements of Clause 52.23-2.</td>
</tr>
<tr>
<td>Shop (other than Adult sex product shop)</td>
<td>The leasable floor area must not exceed 150 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>
</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) – if the Section 1 condition is not met</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Industry (other than 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></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>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex product shop</td>
<td></td>
</tr>
<tr>
<td>Animal production (other than Grazing animal production)</td>
<td></td>
</tr>
<tr>
<td>Brothel</td>
<td></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>
Subdivide land into lots each containing an existing building or car parking space where:

- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.
- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.

Subdivide land into 2 lots if:

- The construction of a building or the construction or carrying out of works on the land:
  - Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.
  - Has started lawfully.
- The subdivision does not create a vacant lot.

### Construction and extension of one dwelling on a lot

#### Permit requirement

A permit is required to construct or extend one dwelling on a lot of less than 300 square metres. A development must meet the requirements of Clause 54.

#### No permit required

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

#### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct an outbuilding or extend a dwelling if the development:</td>
<td>Clause 59.14</td>
</tr>
<tr>
<td>- Does not exceed a building height of 5 metres.</td>
<td></td>
</tr>
<tr>
<td>- Is not visible from the street (other than a lane) or a public park.</td>
<td></td>
</tr>
<tr>
<td>Class of application</td>
<td>Information requirements and decision guidelines</td>
</tr>
<tr>
<td>-----------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>• Meets the requirements in the following standards of Clause 54:</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.

---

**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>

32.04-7

Requirements of Clause 54 and Clause 55

A schedule to this zone may specify the requirements of:

• Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
• Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

32.04-8

Residential aged care facility

Permit requirements

A permit is required to construct a building or construct or carry out works for a residential aged care facility.

A development must meet the requirements of Clause 53.17 - Residential aged care facility.

32.04-9

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>---</td>
<td></td>
</tr>
<tr>
<td>• A10 Side and rear setbacks.</td>
<td></td>
</tr>
</tbody>
</table>
Class of application

- A11 Walls on boundaries.
- A12 Daylight to existing windows.
- A13 North-facing windows.
- A14 Overshadowing open space.
- A15 Overlooking.

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

32.04-10
26/10/2018
VC152

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.

32.04-11
26/10/2018
VC152

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.

MOYNE 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>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum street setback</td>
<td>A3 and B6</td>
</tr>
<tr>
<td>Site coverage</td>
<td>A5 and B8</td>
</tr>
<tr>
<td>Permeability</td>
<td>A6 and B9</td>
</tr>
<tr>
<td>Landscaping</td>
<td>B13</td>
</tr>
<tr>
<td>Side and rear setbacks</td>
<td>A10 and B17</td>
</tr>
<tr>
<td>Walls on boundaries</td>
<td>A11 and B18</td>
</tr>
<tr>
<td>Private open space</td>
<td>A17</td>
</tr>
<tr>
<td></td>
<td>B28</td>
</tr>
<tr>
<td>Front fence height</td>
<td>A20 and B32</td>
</tr>
</tbody>
</table>

None specified.

Maximum building height requirement

None specified.

Exemption from notice and review

None specified.

Application requirements

None specified.

Decision guidelines

None specified.
TOWNSHIP ZONE

Shown on the planning scheme map as TZ with a number (if shown).

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To provide for residential development and a range of commercial, industrial and other uses in small towns.
To encourage development that respects the neighbourhood character of the area.
To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Neighbourhood character objectives

A schedule to this zone may contain the neighbourhood character objectives to be achieved for the area.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td></td>
<td>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Must meet the requirements of Clause 52.22-2.</td>
</tr>
<tr>
<td>Dependent person's unit</td>
<td>Must be the only dependent person's unit on the lot.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 32.05-3.</td>
</tr>
<tr>
<td>Domestic animal husbandry</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td>Must meet the requirements of Clause 32.05-3.</td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<tr>
<td>Place of worship</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Residential aged care facility</td>
<td></td>
</tr>
<tr>
<td>Rooming house</td>
<td>Must meet the requirements of Clause 52.23-2.</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>

**Section 2 – Permit required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Community care accommodation, Dependent person's unit, Dwelling, Residential aged care facility and Rooming house)</td>
<td>Must meet the requirements of Clause 32.05-3.</td>
</tr>
<tr>
<td>Agriculture (other than Animal production, Apiculture, Domestic animal husbandry and Racing dog husbandry)</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Dependent person's unit - if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 32.05-3.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Grazing animal production</td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Industry (other than Transfer station and Refuse disposal)</td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Office (other than Medical centre)</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Carnival, Circus and Place of worship)</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Adult sex product shop)</td>
<td>Must meet the threshold distance requirements in the Table to Clause 53.10.</td>
</tr>
<tr>
<td>Transfer station</td>
<td>Must meet the threshold distance requirements in the Table to Clause 53.10.</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td>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>
<tr>
<td>Dwelling – if the Section 1 condition is not met</td>
</tr>
<tr>
<td>Extractive industry</td>
</tr>
</tbody>
</table>
Use for a dwelling or a dependent person’s unit

A lot may be used for a dwelling provided the following requirements are met:

- Each dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from each dwelling must be treated and retained within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

- Each dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity, to the satisfaction of the responsible authority.

- Each dwelling must be connected to a reticulated electricity supply or have an alternative energy supply to the satisfaction of the responsible authority.

These requirements also apply to a dependent person’s unit.

Use for industry and warehouse

Amenity of the neighbourhood

The use of land for an industry or warehouse must not adversely affect the amenity of the neighbourhood, including through:

- The transport of materials or goods to or from the land.

- The appearance of any stored materials or goods.

- Traffic generated by the use.

- Emissions from the land.

Subdivision

Permit requirement

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.

- Should meet all of the standards included in the clauses specified in the following table.

<table>
<thead>
<tr>
<th>Class of subdivision</th>
<th>Objectives and standards to be met</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 or more lots</td>
<td>Clauses 56.02-1, 56.03-5, 56.04-2 to 56.04-5, 56.05-1, 56.05-2, 56.06-2, 56.06-4, 56.06-5, 56.06-7, 56.06-8 and 56.07-1 to 56.09-4.</td>
</tr>
<tr>
<td>3 – 15 lots</td>
<td>Clauses 56.03-5, 56.04-2 to 56.04-5, 56.05-1, 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 to 56.09-4.</td>
</tr>
</tbody>
</table>
Objectives and standards to be met

<table>
<thead>
<tr>
<th>Class of subdivision</th>
<th>Objectives and standards to be met</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 lots</td>
<td>Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5 and 56.06-8 to 56.09-2.</td>
</tr>
</tbody>
</table>

Each lot must be provided with reticulated sewerage, if available. If reticulated sewerage is not available, the application must be accompanied by:

- A land assessment which demonstrates that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
- A plan which shows a building envelope and effluent disposal area for each lot.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
</table>
| Subdivide land to realign the common boundary between 2 lots where:  
  - The area of either lot is reduced by less than 15 percent.  
  - The general direction of the common boundary does not change. | Clause 59.01 |
| 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. | Clause 59.02 |
| 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 and extension of one dwelling on a lot**

**Permit requirement**

A permit is required to construct or extend one dwelling on:

- A lot of less than 300 square metres.
- A lot of between 300 square metres and 500 square metres if specified in a schedule to this zone.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with one dwelling on:
  - A lot of less than 300 square metres, or
  - A lot of between 300 and 500 square metres if specified in a schedule to this zone, and
- The fence exceeds the maximum height specified in Clause 54.06-2.

A development must meet the requirements of Clause 54.

**No permit required**

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Construct an outbuilding or extend a dwelling if the development:</strong></td>
<td>Clause 59.14</td>
</tr>
<tr>
<td>- Does not exceed a building height of 5 metres.</td>
<td></td>
</tr>
<tr>
<td>- Is not visible from the street (other than a lane) or a public park.</td>
<td></td>
</tr>
<tr>
<td>- Meets the requirements in the following standards of Clause 54:</td>
<td></td>
</tr>
<tr>
<td>- A10 Side and rear setbacks.</td>
<td></td>
</tr>
<tr>
<td>- A11 Walls on boundaries.</td>
<td></td>
</tr>
<tr>
<td>- A12 Daylight to existing windows.</td>
<td></td>
</tr>
<tr>
<td>- A13 North-facing windows.</td>
<td></td>
</tr>
<tr>
<td>- A14 Overshadowing open space.</td>
<td></td>
</tr>
<tr>
<td>- A15 Overlooking.</td>
<td></td>
</tr>
</tbody>
</table>

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

| Construct or extend a front fence within 3 metres of a street if the fence is associated with one dwelling. | Clause 59.03 |
Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

Permit requirement

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

A permit is not required to construct one dependent person’s unit on a lot.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building.</td>
<td>Clause 59.03</td>
</tr>
</tbody>
</table>

Transitional provisions

Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

Requirements of Clause 54 and Clause 55

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.
If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

### Residential aged care facility

**Permit requirements**

A permit is required to construct a building or construct or carry out works for a residential aged care facility.

A development must meet the requirements of Clause 53.17 - Residential aged care facility.

### Buildings and works associated with a Section 2 use

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.05-2.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $100,000 where:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>- The building or works is not associated with a dwelling.</td>
<td></td>
</tr>
<tr>
<td>- The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:</td>
<td></td>
</tr>
<tr>
<td>- 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.

If no maximum building height is specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 and Clause 55 applies.

A building may exceed the maximum building height specified in a schedule to this zone if:
• It replaces an immediately pre-existing building and the new building does not exceed the building height of the pre-existing building.

• There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.

• It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.

• It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.

An extension to an existing building may exceed the maximum building height specified in a schedule to this zone if it does not exceed the building height of the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

The maximum building height requirement in a schedule to this zone applies whether or not a planning permit is required for the construction of a building.

**Building height if land is subject to inundation**

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

### Application requirements

**Use for industry and warehouse**

Unless the circumstances do not require, an application to use land for an industry or warehouse must be accompanied by the following information:

• The purpose of the use and the types of activities to be carried out.

• The type and quantity of materials and goods to be stored, processed or produced.

• Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.

• Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.

• How land not required for immediate use is to be maintained.

• The likely effects, if any, on the neighbourhood, including noise levels, traffic, air-borne emissions, emissions to land and water, light spill, glare, solar access and hours of operation (including the hours of delivery and despatch of materials and goods).

• Any other application requirements specified in a schedule to this zone.

### Decision guidelines

Before deciding on an application to use land or construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

**General**

• The Municipal Planning Strategy and the Planning Policy Framework.
The objectives set out in a schedule to this zone.

The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.

The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.

In the absence of reticulated sewerage, the capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

The design, height, setback and appearance of the proposed buildings and works including provision for solar access.

The need for a verandah along the front or side of commercial buildings to provide shelter for pedestrians.

Provision of car and bicycle parking and loading bay facilities and landscaping.

The effect that existing uses on adjoining or nearby land may have on the proposed use.

The scale and intensity of the use and development.

The safety, efficiency and amenity effects of traffic to be generated by the proposal.

The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

Any other decision guidelines specified in a schedule to this zone.

Use for industry and warehouse

Before deciding on an application to use land for an industry or warehouse, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:


The effect that existing uses on adjoining or nearby land may have on the proposed use.

The design of buildings, including provision for solar access.

The availability and provision of utility services.

The effect of traffic to be generated by the use.

The interim use of those parts of the land not required for the proposed use.

Any other decision guidelines specified in a schedule to this zone.

Subdivision

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


The pattern of subdivision and its effect on the spacing of buildings.

For subdivision of land for residential development, the objectives and standards of Clause 56.

Any other decision guidelines specified in a schedule to this zone.

Construction and extension of one dwelling on a lot

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

- The objectives, standards and decision guidelines of Clause 54.
- Any other decision guidelines specified in a schedule to this zone.

**Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

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

- For two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.
- For an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.
- Any other decision guidelines specified in a schedule to this zone.

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 3.
SCHEDULE TO CLAUSE 32.05 TOWNSHIP ZONE

Shown on the planning scheme map as TZ.

MOYNE TOWNSHIPS

Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?

No

1.0

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>

2.0

Maximum building height requirement for a dwelling or residential building

None specified.

3.0

Application requirements

None specified.

4.0

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. 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. 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. The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Residential aged care facility</td>
<td></td>
</tr>
<tr>
<td>Rooming house</td>
<td>Must meet the requirements of Clause 52.23-2.</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>

**Section 2 - Permit required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Community care accommodation, Residential aged care facility and Rooming house)</td>
<td></td>
</tr>
<tr>
<td>Agriculture (other than Animal production, Animal training, 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)</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Food and drink premises (other than Convenience restaurant and Take away food premises)</td>
<td></td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus, Nightclub and Place of worship)</td>
<td></td>
</tr>
<tr>
<td>Plant nursery</td>
<td></td>
</tr>
<tr>
<td>Service station</td>
<td>The site must either:</td>
</tr>
<tr>
<td></td>
<td>· Adjoin a commercial zone or industrial zone.</td>
</tr>
<tr>
<td></td>
<td>· Adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td></td>
<td>The site must not exceed either:</td>
</tr>
</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• 3000 square metres.</td>
</tr>
<tr>
<td></td>
<td>• 3600 square metres if it adjoins on two boundaries a road in a Road Zone.</td>
</tr>
<tr>
<td>Store</td>
<td>Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.</td>
</tr>
<tr>
<td>Take away food premises</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

### Section 3 – Prohibited

<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.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

<table>
<thead>
<tr>
<th>Class of subdivision</th>
<th>Objectives and standards to be met</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 or more lots</td>
<td>All except Clause 56.03-5.</td>
</tr>
<tr>
<td>16 – 59 lots</td>
<td>All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.</td>
</tr>
<tr>
<td>3 – 15 lots</td>
<td>All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.</td>
</tr>
<tr>
<td>2 lots</td>
<td>Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.</td>
</tr>
</tbody>
</table>

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
<tr>
<td>- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into 2 lots if:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The construction of a building or the construction or carrying out of works on the land:</td>
<td></td>
</tr>
<tr>
<td>- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</td>
<td></td>
</tr>
<tr>
<td>- Has started lawfully.</td>
<td></td>
</tr>
<tr>
<td>- The subdivision does not create a vacant lot.</td>
<td></td>
</tr>
</tbody>
</table>
Construction or extension of a dwelling or residential building

Minimum garden area requirement

An application to construct or extend a dwelling or residential building on a lot must provide a minimum garden area as set out in the following table:

<table>
<thead>
<tr>
<th>Lot size</th>
<th>Minimum percentage of a lot set aside as garden area</th>
</tr>
</thead>
<tbody>
<tr>
<td>400 - 500 sqm</td>
<td>25%</td>
</tr>
<tr>
<td>Above 500 - 650 sqm</td>
<td>30%</td>
</tr>
<tr>
<td>Above 650 sqm</td>
<td>35%</td>
</tr>
</tbody>
</table>

This does not apply to:

- An application to construct or extend a dwelling or residential building if specified in a schedule to this zone as exempt from the minimum garden area requirement;
- An application to construct or extend a dwelling or residential building on a lot if:
  - The lot is designated as a medium density housing site in an approved precinct structure plan or an approved equivalent strategic plan;
  - The lot is designated as a medium density housing site in an incorporated plan or approved development plan; or
- An application to alter or extend an existing building that did not comply with the minimum garden area requirement of Clause 32.08-4 on the approval date of Amendment VC110.

Construction and extension of one dwelling on a lot

Permit requirement

A permit is required to construct or extend one dwelling on:

- A lot of less than 300 square metres.
- A lot of between 300 square metres and 500 square metres if specified in a schedule to this zone.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with one dwelling on:
  - A lot of less than 300 square metres, or
  - A lot of between 300 and 500 square metres if specified in a schedule to this zone, and
- The fence exceeds the maximum height specified in Clause 54.06-2.

A development must meet the requirements of Clause 54.

No permit required

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.
VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct an outbuilding or extend a dwelling if the development:</td>
<td>Clause 59.14</td>
</tr>
<tr>
<td>Meets the minimum garden area requirement of Clause 32.08-4.</td>
<td></td>
</tr>
<tr>
<td>• Does not exceed a building height of 5 metres.</td>
<td></td>
</tr>
<tr>
<td>• Is not visible from the street (other than a lane) or a public park.</td>
<td></td>
</tr>
<tr>
<td>• Meets the requirements in the following standards of Clause 54:</td>
<td></td>
</tr>
<tr>
<td>– A10 Side and rear setbacks.</td>
<td></td>
</tr>
<tr>
<td>– A11 Walls on boundaries.</td>
<td></td>
</tr>
<tr>
<td>– A12 Daylight to existing windows.</td>
<td></td>
</tr>
<tr>
<td>– A13 North-facing windows.</td>
<td></td>
</tr>
<tr>
<td>– A14 Overshadowing open space.</td>
<td></td>
</tr>
<tr>
<td>– A15 Overlooking.</td>
<td></td>
</tr>
</tbody>
</table>

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

Construct or extend a front fence within 3 metres of a street if the fence is associated with one dwelling. Clause 59.03

Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

Permit requirement

A permit is required to:

• Construct a dwelling if there is at least one dwelling existing on the lot.
• Construct two or more dwellings on a lot.
• Extend a dwelling if there are two or more dwellings on the lot.
• Construct or extend a dwelling if it is on common property.
• Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

• The fence is associated with 2 or more dwellings on a lot or a residential building, and
• The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.
An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

A permit is not required to construct one dependent person’s unit on a lot.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building.</td>
<td>Clause 59.03</td>
</tr>
</tbody>
</table>

**Transitional provisions**

Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

**Requirements of Clause 54 and Clause 55**

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

**Residential aged care facility**

**Permit requirements**

A permit is required to construct a building or construct or carry out works for a residential aged care facility.

A development must meet the requirements of Clause 53.17 - Residential aged care facility.

**Buildings and works associated with a Section 2 use**

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2.
VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $100,000 where:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>- The building or works is not associated with a dwelling.</td>
<td></td>
</tr>
<tr>
<td>- The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:</td>
<td></td>
</tr>
<tr>
<td>- A10 Side and rear setbacks.</td>
<td></td>
</tr>
<tr>
<td>- A11 Walls on boundaries.</td>
<td></td>
</tr>
<tr>
<td>- A12 Daylight to existing windows.</td>
<td></td>
</tr>
<tr>
<td>- A13 North-facing windows.</td>
<td></td>
</tr>
<tr>
<td>- A14 Overshadowing open space.</td>
<td></td>
</tr>
<tr>
<td>- A15 Overlooking.</td>
<td></td>
</tr>
</tbody>
</table>

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

32.08-10

Maximum building height requirement for a dwelling or residential building

A building must not be constructed for use as a dwelling or a residential building that:

- exceeds the maximum building height specified in a schedule to this zone; or
- contains more than the maximum number of storeys specified in a schedule to this zone.

If no maximum building height or maximum number of storeys is specified in a schedule to this zone:

- the building height must not exceed 11 metres; and
- the building must contain no more than 3 storeys at any point.

A building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height or contain a greater number of storeys than the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.
- It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.

- It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.

An extension to an existing building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if it does not exceed the building height of the existing building or contain a greater number of storeys than the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

A basement is not a storey for the purposes of calculating the number of storeys contained in a building.

The maximum building height and maximum number of storeys requirements in this zone or a schedule to this zone apply whether or not a planning permit is required for the construction of a building.

**Building height if land is subject to inundation**

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

### 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.

MOYNE GENERAL RESIDENTIAL 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?

None specified

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

None specified.

4.0 Application requirements

None specified.

5.0 Decision guidelines

None specified.
**INDUSTRIAL 1 ZONE**

Shown on the planning scheme map as **IN1Z**.

**Purpose**

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

To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.

---

**Table of uses**

**Section 1 - Permit not required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convenience shop</td>
<td></td>
</tr>
<tr>
<td>Crop raising</td>
<td></td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Materials recycling and Transfer station)</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:</td>
</tr>
<tr>
<td></td>
<td>- The threshold distance, for a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>- 30 metres, for a purpose not listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>Must not adversely affect the amenity of the neighbourhood, including through the:</td>
</tr>
<tr>
<td></td>
<td>- Transport of materials, goods or commodities to or from the land.</td>
</tr>
<tr>
<td></td>
<td>- Appearance of any stored goods or materials.</td>
</tr>
<tr>
<td></td>
<td>- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.</td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Mail centre</td>
<td></td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Service station</td>
<td>The land must be at least 30 metres from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.</td>
</tr>
<tr>
<td></td>
<td>Must not adversely affect the amenity of the neighbourhood, including through the:</td>
</tr>
<tr>
<td></td>
<td>- Transport of materials, goods or commodities to or from the land.</td>
</tr>
<tr>
<td></td>
<td>- Appearance of any stored goods or materials.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Emission of noise, artificial light,</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.</td>
</tr>
<tr>
<td>vibration, odour, fumes, smoke, vapour,</td>
<td>The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:</td>
</tr>
<tr>
<td>steam, soot, ash, dust, waste water,</td>
<td>* The threshold distance, for a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>waste products, grit or oil.</td>
<td>* 100 metres, for a purpose not listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Shipping container storage</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td></td>
<td>Shipping containers must be setback at least 9 metres from a road in a Road Zone.</td>
</tr>
<tr>
<td></td>
<td>The height of shipping container stacks must not exceed 6 containers or 16 metres, whichever is the lesser.</td>
</tr>
<tr>
<td></td>
<td>Must not adversely affect the amenity of the neighbourhood, including through the:</td>
</tr>
<tr>
<td></td>
<td>* Transport of materials, goods or commodities to or from the land.</td>
</tr>
<tr>
<td></td>
<td>* Appearance of any stored goods or materials.</td>
</tr>
<tr>
<td></td>
<td>* Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.</td>
</tr>
<tr>
<td>Take away food premises</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Tramway</td>
<td>The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:</td>
</tr>
<tr>
<td>Warehouse (other than Mail centre and</td>
<td>* The threshold distance, for a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Shipping container storage)</td>
<td>* 30 metres, for a purpose not listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>Must not adversely affect the amenity of the neighbourhood, including through the:</td>
</tr>
<tr>
<td></td>
<td>* Transport of materials, goods or commodities to or from the land.</td>
</tr>
<tr>
<td></td>
<td>* Appearance of any stored goods or materials.</td>
</tr>
<tr>
<td></td>
<td>* Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.</td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>
### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex product shop</td>
<td>Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.</td>
</tr>
<tr>
<td>Agriculture (other than Apiculture, Crop raising, Grazing animal production, Intensive animal production, Pig farm and Poultry farm)</td>
<td></td>
</tr>
<tr>
<td>Caretaker's house</td>
<td></td>
</tr>
<tr>
<td>Education centre</td>
<td>Must not be a primary or secondary school.</td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation)</td>
<td></td>
</tr>
<tr>
<td>Materials recycling</td>
<td>The land must be at least 30 metres from land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.</td>
</tr>
<tr>
<td>Office</td>
<td>The leasable floor area must not exceed the amount specified in the schedule to this zone.</td>
</tr>
<tr>
<td>Place of assembly (other than Carnival, Cinema based entertainment facility and Circus)</td>
<td></td>
</tr>
<tr>
<td>Restricted retail premises</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Shop and Take away food premises)</td>
<td></td>
</tr>
<tr>
<td>Transfer Station</td>
<td>The land must be at least 30 metres from land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td>Any gas holder, or sewerage or refuse treatment or disposal works, must be at least 30 metres from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.</td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Caretaker’s house)</td>
<td></td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td></td>
</tr>
</tbody>
</table>
Use

Hospital

Intensive animal production

Pig farm

Poultry farm

Shop (other than Adult sex product shop, Convenience shop and Restricted retail premises)

Use of land

Application requirements

An application to use land for an industry or warehouse must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
- The likely effects, if any, on the neighbourhood, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water.
  - Traffic, including the hours of delivery and despatch.
  - Light spill or glare.

Decision guidelines

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

- The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.
- The effect that nearby industries may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.
Subdivision

Permit requirement

A permit is required to subdivide land.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space:</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 with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
<tr>
<td>- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into 2 lots if:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The construction of a building or the construction or carrying out of works on the land:</td>
<td></td>
</tr>
<tr>
<td>- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</td>
<td></td>
</tr>
<tr>
<td>- Has started lawfully.</td>
<td></td>
</tr>
<tr>
<td>- The subdivision does not create a vacant lot.</td>
<td></td>
</tr>
</tbody>
</table>

Exemption from notice and review

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

Decision guidelines

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

- Any natural or cultural values on or near the land.
- Streetscape character.
- Landscape treatment.
• Interface with non-industrial areas.

Buildings and works

Permit requirement

A permit is required to construct a building or construct or carry out works. This does not apply to:

• A building or works which rearrange, alter or renew plant if the area or height of the plant is not increased.
• A building or works which are used for crop raising or informal outdoor recreation.
• A rainwater tank with a capacity of more than 10,000 litres if the following requirements are met:
  - The rainwater tank is not located within the building’s setback from a street (other than a lane).
  - The rainwater tank is no higher than the existing building on the site.
  - The rainwater tank is not located in an area that is provided for car parking, loading, unloading or accessway.
• A building or works which are used for grazing animal production, except for permanent or fixed feeding infrastructure for seasonal or supplementary feeding constructed within 100 metres of:
  - A waterway, wetland or designated flood plain.
  - A dwelling not in the same ownership.
  - A residential or urban growth zone.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $1,000,000 where the land is not:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>• Within 30 metres of land (not a road) which is in a residential zone.</td>
<td></td>
</tr>
<tr>
<td>• Used for a purpose listed in the table to Clause 53.10.</td>
<td></td>
</tr>
<tr>
<td>• Used for a Brothel or Adult sex product shop.</td>
<td></td>
</tr>
</tbody>
</table>

Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

• A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - Relevant ground levels.
- The layout of existing and proposed buildings and works.
- Driveways and vehicle parking and loading areas.
- Proposed landscape areas.
- External storage and waste treatment areas.

- Elevation drawings to scale which show the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways and vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area.

**Exemption from notice and review**

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to an application for a building or works within 30 metres of land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

**Decision guidelines**

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

- Any natural or cultural values on or near the land.
- Streetscape character.
- Built form.
- Landscape treatment.
- Interface with non-industrial areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.

**Maintenance**

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 2.
## SCHEDULE TO CLAUSE 33.01 INDUSTRIAL 1 ZONE

<table>
<thead>
<tr>
<th>Land</th>
<th>Maximum leasable floor area for office (square metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>
INDUSTRIAL 3 ZONE

Shown on the planning scheme map as IN3Z.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.
To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.
To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.
To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convenience shop</td>
<td></td>
</tr>
<tr>
<td>Crop raising</td>
<td></td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Mail centre</td>
<td></td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Service industry</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:</td>
</tr>
<tr>
<td></td>
<td>• The threshold distance, for a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>• 30 metres, for a purpose not listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Service station</td>
<td>The land must be at least 30 metres from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.</td>
</tr>
<tr>
<td>Shop (other than Adult sex product shop, Convenience shop, Restricted retail premises and Supermarket)</td>
<td>Must adjoin, or be on the same lot as, a supermarket when the use commences. The combined leasable floor area for all shops adjoining 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.</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>The site must adjoin, or be within 30 metres of, a road in a Road Zone. Must be on land within an urban growth boundary and in metropolitan Melbourne.</td>
<td></td>
</tr>
<tr>
<td>Take away food premises</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Tramway</td>
<td>The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:</td>
</tr>
</tbody>
</table>
| Warehouse (other than Fuel depot, Mail centre or Shipping container storage) |  - The threshold distance, for a purpose listed in the table to Clause 53.10.  
  - 30 metres, for a purpose not listed in the table to Clause 53.10.  
  Must not adversely affect the amenity of the neighbourhood, including through the:  
  - Transport of materials, goods or commodities to or from the land.  
  - Appearance of any stored goods or materials.  
  - Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil |
| Any use listed in Clause 62.01                                      | Must meet the requirements of Clause 62.01.                                                                                                                                                                |

**Section 2 - Permit required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex product shop</td>
<td>Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.</td>
</tr>
<tr>
<td>Agriculture (other than Apiculture, Crop raising, Grazing animal production, Intensive animal production, Pig farm and Poultry farm)</td>
<td>Caretaker’s house</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>Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility, and Motor racing track)</td>
</tr>
</tbody>
</table>
Use of land

Amenity of the neighbourhood

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

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

Application requirements

An application to use land for an industry or warehouse must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.

Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the *Dangerous Goods Act 1985* is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.

The likely effects, if any, on the neighbourhood, including:
- Noise levels.
- Air-borne emissions.
- Emissions to land or water.
- Traffic, including the hours of delivery and despatch.
- Light spill or glare.

**Decision guidelines**

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

- The 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 where:</td>
<td>Clause 59.02</td>
</tr>
</tbody>
</table>
Class of application

- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.
- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.

Subdivide land into 2 lots if: Clause 59.02

- The construction of a building or the construction or carrying out of works on the land:
  - Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.
  - Has started lawfully.
- The subdivision does not create a vacant lot.

Exemption from notice and review

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres from land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

Decision guidelines

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

- Any natural or cultural values on or near the land.
- Streetscape character.
- Landscape treatment.
- Interface with non-industrial areas.

Buildings and works

Permit requirement

A permit is required to construct a building or construct or carry out works.

This does not apply to:

- A building or works which rearrange, alter or renew plant if the area or height of the plant is not increased.
- A building or works which are used for crop raising or informal outdoor recreation.
- A rainwater tank with a capacity of more than 10,000 litres if the following requirements are met:
  - The rainwater tank is not located within the building’s setback from a street (other than a lane).
- The rainwater tank is no higher than the existing building on the site.
- The rainwater tank is not located in an area that is provided for car parking, loading, unloading or accessway.

- A building or works which are used for grazing animal production, except for permanent or fixed feeding infrastructure for seasonal or supplementary feeding constructed within 100 metres of:
  - A waterway, wetland or designated flood plain.
  - A dwelling not in the same ownership.
  - A residential or urban growth zone.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
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</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $1,000,000 where the land is not:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>- Within 30 metres of land (not a road) which is in a residential zone.</td>
<td></td>
</tr>
<tr>
<td>- Used for a purpose listed in the table to Clause 53.10.</td>
<td></td>
</tr>
<tr>
<td>- Used for a Brothel or Adult sex product shop.</td>
<td></td>
</tr>
</tbody>
</table>

**Application requirements**

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - Driveways and vehicle parking and loading areas.
  - Proposed landscape areas.
  - External storage and waste treatment areas.
  - Mechanisms to mitigate noise, odour and other adverse amenity impacts of, and on, nearby industries.

- Elevation drawings to scale which show the colour and materials of all buildings and works.

- Construction details of all drainage works, driveways and vehicle parking and loading areas.

- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area.
Decision guidelines
Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Any natural or cultural values on or near the land.
- Streetscape character.
- Built form.
- Landscape treatment.
- Interface with non-industrial areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.
- The effect on nearby industries.
- The effect of nearby industries.

Maintenance
All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

Signs
Sign requirements are at Clause 52.05. This zone is in Category 2.
### SCHEDULE TO CLAUSE 33.03 INDUSTRIAL 3 ZONE

<table>
<thead>
<tr>
<th>Land</th>
<th>Maximum leasable floor area for office (square metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>
COMMERCIAL 1 ZONE

Shown on the planning scheme map as B1Z, B2Z, B5Z or C1Z.

Purpose
To implement the Municipal Planning Strategy and the Planning Policy Framework.
To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
To provide for residential uses at densities complementary to the role and scale of the commercial centre.

Operation
A schedule may apply under this zone to a planning scheme outside of metropolitan Melbourne. That schedule may:

- specify the maximum leasable floor area for office
- specify the maximum leasable floor area for shop (other than restricted retail premises).

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Community care accommodation, Corrective institution and Rooming house)</td>
<td>Any frontage at ground floor level must not exceed 2 metres (other than a bed and breakfast and caretaker's house).</td>
</tr>
<tr>
<td>Art and craft centre</td>
<td></td>
</tr>
<tr>
<td>Child care centre</td>
<td>Any frontage at ground floor level must not exceed 2 metres and access must not be shared with a dwelling (other than a caretaker's house).</td>
</tr>
<tr>
<td>Cinema</td>
<td></td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td></td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Any frontage at ground floor level must not exceed 2 metres. Must meet the requirements of Clause 52.22-2.</td>
</tr>
<tr>
<td>Education centre (other than Child care centre)</td>
<td></td>
</tr>
<tr>
<td>Exhibition centre</td>
<td></td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>The leasable floor area for all offices must not exceed any amount specified in the schedule to this zone.</td>
</tr>
<tr>
<td>Place of worship</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Retail premises (other than Shop)</td>
<td></td>
</tr>
<tr>
<td>Rooming house</td>
<td>Any frontage at ground floor level must not exceed 2 metres.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 52.23-2.</td>
</tr>
<tr>
<td>Shop (other than Adult sex product shop)</td>
<td>The leasable floor area for all shops must not exceed any amount specified in the schedule to this zone.</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>

**Section 2 - Permit required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex product shop</td>
<td>Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or, land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.</td>
</tr>
<tr>
<td>Agriculture (other than Animal production and Apiculture)</td>
<td></td>
</tr>
<tr>
<td>Grazing animal production</td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Industry</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation facility (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Carnival, Cinema, Cinema based entertainment facility, Circus, Exhibition centre and Place of worship)</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>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>Animal production (other than Grazing animal production)</td>
<td></td>
</tr>
<tr>
<td>Corrective institution</td>
<td></td>
</tr>
</tbody>
</table>
Use

Major sports and recreation facility
Motor racing track

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

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

Subdivision
A permit is required to subdivide land.

VicSmart applications
Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
<tr>
<td>- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into 2 lots if:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The construction of a building or the construction or carrying out of works on the land:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</td>
</tr>
<tr>
<td></td>
<td>- Has started lawfully.</td>
</tr>
<tr>
<td></td>
<td>- The subdivision does not create a vacant lot.</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.

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>
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<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $500,000 where the land is not:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>- Within 30 metres of land (not a road) which is in a residential zone.</td>
<td></td>
</tr>
<tr>
<td>- Used for a purpose listed in the table to Clause 53.10.</td>
<td></td>
</tr>
<tr>
<td>- Used for a Brothel or Adult sex product shop.</td>
<td></td>
</tr>
</tbody>
</table>

**Transitional provisions**

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

**Maintenance**

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

**Neighbourhood and site description and design response**

An application for any of the following must be accompanied by a neighbourhood and site description and a design response as described in Clause 54.01 or 55.01, as appropriate:

- Construction or extension of one dwelling on a lot of less than 300 square metres.
- Construction of a dwelling if there is at least one dwelling existing on the lot.
- Construction of two or more dwellings on a lot.
- Extension of a dwelling if there are two or more dwellings on the lot.
- Construction or extension of a dwelling on common property.
- Construction or extension of a residential building.

Clause 34.01-5 does not apply to an apartment development.
Satisfactory neighbourhood and site description before notice and decision

If the responsible authority decides that the neighbourhood and site description is not satisfactory, it may require more information from the applicant under Section 54 of the Act.

The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 54.01 or 55.01 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.

Application requirements

Use

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

- The purpose of the use and the types of activities which will be carried out.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access and glare.
- The means of maintaining land not required for immediate use.
- If an industry or warehouse:
  - The type and quantity of goods to be stored, processed or produced.
  - Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
  - Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
  - The likely effects on adjoining land, including air-borne emissions and emissions to land and water.

Buildings and works

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and purpose of buildings and works on adjoining land.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - All driveway, car parking and loading areas.
  - Proposed landscape areas.
  - All external storage and waste treatment areas.
  - Areas not required for immediate use.
- Elevation drawings to scale showing the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.

An application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, must be accompanied by an urban context report and design response as required in Clause 58.01.

**Exemption from notice and review**

An application to subdivide land or construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

**Decision guidelines**

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

**General**
- The interface with adjoining zones, especially the relationship with residential areas.

**Use**
- The effect that existing uses may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.

**Subdivision**
- Provision for vehicles providing for supplies, waste removal and emergency services and public transport.
- The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.

**Building and works**
- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

The impact of overshadowing on existing rooftop solar energy 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.
## SCHEDULE TO CLAUSE 34.01 COMMERCIAL 1 ZONE

<table>
<thead>
<tr>
<th>Land</th>
<th>Maximum leasable floor area for office (square metres)</th>
<th>Maximum leasable floor area for shop (other than restricted retail premises) (square metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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RURAL LIVING ZONE

Shown on the planning scheme map as RLZ with a number (if shown).

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To provide for residential use in a rural environment.
To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.
To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.
To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td></td>
<td>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Must meet the requirements of Clause 52.22-2.</td>
</tr>
<tr>
<td>Dependent person's unit</td>
<td>Must be the only dependent person's unit on the lot.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 35.03-2.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td>The lot must be at least the area specified in a schedule to this zone. If no area is specified, the lot must be at least 2 hectares.</td>
</tr>
<tr>
<td></td>
<td>Must be the only dwelling on the lot.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 35.03-2.</td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Poultry farm</td>
<td>Must be no more than 100 poultry (not including emus or ostriches).</td>
</tr>
<tr>
<td></td>
<td>Must be no more than 10 emus and ostriches.</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>
## Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Community care accommodation, Dependent person's unit and Dwelling)</td>
<td></td>
</tr>
<tr>
<td>Agriculture (other than Apiculture, Broiler farm, Domestic animal husbandry, Intensive animal production, Racing dog husbandry and Timber production)</td>
<td></td>
</tr>
<tr>
<td>Bar</td>
<td>The site must not have direct access to a rural freeway.</td>
</tr>
<tr>
<td>Broiler farm - if the Section 1 condition to Poultry farm is not met</td>
<td>Must be no more than 10,000 chickens.</td>
</tr>
<tr>
<td>Car park</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>Convenience shop</td>
<td>The leasable floor area must not exceed 80 square metres.</td>
</tr>
<tr>
<td></td>
<td>The site must not have direct access to a rural freeway.</td>
</tr>
<tr>
<td>Dependent person's unit - if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 35.03-2.</td>
</tr>
<tr>
<td>Domestic animal boarding</td>
<td></td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast) - if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 35.03-2.</td>
</tr>
<tr>
<td>Freeway service centre</td>
<td>Must meet the requirements of Clause 53.05.</td>
</tr>
<tr>
<td>Hotel</td>
<td>The site must not have direct access to a rural freeway.</td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus and Nightclub)</td>
<td></td>
</tr>
<tr>
<td>Plant nursery</td>
<td></td>
</tr>
<tr>
<td>Postal agency</td>
<td></td>
</tr>
<tr>
<td>Primary produce sales</td>
<td></td>
</tr>
<tr>
<td>Racing dog husbandry – if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 53.12.</td>
</tr>
<tr>
<td>Restaurant</td>
<td>The site must not have direct access to a rural freeway.</td>
</tr>
</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Rural industry (other than Abattoir and Sawmill)</strong></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></td>
<td>The site must not have direct access to a rural freeway.</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><strong>Timber production</strong></td>
<td>Must meet the requirements of Clause 53.11.</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td>Any other use not in Section 1 or 3</td>
</tr>
<tr>
<td><strong>Section 3 - Prohibited</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Use</strong></td>
<td></td>
</tr>
<tr>
<td>Abattoir</td>
<td></td>
</tr>
<tr>
<td>Amusement parlour</td>
<td></td>
</tr>
<tr>
<td>Brothel</td>
<td></td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Rural Industry)</td>
<td></td>
</tr>
<tr>
<td>Intensive animal production</td>
<td></td>
</tr>
<tr>
<td>Motor racing track</td>
<td></td>
</tr>
<tr>
<td>Nightclub</td>
<td></td>
</tr>
<tr>
<td>Office (other than Medical centre)</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Bar, Convenience shop, Hotel, Market, Plant nursery, Postal agency, Primary produce sales and Restaurant)</td>
<td></td>
</tr>
<tr>
<td>Saleyard</td>
<td></td>
</tr>
<tr>
<td>Sawmill</td>
<td></td>
</tr>
<tr>
<td>Transport terminal</td>
<td></td>
</tr>
<tr>
<td>Warehouse (other than Store)</td>
<td></td>
</tr>
</tbody>
</table>
Use of land for a dwelling

A lot used for a dwelling must meet the following requirements:

- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

These requirements also apply to a dependent person’s unit.

Subdivision

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 2 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.
- The number of lots is no more than the number the land could be subdivided into in accordance with a schedule to this zone.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where: Each new lot is at least the area specified for the land in the zone or the schedule to the zone. The area of either lot is reduced by less than 15 percent. The general direction of the common boundary does not change.</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>Subdivide land into 2 lots where each new lot is at least the area specified for the land in the zone or the schedule to the zone.</td>
<td>Clause 59.12</td>
</tr>
</tbody>
</table>

Buildings and works

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 35.03-1. This does not apply to:
- An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.

- An out-building associated with an existing dwelling provided the floor area of the out-building is not more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.

- An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is not more than the area specified in the schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres. The building must not be used to keep, board, breed or train animals.

- A rainwater tank.

- Earthworks specified in a schedule to this zone, if on land specified in a schedule.

- A building which is within any of the following setbacks:
  - The setback from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1 specified in the schedule to this zone or, if no setback is specified, 30 metres.
  - The setback from any other road or boundary specified in the schedule to this zone.
  - The distance from a dwelling not in the same ownership specified in the schedule to this zone.
  - 100 metres from a waterway, wetlands or designated flood plain.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $250,000 where the land is not:</td>
<td>Clause 59.13</td>
</tr>
<tr>
<td>- Used for Domestic animal husbandry, Pig farm, Poultry farm, Poultry hatchery, Racing dog husbandry or Rural industry.</td>
<td></td>
</tr>
<tr>
<td>- Within 30 metres of land (not a road) which is in a residential zone.</td>
<td></td>
</tr>
<tr>
<td>Any works must not be earthworks specified in the schedule to the zone.</td>
<td></td>
</tr>
</tbody>
</table>

**Decision guidelines**

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

**General issues**

- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development.
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

**Agricultural issues**
- The capacity of the site to sustain the agricultural use.
- Any integrated land management plan prepared for the site.
- The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agricultural and other land uses.

**Environmental issues**
- The impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours.
- The impact of the use or development on the flora, fauna and landscape features of the locality.
- The need to protect and enhance the biodiversity of the area, including the need to retain vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

**Design and siting issues**
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use or development will require traffic management measures.

**Signs**
Sign requirements are at Clause 52.05. This zone is in Category 3.
# SCHEDULE TO THE RURAL LIVING ZONE

Shown on the planning scheme map as **RLZ**.

<table>
<thead>
<tr>
<th>Land</th>
<th>Area/Dimensions/Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum subdivision area (hectares).</td>
<td>All land other than that specified below.</td>
</tr>
<tr>
<td></td>
<td>The Rural Living Zone Land around Port Fairy which is generally bounded by the Princes Highway (north), Toolong Road, Blackwood Road, Hamilton-Port Fairy Road.</td>
</tr>
<tr>
<td></td>
<td>The westernmost boundary of the Rural Living Zone land in Port Fairy, south of the Princes Highway and Thistle Place to the Southern Ocean.</td>
</tr>
<tr>
<td></td>
<td>The Rural Living Zone on the eastern and western sides of Mailors Flat located between Ibbs Lane (north) and Hurleys Lane (south).</td>
</tr>
<tr>
<td>Minimum area for which no permit is required to use land for a dwelling (hectares).</td>
<td>All land other than that specified below.</td>
</tr>
<tr>
<td></td>
<td>The Rural Living Zone Land around Port Fairy which is generally bounded by the Princes Highway (north), Toolong Road, Blackwood Road, Hamilton-Port Fairy Road.</td>
</tr>
<tr>
<td></td>
<td>The westernmost boundary of the Rural Living Zone land in Port Fairy, south of the Princes Highway and Thistle Place to the Southern Ocean.</td>
</tr>
<tr>
<td></td>
<td>The Rural Living Zone on the eastern and western sides of Mailors Flat located between Ibbs Lane (north) and Hurleys Lane (south).</td>
</tr>
<tr>
<td>Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres).</td>
<td>None specified</td>
</tr>
<tr>
<td>Maximum floor area for which no permit is required to construct an out-building associated with an existing dwelling (square metres)</td>
<td>None specified</td>
</tr>
<tr>
<td>Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres)</td>
<td>None specified</td>
</tr>
<tr>
<td>Minimum setback from a road (metres).</td>
<td>None specified</td>
</tr>
<tr>
<td>Minimum setback from a boundary (metres).</td>
<td>None specified</td>
</tr>
<tr>
<td>Minimum setback from a dwelling not in the same ownership (metres).</td>
<td>None specified</td>
</tr>
<tr>
<td>Permit requirement for earthworks</td>
<td>Land</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>Earthworks which change the rate of flow or the discharge point of water across a property boundary.</td>
<td>All land</td>
</tr>
<tr>
<td>Earthworks which increase the discharge of saline groundwater.</td>
<td>All land</td>
</tr>
</tbody>
</table>
RURAL CONSERVATION ZONE

Shown on the planning scheme map as RCZ with a number (if shown).

Purpose

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

To conserve the values specified in a schedule to this zone.

To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.

To protect and enhance natural resources and the biodiversity of the area.

To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.

To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.

To conserve and enhance the cultural significance and character of open rural and scenic non urban landscapes.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Poultry farm</td>
<td>Must be no more than 100 poultry (not including emus or ostriches).</td>
</tr>
<tr>
<td></td>
<td>Must be no more than 10 emus and ostriches.</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>
Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture (other than Apiculture, Broiler farm, Domestic animal husbandry, Intensive animal production, Racing dog husbandry, Rice growing and Timber production)</td>
<td>Must be no more than 10,000 chickens.</td>
</tr>
<tr>
<td>Broiler farm - if the Section 1 condition to Poultry farm is not met</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>Car park</td>
<td>Must be the only dependent person’s unit on the lot.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 35.06-2.</td>
</tr>
<tr>
<td>Domestic animal boarding</td>
<td></td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td>Must be the only dwelling on the lot.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 35.06-2.</td>
</tr>
<tr>
<td>Emergency services facility</td>
<td></td>
</tr>
<tr>
<td>Freezing and cool storage</td>
<td></td>
</tr>
<tr>
<td>Group accommodation</td>
<td></td>
</tr>
<tr>
<td>Host farm</td>
<td></td>
</tr>
<tr>
<td>Landscape gardening supplies</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Primary produce sales</td>
<td></td>
</tr>
<tr>
<td>Primary school</td>
<td></td>
</tr>
<tr>
<td>Racing dog husbandry - if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 53.12.</td>
</tr>
<tr>
<td>Recreational boat facility</td>
<td></td>
</tr>
<tr>
<td>Renewable energy facility (other than Wind energy facility)</td>
<td>Must meet the requirements of Clause 53.13.</td>
</tr>
<tr>
<td>Residential hotel</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td></td>
</tr>
<tr>
<td>Rural industry (other than Abattoir and Sawmill)</td>
<td></td>
</tr>
<tr>
<td>Rural store</td>
<td></td>
</tr>
<tr>
<td>Secondary school</td>
<td></td>
</tr>
<tr>
<td>Timber production</td>
<td>Must meet the requirements of Clause 53.11.</td>
</tr>
</tbody>
</table>
Use | Condition
--- | ---
Utility installation (other than Minor utility installation and Telecommunications facility) | Must meet the requirements of Clause 52.32.
Wind energy facility | Must meet the requirements of Clause 52.32.
Winery | Any other use not in Section 1 or 3

Section 3 - Prohibited

| Use |
--- |
Abattoir |
Accommodation (other than Bed and breakfast, Dependent person’s unit, Dwelling, Group accommodation, Host farm and Residential hotel) |
Amusement parlour |
Brothel |
Education centre (other than Primary school and Secondary school) |
Industry (other than Rural industry) |
Intensive animal production |
Office |
Leisure and recreation (other than Informal outdoor recreation) |
Place of assembly (other than Carnival and Circus) |
Retail premises (other than Landscape gardening supplies, Market, Primary produce sales and Restaurant) |
Rice growing |
Sawmill |
Transport terminal |
Warehouse (other than Freezing and cool storage and Rural 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.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- Each new lot is at least the area specified for the land in the zone or the schedule to the zone.</td>
<td></td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
</tbody>
</table>

Subdivide land into 2 lots where each new lot is at least the area specified for the land in the zone or the schedule to the zone. | Clause 59.12 |

**Long term lease or licence for accommodation**

A permit is required to lease or license a portion of a lot for a period of more than 10 years if the portion is to be leased or licensed for the purpose of Accommodation.

Each portion of a lot leased or licensed for the purpose of Accommodation must be at least the area specified as the minimum subdivision area for the land in a schedule to this zone. If no area is specified, each portion of a lot leased or licensed for the purpose of Accommodation must be at least 40 hectares.

This provision only applies to land in Metropolitan Melbourne.

**Buildings and works**

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 35.06-1. This does not apply to:
  - An alteration or extension to an existing dwelling provided the floor area of the alteration or extension does not exceed the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.
- An out-building associated with an existing dwelling provided the floor area of the out-building does not exceed the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.

- An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension does not exceed the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres. The building must not be used to keep, board, breed or train animals.

- A rainwater tank.

- Earthworks specified in a schedule to this zone, if on land specified in a schedule.

- A building which is within any of the following setbacks:
  - 100 metres from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1.
  - 40 metres from a Road Zone Category 2 or land in a Public Acquisition Overlay to be acquired for a road, Category 2.
  - 20 metres from any other road.
  - 5 metres from any other boundary.
  - 100 metres from a dwelling not in the same ownership.
  - 100 metres from a waterway, wetlands or designated flood plain.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $250,000 where the land is not:</td>
<td>Clause 59.13</td>
</tr>
<tr>
<td>- Used for Domestic animal husbandry, Pig farm, Poultry farm, Poultry hatchery, Racing dog husbandry or Rural industry.</td>
<td></td>
</tr>
<tr>
<td>- Within 30 metres of land (not a road) which is in a residential zone.</td>
<td></td>
</tr>
<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 conserves the values identified for the land in a schedule.
Whether use or development protects and enhances the environmental, agricultural and landscape qualities of the site and its surrounds.

Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.

**Rural issues**

- The environmental capacity of the site to sustain the rural enterprise.
- The need to prepare an integrated land management plan.
- The impact on the existing and proposed infrastructure.
- Whether the use or development will have an adverse impact on surrounding land uses.

**Environmental issues**

- An assessment of the likely environmental impact on the biodiversity and in particular the flora and fauna of the area.
- The protection and enhancement of the natural environment of the area, including the retention of vegetation and faunal habitats and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge areas.
- How the use and development relates to sustainable land management and the need to prepare an integrated land management plan which addresses the protection and enhancement of native vegetation and waterways, stabilisation of soil and pest plant and animal control.
- The location of on site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

**Dwelling issues**

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.

**Design and siting issues**

- The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.
- The location and design of existing and proposed infrastructure services which minimises the visual impact on the landscape.
- The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of roads and existing and proposed infrastructure services to minimise the visual impact on the landscape.

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 4.
SCHEDULE TO THE RURAL CONSERVATION ZONE

Shown on the planning scheme map as RCZ.

CONSERVATION VALUES

To recognise the fragile nature of the sand dunes that occupy the majority of the land and its clear history of substantial erosion and to acknowledge that future erosion and inundation by the sea is expected to increase.

Future use and development of this land must acknowledge the fragile and eroding condition of the land.

To recognise that the rear low lying areas of the site adjacent to Griffiths Street are subject to flooding from the Moyne River.

<table>
<thead>
<tr>
<th>Land</th>
<th>Area/Dimensions/Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum subdivision area (hectares).</td>
<td>None specified</td>
</tr>
<tr>
<td>Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres).</td>
<td>None specified</td>
</tr>
<tr>
<td>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 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>
</table>
| Agriculture (other than Animal production, Apiculture, Domestic animal husbandry, Racing dog husbandry, Rice growing and Timber production) | No more than 10 persons may be accommodated away from their normal place of residence.  
At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence. |
| Bed and breakfast                        | No more than 10 persons may be accommodated away from their normal place of residence.  
At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence. |
| Cattle feedlot                           | Must meet the requirements of Clause 53.08.  
The total number of cattle to be housed in the cattle feedlot must be 1000 or less.  
The site must be located outside a special water supply catchment under the Catchment and Land Protection Act 1994.  
The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995. |
| Dependent person’s unit                  | Must be the only dependent person’s unit on the lot.  
Must meet the requirements of Clause 35.07-2. |
| Domestic animal husbandry (other than Domestic animal boarding) | Must be no more than 5 animals. |
| Dwelling (other than Bed and breakfast)  | Must be the only dwelling on the lot.  
The lot must be at least the area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares. |
<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<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). 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. 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>
</tbody>
</table>
| Rural industry (other than Abattoir and Sawmill) | Must not have a gross floor area more than 200 square metres. Must not be within 100 metres of a dwelling in separate ownership. Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10. The land must be at least the following distances from land (not a road) which is in a residential zone or Rural Living Zone:  
  - The threshold distance, for a purpose listed in the table to Clause 53.10.  
  - 30 metres, for a purpose not listed in the table to Clause 53.10. |
| Rural store                              | 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.                      |
| Timber production                        | Must meet the requirements of Clause 53.11. The plantation area must not exceed any area specified in a schedule to this zone. Any area specified must be at least 40 hectares. The total plantation area (existing and proposed) on contiguous land which was in the same ownership on or after 28 October 1993 must not exceed any scheduled area. The plantation must not be within 100 metres of:  
  - Any dwelling in separate ownership.  
  - Any land zoned for residential, commercial or industrial use.  
  - Any site specified on a permit which is in force which permits a dwelling to be constructed. The plantation must not be within 20 metres of a powerline whether on private or public land, except with the consent of the relevant electricity supply or distribution authority. |
**Use** | **Condition**
---|---
Tramway | Must meet requirements of Clause 62.01.

**Section 2 – Permit required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abattoir</td>
<td>Must meet the requirements of Clause 53.09.</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>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>Car park</td>
<td></td>
</tr>
<tr>
<td>Cattle feedlot – if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 53.08. The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.</td>
</tr>
<tr>
<td>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>Emergency services facility</td>
<td></td>
</tr>
<tr>
<td>Freeway service centre</td>
<td>Must meet the requirements of Clause 53.05.</td>
</tr>
<tr>
<td>Group accommodation</td>
<td></td>
</tr>
<tr>
<td>Host farm</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Rural industry)</td>
<td></td>
</tr>
<tr>
<td>Landscape gardening supplies</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation)</td>
<td></td>
</tr>
<tr>
<td>Manufacturing sales</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>----------------------------------------------------------------</td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus and Nightclub)</td>
<td>Make general site developments, and require the development of the site in accordance with the Planning Scheme.</td>
</tr>
<tr>
<td>Primary school</td>
<td>Make general site developments, and require the development of the site in accordance with the Planning Scheme.</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>Make general site developments, and require the development of the site in accordance with the Planning Scheme.</td>
</tr>
<tr>
<td>Restaurant</td>
<td>Make general site developments, and require the development of the site in accordance with the Planning Scheme.</td>
</tr>
<tr>
<td>Rice growing</td>
<td>Make general site developments, and require the development of the site in accordance with the Planning Scheme.</td>
</tr>
<tr>
<td>Sawmill</td>
<td>Make general site developments, and require the development of the site in accordance with the Planning Scheme.</td>
</tr>
<tr>
<td>Secondary school</td>
<td>Make general site developments, and require the development of the site in accordance with the Planning Scheme.</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>Make general site developments, and require the development of the site in accordance with the Planning Scheme.</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td>Make general site developments, and require the development of the site in accordance with the Planning Scheme.</td>
</tr>
<tr>
<td>Warehouse (other than Rural store)</td>
<td>Make general site developments, and require the development of the site in accordance with the Planning Scheme.</td>
</tr>
<tr>
<td>Wind energy facility</td>
<td>Make general site developments, and require the development of the site in accordance with the Planning Scheme.</td>
</tr>
<tr>
<td>Winery</td>
<td>Make general site developments, and require the development of the site in accordance with the Planning Scheme.</td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td>Make general site developments, and require the development of the site in accordance with the Planning Scheme.</td>
</tr>
</tbody>
</table>

### Section 3 – Prohibited

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Bed and breakfast, Camping and caravan park, Dependent person’s unit, Dwelling, Group accommodation, Host farm and Residential hotel)</td>
<td>Make general site developments, and require the development of the site in accordance with the Planning Scheme.</td>
</tr>
<tr>
<td>Amusement parlour</td>
<td>Make general site developments, and require the development of the site in accordance with the Planning Scheme.</td>
</tr>
<tr>
<td>Brothel</td>
<td>Make general site developments, and require the development of the site in accordance with the Planning Scheme.</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td>Make general site developments, and require the development of the site in accordance with the Planning Scheme.</td>
</tr>
<tr>
<td>Education centre (other than Primary school and Secondary school)</td>
<td>Make general site developments, and require the development of the site in accordance with the Planning Scheme.</td>
</tr>
<tr>
<td>Nightclub</td>
<td>Make general site developments, and require the development of the site in accordance with the Planning Scheme.</td>
</tr>
<tr>
<td>Office</td>
<td>Make general site developments, and require the development of the site in accordance with the Planning Scheme.</td>
</tr>
<tr>
<td>Retail premises (other than Market, Landscape gardening supplies, Manufacturing sales, Primary produce sales, Restaurant and Trade supplies)</td>
<td>Make general site developments, and require the development of the site in accordance with the Planning Scheme.</td>
</tr>
</tbody>
</table>

### Use of land for a dwelling

A lot used for a dwelling must meet the following requirements:
Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.

The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.

The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

These requirements also apply to a dependent person’s unit.

Subdivision

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
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</thead>
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<tr>
<td>Subdivide land to realign the common boundary between 2 lots where: Each new lot is at least the area specified for the land in the zone or the schedule to the zone. The area of either lot is reduced by less than 15 percent. The general direction of the common boundary does not change.</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>Subdivide land into 2 lots where each new lot is at least the area specified for the land in the zone or the schedule to the zone.</td>
<td>Clause 59.12</td>
</tr>
</tbody>
</table>

Buildings and works

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 35.07-1. This does not apply to:
  - An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.
- An out-building associated with an existing dwelling provided the floor area of the out-building is not more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.

- An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 200 square metres. Any area specified must be more than 200 square metres. The building must not be used to keep, board, breed or train animals.

- A rainwater tank.

- Earthworks specified in a schedule to this zone, if on land specified in a schedule.

- A building which is within any of the following setbacks:
  - The setback from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1 specified in a schedule to this zone or, if no setback is specified, 50 metres.
  - The setback from any other road or boundary specified in a schedule to this zone.
  - The setback from a dwelling not in the same ownership specified in a schedule to this zone.
  - 100 metres from a waterway, wetlands or designated flood plain.

- Permanent or fixed feeding infrastructure for seasonal or supplementary feeding for grazing animal production constructed within 100 metres of:
  - A waterway, wetland or designated flood plain.
  - A dwelling not in the same ownership.
  - A residential or urban growth zone.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works associated with a Section 1 use in the Table of uses of the zone with an estimated cost of up to $500,000.</td>
<td>Clause 59.13</td>
</tr>
<tr>
<td>Any works must not be earthworks specified in the schedule to the zone.</td>
<td></td>
</tr>
<tr>
<td>Construct a building or construct or carry out works associated with a Section 2 use in the Table of uses of the zone with an estimated cost of up to $500,000 where the land is not:</td>
<td>Clause 59.13</td>
</tr>
<tr>
<td></td>
<td>Used for Domestic animal husbandry, Intensive animal production, Pig farm, Poultry farm, Poultry hatchery, Racing dog husbandry or Rural industry.</td>
</tr>
<tr>
<td></td>
<td>Within 30 metres of land (not a road) which is in a residential zone.</td>
</tr>
<tr>
<td>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

- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

Agricultural issues and the impacts from non-agricultural uses

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

Dwelling issues

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

Environmental issues

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.
Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.

- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.

- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.

- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.

- Whether the use and development will require traffic management measures.

Signs

Sign requirements are at Clause 52.05. This zone is in Category 4.
SCHEDULE TO THE FARMING ZONE

Shown on the planning scheme map as FZ.

<table>
<thead>
<tr>
<th>Land</th>
<th>Area/Dimensions/Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum subdivision area (hectares).</td>
<td>High quality agricultural land which is included in Schedule 5 to the Significant Landscape Overlay</td>
</tr>
<tr>
<td>Land at Peterborough described as: Lot 17 LP 204446M; Lot 36 LP219339; Lot 1 TP102654O; Lot 1 TP120836C; Lot 1 PS508381; Lot 16 LP94964; Lot 5 PS 323405W.</td>
<td>Minimum area necessary to create a balance lot in the Farming Zone and to allow that part of the land in the Residential 1 Zone to be subdivided for residential purposes.</td>
</tr>
<tr>
<td>Land containing the Laang Speedway described as: Part CA 62B Parish of Laang</td>
<td>Minimum area required to contain the existing speedway facility within a separate lot</td>
</tr>
<tr>
<td>Minimum area for which no permit is required to use land for a dwelling (hectares).</td>
<td>High quality agricultural land which is included in Schedule 5 to the Significant Landscape Overlay.</td>
</tr>
<tr>
<td>All other land</td>
<td>40 hectares</td>
</tr>
<tr>
<td>All other land</td>
<td>40 hectares</td>
</tr>
<tr>
<td>Maximum area for which no permit is required to use land for timber production (hectares).</td>
<td>None specified</td>
</tr>
<tr>
<td>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</td>
</tr>
<tr>
<td></td>
<td>A Road Zone Category 2 or land in a Public Acquisition Overlay to be acquired for a road, Category 2</td>
</tr>
<tr>
<td></td>
<td>Any other road</td>
</tr>
<tr>
<td>Minimum setback from a boundary (metres).</td>
<td>Any other boundary</td>
</tr>
<tr>
<td>Minimum setback from a dwelling not in the same ownership (metres).</td>
<td>Any dwelling not in the same ownership</td>
</tr>
<tr>
<td>Permit requirement for earthworks</td>
<td>Land</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>------</td>
</tr>
<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>
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

Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
<td></td>
</tr>
</tbody>
</table>

Permit requirement

A permit is required to:
- Construct a building or construct or carry out works for any use in Section 2 of Clause 36.01-1. This does not apply to navigational beacons and aids.
- Subdivide land.

Application requirements

An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:
- To the application for permit being made.
- 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></td>
</tr>
<tr>
<td>Open sports ground</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 Coastal Management Act 1995.</td>
</tr>
<tr>
<td></td>
<td>Must not be costeaming 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>
<tr>
<td>Contractor's depot</td>
<td>Must be either of the following:</td>
</tr>
<tr>
<td>Heliport</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 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.</td>
</tr>
<tr>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Retail premises</td>
<td></td>
</tr>
<tr>
<td>Store</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A use specified in an Incorporated plan in a 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>Contractor's depot - if the Section 1 condition is not met</td>
<td>Must be associated with the public land use.</td>
</tr>
<tr>
<td>Heliport - if the Section 1 condition is not met</td>
<td>Must be associated with the public land use.</td>
</tr>
<tr>
<td>Office - if the Section 1 condition is not met</td>
<td>Must be associated with the public land use.</td>
</tr>
<tr>
<td>Retail premises - if the Section 1 condition is not met</td>
<td>Must be associated with the public land use.</td>
</tr>
<tr>
<td>Store - if the Section 1 condition is not met</td>
<td>Must be associated with the public land use.</td>
</tr>
</tbody>
</table>
Section 3 - Prohibited

Use

Brothel
Cinema based entertainment facility
Corrective institution
Display home centre
Funeral parlour
Industry
Saleyard
Transport terminal (other than Heliport)
Veterinary centre
Warehouse (other than Store)

Permit requirement

A permit is required to:

- Construct a building or construct or carry out works. This does not apply to:
  - Pathways, trails, seating, picnic tables, drinking taps, shelters, barbeques, rubbish bins, security lighting, irrigation, drainage or underground infrastructure.
  - Playground equipment or sporting equipment, provided these facilities do not occupy more than 10 square metres of parkland.
  - Navigational beacons and aids.
  - Planting or landscaping.
  - Fencing that is 1 metre or less in height above ground level.
  - A building or works shown in an Incorporated plan which applies to the land.
  - A building or works carried out by or on behalf of a public land manager or Parks Victoria under the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forest Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988, the Port of Melbourne Authority Act 1958 or the Crown Land (Reserves) Act 1978.

- Subdivide land.

Application requirements

An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:

- To the application for permit being made.
- To the application for permit being made and to the proposed use or development.
Exemption from notice and review

An application to subdivide land which is consistent with an Incorporated plan is exempt from the notice requirements of section 52(1) (a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

Incorporated plan

An Incorporated plan is a plan which shows the way the land is to be used and developed. An Incorporated plan may include the following information:

- Recognition of existing use and how the area is to be developed.
- The building envelope of any proposed buildings.
- Details of any proposed buildings or works.
- The location of pedestrian or vehicle access points or car parking areas.
- The location of any areas for specific uses or a schedule of specific uses which are allowed without permit.
- Topographic details including any proposed cut and fill.
- The location of existing and proposed features.
- The location of existing native and other vegetation and any proposed landscaping works or areas of vegetation to be added or removed.
- The identification of sites of flora or fauna significance (including, in particular, any potentially threatened species or significant habitat) or other places of cultural heritage or scientific value.

The Incorporated plan must be consistent with the intent of the public land reservation under any Act and make reference to relevant policies and guidelines.

An Incorporated plan may be prepared in parts or stages.

Use and development of land identified in a schedule

Land identified in a schedule to this zone may be used and developed in accordance with the schedule or the specific controls contained in an incorporated document corresponding to the land, provided any condition in the schedule or incorporated document is complied with.

Signs

Sign requirements are at Clause 52.05. This zone is in Category 4 unless a different requirement is specified in the schedule to this zone.
SCHEDULE TO 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>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></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></td>
<td>- A use conducted by or on behalf of a public land manager or</td>
</tr>
<tr>
<td></td>
<td>Parks Victoria under the relevant provisions of the Local Government</td>
</tr>
<tr>
<td></td>
<td>Act 1989, the Reference Areas Act 1978, the National Parks Act 1975,</td>
</tr>
<tr>
<td></td>
<td>the Fisheries Act 1995, the Wildlife Act 1975, the Forests Act 1958,</td>
</tr>
<tr>
<td></td>
<td>the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988,</td>
</tr>
<tr>
<td></td>
<td>the Port of Melbourne Authority Act 1958 or the Crown Land (Reserves)</td>
</tr>
<tr>
<td></td>
<td>Act 1978.</td>
</tr>
<tr>
<td>Camping and caravan park</td>
<td></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></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>Pontoon</td>
<td></td>
</tr>
<tr>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Telecommunications facility)</td>
<td>- Specified in an Incorporated plan in a schedule to this zone.</td>
</tr>
<tr>
<td>Any use listed in Clause 62.01 (other than Apiculture)</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 National Parks Act 1975.</td>
</tr>
<tr>
<td>Renewable energy facility (other than Wind energy facility)</td>
<td>Must meet the requirements of Clause 53.13.</td>
</tr>
<tr>
<td>Wind energy facility</td>
<td>Must not be located on land described in a schedule to the National Parks Act 1975. This does not apply where the Wind energy facility is principally used to supply electricity to a facility used in conjunction with conservation, recreation, administration or accommodation use of the land.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 52.32.</td>
</tr>
</tbody>
</table>

Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>The use in Section 1 described as ‘Any other use not in Section 2 or 3’ – if the Section 1 condition is not met</td>
<td></td>
</tr>
</tbody>
</table>

Permit requirement

A permit is required to:

- Construct a building or construct or carry out works. This does not apply to:
  - A building or works shown in an Incorporated plan which applies to the land.
  - A building or works specified in Clause 62.02-1 or 62.02-2 carried out by or on behalf of a public authority or municipal council, if the public authority or municipal council is carrying out functions, powers or duties conferred by or under the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forests Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988, the Port of Melbourne Authority Act 1958 or the Crown Land (Reserves) Act 1978.
  - A building or works carried out by or on behalf of a public land manager or Parks Victoria under the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forests Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988, the Port of Melbourne Authority Act 1958, the Crown Land (Reserves) Act 1978, or the Road Management Act 2004.
- Subdivide land.

Application requirements

An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:

- To the application for permit being made.
- To the application for permit being made and to the proposed use or development.
Where there is no public land manager, an application for a permit must be accompanied by the written consent of the Secretary to the Department of Environment, Land, Water and Planning.

36.03-4
31/07/2018
VC148

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.

36.03-5
18/06/2010
VC62

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.

36.03-6
31/07/2018
VC148

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.

36.03-7
18/06/2010
VC62

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>
36.04
31/07/2018
VC148

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.

36.04-1
16/01/2018
VC142

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>

36.04-2
19/01/2006
VC37

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.

36.04-3
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:
- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.
Signs

Sign requirements are at Clause 52.05. A permit is required to display a sign over the road formation or over land within 600 millimetres of the road formation. For other land in this zone, the category of advertising control which applies is the category which applies to the adjoining zone nearest to the land. If land is equidistant from two or more adjoining zones, the least restrictive category applies.

Where the Public Use Zone 4 is the nearest adjoining zone, a permit is required to display a sign.
SPECIAL USE ZONE

Shown on the planning scheme map as SUZ with a number.

Purpose

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

To recognise or provide for the use and development of land for specific purposes as identified in a schedule to this zone.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 1 of the schedule to this zone</td>
<td>Must comply with any condition in Section 1 of the schedule to this zone</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 2 of the schedule to this zone</td>
<td>Must comply with any condition in Section 2 of the schedule to this zone.</td>
</tr>
<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:

- Any guidelines in the schedule to this zone.
Buildings and works

Permit requirement
A permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise.

Any requirement in the schedule to this zone must be met.

An apartment development must meet the requirements of Clause 58.

VicSmart applications
Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $500,000 and the land is not:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>• Within 30 metres of land (not a road) which is in a residential zone.</td>
<td></td>
</tr>
<tr>
<td>• Used for a purpose listed in the table to Clause 53.10.</td>
<td></td>
</tr>
</tbody>
</table>

Transitional provisions
Clause 58 does not apply to:

• An application for a planning permit lodged before the approval date of Amendment VC136.

• An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

Application requirements
An application to construct a building or construct or carry out works must be accompanied by any information specified in the schedule to this zone.

An application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, must be accompanied by an urban context report and design response as required in Clause 58.01.

Exemption from notice and review
The schedule to this zone may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

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

• The Municipal Planning Strategy and the Planning Policy Framework.

• For an apartment development, the objectives, standards and decision guidelines of Clause 58.

• Any guidelines in the schedule to this zone.
Signs

Sign requirements are at Clause 52.05. This zone is in Category 3 unless a schedule to this zone specifies a different category.
SCHEDULE 1 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ1.

MORTLAKE POWER STATION

Purpose
To facilitate the development and use of a gas-fired power station in a manner which recognises the character and amenity of the surrounding area.
To provide for electricity generation using natural gas.

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 Caretaker’s house)</td>
<td>Must be for the purpose of accommodating persons constructing and commissioning a gas-fired power station on the land.</td>
</tr>
<tr>
<td></td>
<td>Must not be permanent buildings and all buildings must be movable.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clauses 2 and 3 of this Schedule.</td>
</tr>
<tr>
<td>Animal keeping (other than Animal boarding)</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Agriculture (other than intensive animal husbandry and cattle feedlot)</td>
<td></td>
</tr>
<tr>
<td>Apiculture</td>
<td>Must meet the requirements of the Apiary Code of Practice, May 1997.</td>
</tr>
<tr>
<td>Caretaker’s house</td>
<td></td>
</tr>
<tr>
<td>Crop raising (other than Rice growing and Timber production)</td>
<td></td>
</tr>
<tr>
<td>Extensive animal husbandry</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Materials recycling, Refuse disposal and Transfer station)</td>
<td>Must meet the requirements of Clauses 2 and 3 of this Schedule.</td>
</tr>
<tr>
<td></td>
<td>Must be for gas-fired power generation.</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>Road</td>
<td></td>
</tr>
<tr>
<td>Search for stone</td>
<td>Must not be costeaning or bulk sampling.</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation)</td>
<td>Must meet the requirements of Clauses 2 and 3 of this Schedule.</td>
</tr>
</tbody>
</table>
Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any other use not in section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

Section 3 – Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Caretaker’s house) (if the Section 1 condition is not met)</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Materials recycling</td>
</tr>
<tr>
<td>Office</td>
</tr>
<tr>
<td>Refuse disposal</td>
</tr>
<tr>
<td>Retail premises</td>
</tr>
<tr>
<td>Transfer station</td>
</tr>
</tbody>
</table>

2.0 09/11/2006 C20

Use of land

A permit is not required to use land for a gas-fired power station in accordance with this clause. For the purpose of this schedule, a gas-fired power station means an industrial complex or utility installation using plant, equipment and facilities for the generation of electricity for public use and for connection and export of the electricity into the high voltage transmission system. This includes import of natural gas by pipeline, import of raw water by pipeline, treatment of the water to remove contaminants, purification and storage of raw and treated water, any waste treatment systems, lagoons, ponds and storage tanks, fire protection, utilities, control rooms, administration, maintenance, chemical storage areas, training and amenity buildings, works and facilities which are ancillary to the use of the land as a gas-fired power station.

The exemption from a permit under this clause does not apply to:

- The use of any plant, equipment or facilities on site as gas storage reservoirs.
- The retail sale from the site of any material stored or processed on the land.

The use of the land must be consistent with both the development plan and environmental management plans required by Clause 3 as approved by the responsible authority.

3.0 09/11/2006 C20

Buildings and works

A permit is required to construct a building or construct and carry out works. This does not apply to a building or works that:

- Are in accordance with a development plan approved by the responsible authority.
- Rearrange, alter or renew existing plant if the area or height of the plant is not increased.
- Result in a minor rearrangement of on-site roads and access ways, car parking areas and landscaping providing that their areas and effectiveness are not diminished.
- Are carried out for fire protection under relevant legislation.
• Are accommodation and amenities provided for persons constructing and commissioning any plant on the land.

• Is a temporary building, shed or structure not exceeding 100 square metres in floor area.

All buildings and works must be consistent with the environmental management plan and the development plan required by this clause as approved by the responsible authority.

**Development plan**

Before the construction of any buildings and works starts, a development plan must be prepared to the satisfaction of the responsible authority. The development plan must provide for a gas-fired power station with a maximum building footprint of 22 hectares (including the switch yard area but excluding the area used for accommodation, outdoor car parking and landscaping) and a maximum overall height of 45 metres above ground level.

The development plan must include:

• The location and layout and height of all buildings and plant and details of site and other works.

• The colour, material and finish of all buildings.

• The location of all vehicle and pedestrian access ways.

• The location of all parking areas.

• The location of all loading areas.

• The location of security areas or areas not available for public access and security fencing.

• Details of proposed signage.

• Details of proposed outside lighting and measures to reduce the impact of outside lighting on nearby dwellings, properties and roads.

• Details of proposed landscaping, including such landscaping measures as appropriate both on the land and on surrounding land to screen views of the development from existing dwellings.

• Details of the staging of the development, if any.

• Details of major physical infrastructure ancillary to or to be used in conjunction with the development including provision of water, sewerage, drainage, electricity and telecommunications.

All buildings and works shall be in accordance with the development plan to the satisfaction of the responsible authority.

The development plan may be prepared in stages to the satisfaction of the responsible authority. The development plan may be amended to the satisfaction of the responsible authority.

**Environmental management plan**

Before the construction of any buildings and works starts, a construction environmental management plan must be prepared to the satisfaction of the responsible authority. Prior to the commencement of the use as a gas-fired power station an operations environmental management plan must be prepared to the satisfaction of the responsible authority. The environmental management plans must describe (but not necessarily be limited to) management processes and procedures to minimise the amenity and environmental impacts of the use and development of the site as a gas-fired power station and associated construction activities. The plans must set out objectives, performance and monitoring requirements.

The construction environmental management plan must address the following:

• Environmental assessment and management of soils, water, flora and fauna, weeds, cultural heritage and air emissions

• Noise
- Erosion control
- Storm water runoff
- Off-site dust emissions
- The transfer of site mud to roads
- Staff training and communication
- Reporting for monitoring, audits, incidents and complaints
- Emergency response.

- Traffic management, including but not limited to:
  - Preferred traffic routes with truck movements to the west of the power station site on Connewarren Lane to be minimised
  - Over-dimensional vehicles and loads
  - The upgrade of the Connewarren Lane/Hamilton Highway intersection to the satisfaction of VicRoads and the responsible authority
  - Stock movements on Connewarren Lane
  - Hours of construction and construction deliveries
  - Procedures for access to adjacent properties
  - Provision of staff car parking
  - Traffic circulation within the construction zone
  - Emergency vehicle access
  - Provision for public pedestrian access
  - Training
  - Notice of works and their publicity
  - Contact personnel

- Accommodation and community services, including but not limited to:
  - An estimate of the number of employees and their family members, attracted to the region during the construction period
  - The expected demographics of the workforce
  - Availability of commercial and private accommodation, based on the results of an accommodation survey
  - Identification of potential impacts on housing, medical, childcare, education and recreation services in the region, and in particular localities
  - A strategy to manage the accommodation needs of the workforce
  - Identification of measures to minimise adverse impacts on the delivery of social and community services to the broader community

The responsible authority must seek and consider the comments of Corangamite Shire Council in relation to the accommodation and community services part of the construction environmental management plan.

The operations environmental management plan must address the following:
Environmental management framework

- Environmental management system
- Standards and guidelines
- Environmental objectives
- Organisational responsibilities
- Training
- Reporting
- Routine
- Incidents
- Complaints
- Emergency response

Operational guidelines

- Water management including groundwater quality
- Air emissions
- Noise
- Vegetation and fauna management
- Cultural heritage
- Weed control
- Waste management and minimisation
- Spill prevention and response
- Fuel and chemical storage and handling
- Monitoring.

The environmental management plans may be prepared in stages and both may be amended to the satisfaction of the responsible authority.

4.0

09/11/2006

C20

Car parking

This clause exempts a gas-fired power station from the provisions of Clause 52.06. A gas-fired power station must have provision for a minimum of 10 staff parking spaces and 5 visitor parking spaces except with the consent of the responsible authority. The location, design and construction of car parking spaces for a gas-fired power station must be to the satisfaction of the responsibly authority.

5.0

09/11/2006

C20

Advertising signs

Advertising sign requirements are at Clause 52.05. This zone is in Category 2.
SCHEDULE 2 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ2.

LAKE CONDAH

Purpose

To provide for the use and development of land, restoration and protection of natural systems at Lake Condah.

To protect and conserve the natural environment and natural processes for their historic and indigenous cultural values and the scientific, landscape and habitat values.

To provide for the integrated management, protection and use of a heritage place and buildings of cultural significance for interpretation, education, community, recreational and tourism purposes.

To provide for the continuation of indigenous cultural practices.

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 keeping, Animal training, Intensive animal husbandry, Rice growing and Timber production)</td>
<td>Must meet the requirements of the Apiary Code of Practice, May 1997.</td>
</tr>
<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>Minor Utility Installation</td>
<td></td>
</tr>
<tr>
<td>Natural Systems</td>
<td></td>
</tr>
<tr>
<td>Search for stone</td>
<td>Must not be costeaming or bulk sampling.</td>
</tr>
<tr>
<td>Telecommunications facility</td>
<td>Buildings and works must meet the requirements of Clause 52.19.</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boat Ramp</td>
<td></td>
</tr>
<tr>
<td>Carpark</td>
<td></td>
</tr>
<tr>
<td>Education Centre</td>
<td></td>
</tr>
<tr>
<td>Jetty</td>
<td></td>
</tr>
<tr>
<td>Mooring Pole</td>
<td></td>
</tr>
<tr>
<td>Pier</td>
<td></td>
</tr>
<tr>
<td>Research Centre</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>Store</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation)</td>
<td></td>
</tr>
</tbody>
</table>

**Section 3 - Prohibited**

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Any other use not in Section 1 or 2</td>
<td></td>
</tr>
</tbody>
</table>
SCHEDULE 3 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ3.

WARRNAMBOOL REGIONAL AIRPORT

Purpose
To provide for the safe and efficient operation of the Warrnambool Regional Airport.
To ensure the use and development of the site are compatible with airport functions.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport</td>
<td></td>
</tr>
<tr>
<td>Apiculture</td>
<td>Must meet the requirements of the apiary Code of Practise, May 1997.</td>
</tr>
<tr>
<td>Caretakers house</td>
<td>Must be used in conjunction with Airport or Heliport.</td>
</tr>
<tr>
<td>Car park</td>
<td>Must be used in conjunction with Airport or Heliport.</td>
</tr>
<tr>
<td>Crop raising (other than Rice growing and Timber production)</td>
<td></td>
</tr>
<tr>
<td>Emergency Services Facility</td>
<td></td>
</tr>
<tr>
<td>Extensive animal husbandry</td>
<td>Must meet the requirements of Clause 52.08-2.</td>
</tr>
<tr>
<td>Fuel depot</td>
<td></td>
</tr>
<tr>
<td>Heliport</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>Office (other than Bank, Electoral office, Medical centre and Real estate agency)</td>
<td>Must be used in conjunction with Airport or Heliport.</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>Telecommunications facility</td>
<td>Buildings and works must meet the requirements of Clause 52.19.</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 Crop raising and Extensive animal husbandry)</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Convenience shop</td>
<td>Must be used in conjunction with Airport, Group Accommodation or Residential Hotel</td>
</tr>
<tr>
<td>Education centre (other than Primary school and Secondary school)</td>
<td>Must be used in conjunction with Airport.</td>
</tr>
<tr>
<td>Food and drink premises</td>
<td>Must be used in conjunction with Airport, Group Accommodation or Residential Hotel</td>
</tr>
<tr>
<td>Group accommodation</td>
<td>Must be used in conjunction with aviation activities.</td>
</tr>
<tr>
<td>Leisure and recreation</td>
<td></td>
</tr>
<tr>
<td>Mineral, stone, or soil extraction</td>
<td></td>
</tr>
<tr>
<td>Place of assembly</td>
<td>Must be used in conjunction with aviation activities.</td>
</tr>
<tr>
<td>Research centre</td>
<td></td>
</tr>
<tr>
<td>Transport Terminal (other than Airport and Heliport)</td>
<td></td>
</tr>
<tr>
<td>Residential hotel</td>
<td>Must be used in conjunction with aviation activities.</td>
</tr>
<tr>
<td>Utility installation</td>
<td></td>
</tr>
<tr>
<td>Warehouse (other than Fuel depot)</td>
<td></td>
</tr>
</tbody>
</table>

**Section 3 - Prohibited**

**Use**

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Caretakers dwelling, Group accommodation and Residential hotel)</td>
<td>Any other use not in Section 1 or 2</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 and hours of operation.

An application to use land for Warehouse must be accompanied by the following information, as appropriate:
- The type and quantity of goods to be stored.

**Decision guidelines**

Before deciding on an application to use land for Group Accommodation or Residential Hotel, the responsible authority must consider, as appropriate:
- The *Warrnambool Regional Airport Economic Feasibility Study*.
- The *Warrnambool Regional Airport Development Plan*.
Buildings and works

Permit requirements

A permit is not required to construct a building or to construct or carry out works for Airport, Heliport and Car park in conjunction with Airport or Heliport and Emergency services facility.

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 *Warrnambool Regional Airport Economic Feasibility Study*.
- The *Warrnambool Regional Airport Development Plan*.
- Whether the land is or is likely to be affected by any approved or draft Australian Noise Exposure Forecast approved by Air Services Australia.
- Whether the land is affected by an approved Obstacle Limitation Surface Plan.
SCHEDULE 4 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ4.

EXTRACTIVE INDUSTRY

Purpose
To provide for the use and development of land for extractive industry.
To encourage interim use of the land compatible with the use and development of nearby land.
To encourage land management practice and rehabilitation that minimises adverse impact on the use and development of nearby land.

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>Geothermal energy extraction</td>
<td>Must meet the requirements of Clause 52.08-4.</td>
</tr>
<tr>
<td>Greenhouse gas sequestration</td>
<td>Must meet the requirements of Clause 52.08-4.</td>
</tr>
<tr>
<td>Greenhouse gas sequestration exploration</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>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 Animal keeping,</td>
<td>Must be no more than four animals.</td>
</tr>
<tr>
<td>Animal training, Apiculture,</td>
<td></td>
</tr>
<tr>
<td>Extensive animal husbandry, Horse stables,</td>
<td></td>
</tr>
<tr>
<td>and Intensive animal husbandry)</td>
<td></td>
</tr>
<tr>
<td>Animal keeping (other than Animal boarding)</td>
<td></td>
</tr>
<tr>
<td>Caretaker’s house</td>
<td></td>
</tr>
</tbody>
</table>
### Use | Condition
-----|---------------------
Dependent person’s unit |  
Industry (other than Materials recycling, Refuse disposal, and Transfer station) | Must not be a purpose listed in the table to Clause 52.10.  
Landscape gardening supplies |  
Leisure and recreation (other than Informal outdoor recreation) |  
Manufacturing sales |  
Materials recycling |  
Mineral, stone, or soil extraction (other than Mineral exploration, Mining, and Search for stone) |  
Place of assembly (other than Amusement parlour and Nightclub) |  
Refuse disposal |  
Transfer station |  
Utility installation (other than Minor utility installation) |  
Warehouse | Must not be a purpose listed in the table to Clause 52.10.  

### Section 3 - Prohibited

### Use

Accommodation (other than Caretaker’s house and Dependent person’s unit)
Amusement parlour
Animal boarding
Animal training
Brothel
Cinema based entertainment facility
Horse stables
Intensive animal husbandry
Nightclub
Office
Retail premises (other than Landscape gardening supplies and Manufacturing sales)
Saleyard
Service station
Transport terminal
Veterinary centre
Buildings and works

Permit requirement

The requirement for a permit does not apply to the construction of a building or the construction or carrying out of works which are a modification necessary to comply with a direction or licence under the Dangerous Goods Act 1985 or a Waste Discharge Licence, Works Approval or Pollution Abatement Notice under the Environment Protection Act 1970.
# SCHEDULE 5 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ5**.

## SHAW RIVER POWER STATION

### Purpose

To facilitate the development and use of a gas-fired power station.

To provide for electricity generation using natural gas as the energy source.

## 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 intensive animal husbandry and cattle feedlot, Rice growing and Timber production)</td>
<td></td>
</tr>
<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.</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>Cattle feedlot</td>
<td>Must meet the requirements of Clause 52.26.</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 <em><a href="https://www.spl.gov.au/internet/spl/publishing.nsf/Content/statutes-act-1994">Catchment and Land Protection Act 1994</a></em>.</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>Caretaker’s house</td>
<td></td>
</tr>
<tr>
<td>Carnival</td>
<td>Must meet the requirements of A ‘Good Carnival’ Code of Practice for a Circus or Carnival, October 1997.</td>
</tr>
<tr>
<td>Circus</td>
<td></td>
</tr>
<tr>
<td>Crop raising (other than Rice growing and Timber production)</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></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>Dwelling (other than Bed and breakfast)</td>
<td>Must be the only dwelling on the lot.</td>
</tr>
<tr>
<td></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></td>
<td>Must meet the requirements of Clause 35.07-2.</td>
</tr>
<tr>
<td>Extensive animal husbandry</td>
<td></td>
</tr>
<tr>
<td>Geothermal energy extraction</td>
<td>Must meet the requirements of Clause 52.08-4.</td>
</tr>
<tr>
<td>Greenhouse gas sequestration</td>
<td>Must meet the requirements of Clause 52.08-6.</td>
</tr>
<tr>
<td>Greenhouse gas sequestration exploration</td>
<td></td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Industry</td>
<td>Must meet the requirements of Clauses 2 and 3 of this Schedule.</td>
</tr>
<tr>
<td></td>
<td>Must be for gas-fired power generation.</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 costeaneing 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>Timber production</td>
<td>Must meet the requirements of Clause 52.18.</td>
</tr>
<tr>
<td></td>
<td>The plantation area must not exceed any area specified in a schedule to this zone. Any area specified must be at least 40 hectares.</td>
</tr>
<tr>
<td></td>
<td>The total plantation area (existing and proposed) on contiguous land which was in the same ownership on or after 28 October 1993 must not exceed any scheduled area.</td>
</tr>
<tr>
<td></td>
<td>The plantation must not be within 100 metres of:</td>
</tr>
<tr>
<td></td>
<td>• Any dwelling in separate ownership.</td>
</tr>
<tr>
<td></td>
<td>• Any land zoned for residential, business or industrial use.</td>
</tr>
<tr>
<td></td>
<td>• Any site specified on a permit which is in force which permits a dwelling to be constructed.</td>
</tr>
<tr>
<td></td>
<td>The plantation must not be within 20 metres of a powerline whether on private or public land, except with the consent of the relevant</td>
</tr>
<tr>
<td></td>
<td>electricity supply or distribution authority.</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Utility installation (other than Minor</td>
<td>Must meet the requirements of Clauses 2 and 3 of this Schedule.</td>
</tr>
<tr>
<td>utility installation)</td>
<td></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><strong>Accommodation</strong></td>
<td>Must be for the purposes of accommodating persons constructing and</td>
</tr>
<tr>
<td></td>
<td>commissioning a gas-fired power station on the land.</td>
</tr>
<tr>
<td></td>
<td>Must not be permanent buildings and all buildings must be movable.</td>
</tr>
<tr>
<td><strong>Animal boarding</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Broiler farm</strong></td>
<td>Must meet the requirements of Clause 52.31.</td>
</tr>
<tr>
<td><strong>Car park</strong></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</td>
<td>Must meet the requirements of Clause 52.26.</td>
</tr>
<tr>
<td>condition is not met**</td>
<td>The site must be located outside a catchment area listed in Appendix 2</td>
</tr>
<tr>
<td><strong>Cemetery</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Community market</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Crematorium</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Dependent person’s unit – if the Section</strong></td>
<td>Must meet the requirements of Clause 35.07-2.</td>
</tr>
<tr>
<td>1 condition is not met**</td>
<td></td>
</tr>
<tr>
<td><strong>Dwelling (other than Bed and breakfast) – if the Section 1 condition</strong></td>
<td></td>
</tr>
<tr>
<td>condition is not met**</td>
<td></td>
</tr>
<tr>
<td><strong>Emergency services facility</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Freeway service centre</strong></td>
<td>Must meet the requirements of Clause 52.30.</td>
</tr>
<tr>
<td><strong>Group accommodation</strong></td>
<td>Must be used in conjunction with Agriculture, Outdoor recreation</td>
</tr>
<tr>
<td></td>
<td>facility, Rural industry, or Winery.</td>
</tr>
<tr>
<td></td>
<td>Must be no more than 6 dwellings.</td>
</tr>
<tr>
<td><strong>Host farm</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Intensive animal husbandry (other than</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Broiler farm and Cattle feedlot)</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Interpretation centre</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Leisure and recreation (other than</strong></td>
<td></td>
</tr>
<tr>
<td>**Informal outdoor recreation and Motor</td>
<td></td>
</tr>
<tr>
<td><strong>racing track)</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Manufacturing sales</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Mineral, stone, or soil extraction</strong></td>
<td></td>
</tr>
<tr>
<td>(other than Mineral exploration, Mining,</td>
<td></td>
</tr>
<tr>
<td>and Search for stone)</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Place of assembly (other than Carnival and Circus)</td>
<td>Must not be used for more than 10 days in a calendar year.</td>
</tr>
<tr>
<td>Primary produce sales</td>
<td></td>
</tr>
<tr>
<td>Renewable energy facility) other than Wind energy facility)</td>
<td>Must meet the requirements of Clause 52.42.</td>
</tr>
<tr>
<td>Residential hotel</td>
<td>Must be used in conjunction with Agriculture, Outdoor recreation facility, Rural industry, or Winery.</td>
</tr>
<tr>
<td>Restaurant</td>
<td></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>Saleyard</td>
<td></td>
</tr>
<tr>
<td>Store (other than Freezing and cool storage and Rural store)</td>
<td>Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.</td>
</tr>
<tr>
<td>Timber production – if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 52.18.</td>
</tr>
<tr>
<td>Transfer station</td>
<td>The use must cover no greater than 500m² and must not accept construction and demolition or commercial and industrial waste.</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Veterinary centre</td>
<td></td>
</tr>
<tr>
<td>Wind energy facility</td>
<td>Must meet the requirements of Clause 52.32.</td>
</tr>
<tr>
<td>Winery</td>
<td></td>
</tr>
<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>Accommodation (other than Dependent person’s unit, Dwelling, Group accommodation, Host farm and Residential hotel)</td>
<td></td>
</tr>
<tr>
<td>Brothel</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Rural industry and Transfer station)</td>
<td></td>
</tr>
<tr>
<td>Materials recycling</td>
<td></td>
</tr>
<tr>
<td>Motor racing track</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Refuse disposal</td>
<td></td>
</tr>
<tr>
<td>Refuse transfer station</td>
<td></td>
</tr>
</tbody>
</table>
Use

2.0

01/11/2010

Use of land

A permit is not required to use land for a gas-fired power station in accordance with this clause.

For the purpose of this schedule, a gas-fired power station means an industrial complex or utility installation using plant, equipment and facilities for the generation of electricity for public use and for connection and export of the electricity into the high voltage transmission system. This includes import of natural gas by pipeline, import of water by pipeline, treatment of the water to remove contaminants, purification and storage of untreated and treated water, any waste treatment systems, lagoons, ponds and storage tanks, fire protection, utilities, control rooms, administration, maintenance, chemical storage areas, training and amenity buildings, works and facilities which are ancillary to the use of the land as a gas-fired power station.

The exemption from a permit under this clause does not apply to:

- The use of any plant, equipment or facilities on site as gas storage reservoirs.
- The retail sale from the site of any material stored or processed on the land.

The use of the land must be consistent with both the development plan and environmental management plans required by Clause 3 as approved by the responsible authority.

3.0

01/11/2010

Buildings and works

A permit is required to construct a building or construct and carry out works. This does not apply to a building or works that:

- Rearrange, alter or renew existing plant if the location, area or height of the plant is not increased.
- Are amenities provided for persons constructing and commissioning any plant on the land.

All buildings and works must be consistent with the Environmental Management Plan and the Development Plan required by this clause as approved by the responsible authority.

Development plan

Before the construction of any buildings and works start, a Development Plan must be prepared to the satisfaction of the responsible authority with regard, as appropriate, to the views of relevant agencies including Department of Sustainability and Environment, Department of Primary Industries, Environment Protection Agency, VicRoads, Energy Safe Victoria, Country Fire Authority, the State Emergency Service and WorkSafe Victoria.

The Development Plan must provide for a gas-fired power station with a maximum building footprint of 45 hectares (including the switch yard area but excluding the area used for accommodation, outdoor car parking and landscaping) and a maximum overall height of 50 metres above ground level. The area and height may be varied with the approval of the responsible authority.

The Development Plan must address the principles, actions and commitments contained in the exhibited Environmental Effects Statement, including the Strategic Environmental Management Plan and Environmental Commitments, except where they are specifically varied in the Minister’s assessment of the Environmental Effects or by the conditions of other statutory approvals.

The Development Plan must include:

- The location and layout and height of all buildings and plant and details of site and other works.
The colour, material and finish of all buildings.

The location of all vehicle and pedestrian access ways.

The location of all parking areas.

The location of all loading areas.

The location of security areas or areas not available for public access and security fencing.

Details of proposed signage.

Details of proposed outside lighting and measures to reduce the impact of outside lighting on nearby dwellings, properties and roads.

Details of the staging of the development, if any.

Details of major physical infrastructure ancillary to or to be used in conjunction with the development including provision of water, sewerage, drainage, electricity and telecommunications.

Compliance with recommended noise limits in accordance with the Interim Guidelines for Control of Noise from Country Victoria N3.

Compliance with SEPP (Air Quality Management) and SEPP (Waters of Victoria) design criteria and standards.

A sealed upgrade of Riordans Road from Hamilton Highway – Port Fairy Road intersection to the entrance of the Power Station (before development starts) and internally for all roads regularly used by B double vehicles.

Provision of sufficient parking at the Power Station to meet requirements during construction phase and maintenance periods.

Incorporation of management measures from the approved Cultural Heritage Management Plan.

Details of landscaping, including such landscaping measures as appropriate both on the land and on surrounding land to screen views and provide a buffer of the development to surrounding farming operations, existing dwellings and key public vistas and routes, in accordance with the landscape character of the surrounding area.

An Off-site Landscaping Plan to mitigate the visual impact within 3 km of the Power Station site. Where an offer is accepted, the plan should:

- Be prepared by the relevant land owner or the proponent;
- Incorporate the species to be used, timetable and maintenance arrangements;
- Be implemented within 3 months of the endorsement (unless otherwise agreed between the landowner and the proponent); and
- Specify that all costs for design, implementation and the maintenance to establishment are to be the responsibility of the Proponent or operator.

All buildings and works shall be in accordance with the development plan to the satisfaction of the responsible authority.

The development plan may be prepared in stages to the satisfaction of the responsible authority.

The development plan may be amended to the satisfaction of the responsible authority.

Environmental management plans

Before the construction of any buildings and works start, a Construction Environmental Management Plan and an Operations Environmental Management Plan must be prepared to the satisfaction of the responsible authority with regard, as appropriate, to the views of relevant agencies including
Department of Primary Industries, Department of Sustainability and Environment, Environment Protection Authority, VicRoads, Energy Safe Victoria, Country Fire Authority, the State Emergency Service and WorkSafe Victoria.

The Environmental Management Plans must describe (but not necessarily be limited to) management processes and procedures to minimise the amenity and environmental impacts of the use and development of the site as a gas-fired power station and associated construction activities. The plans must set out objectives, performance and monitoring requirements.

The Environmental Management Plans must address the principles, actions and commitments contained in the exhibited Environmental Effects Statement, including the Strategic Environmental Management Plan and Environmental Commitments, except where they are specifically varied in the Minister’s assessment of the Environmental Effects or by the conditions of other statutory approvals.

The Construction Environmental Management Plan must address the following:

- Air emissions
- Noise management
- Surface water and storm water management
- Soil management and erosion control
- Ground water
- Flora and fauna
- Measures to audit and correct native vegetation removal offsets
- Southern Bent-wing Bat monitoring on the Power Station site and any required mitigation measures as a consequence of these findings
- Rehabilitation techniques and monitoring measures for both aquatic and terrestrial species
- Weed control
- Cultural heritage material, including drystone walls
- Waste management and minimization
- Spill prevention and response
- Fuel and chemical storage and handling
- Monitoring
- Off-site dust emissions
- The transfer of site mud to roads
- Staff training and communication
- Reporting for monitoring, audits, incidents and complaints
- Emergency response
- A Safety Management Plan prepared by a suitably qualified person
- Traffic management, including but not limited to:
  - Preferred traffic routes
  - Over-dimensional vehicles and loads
  - The upgrade of the Hamilton – Port Fairy and Riordans Road intersection to the satisfaction of VicRoads and the responsible authority
  - Hours of construction and construction deliveries
- Procedures for access to adjacent properties
- Provision of staff car parking
- Traffic circulation within the construction zone
- Emergency vehicle access
- Provision for public pedestrian access
- Training
- Notice of works and their publicity
- Contact personnel

- Accommodation and community services, including but not limited to:
  - A strategy to manage the accommodation needs of the workforce
  - Identification of measures to minimise adverse impacts on the delivery of social and community services to the broader community.

The Operations Environmental Management Plan must address the following:

**Environmental management framework**
- Environmental management system
- Standards and guidelines
- Environmental objectives
- Organisational responsibilities
- Training
- Reporting
- Routine
- Safety Management Plan prepared by a suitably qualified person
- Incidents
- Emergency response

**Operational guidelines**
- Water and discharge quality management
- Air emissions
- Noise management
- Vegetation and fauna management
- Cultural heritage
- Weed control
- Waste management and minimisation
- Spill prevention and response
- Fuel and chemical storage and handling
- Monitoring.
**Wildfire Management Plan**

A wildfire management plan to protect power station employees and those persons resident in the construction camp and from the effects of fire generated from outside the site and to control the spread of fire generated from within the site.

**Worker's Construction Camp**

Protocols and procedures to ensure that surrounding amenity levels are not adversely affected by activities and noise generated by persons resident in the workers construction camp.

The Environmental Management Plans may be prepared in stages and both may be amended to the satisfaction of the responsible authority.

**4.0 Car and bicycle parking**

This clause exempts a gas-fired power station from the provisions of Clauses 52.06 and 52.34. A gas-fired power station must have provision for a minimum of 50 staff car parking spaces and 5 visitor car parking spaces except with the consent of the responsible authority.

The location, design and construction of car parking spaces for a gas-fired power station must be to the satisfaction of the responsibly authority.

**5.0 Advertising signs**

Advertising sign requirements are at Clause 52.05. This zone is in Category 2.
SCHEDULE 6 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ6.

TARRONE POWER STATION

Purpose

To facilitate the development and use of a gas-fired power station.
To provide for electricity generation using natural gas as the energy source.

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 keeping, Apiculture, Intensive animal husbandry, Rice growing and Timber production)</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Animal keeping (other than Animal boarding)</td>
<td>Must be no more than 6 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 52.26.</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>Caretaker’s house</td>
<td>Must meet the requirements of Clauses 2 and 3 of this Schedule.</td>
</tr>
<tr>
<td>Dependent person’s unit</td>
<td>Must be the only dwelling on the lot.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 35.07-2.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td>Must meet the requirements of Clauses 2 and 3 of this Schedule.</td>
</tr>
<tr>
<td></td>
<td>The lot must be at least the area specified in a schedule to this zone.</td>
</tr>
<tr>
<td></td>
<td>If no area is specified, the lot must be at least 40 hectares.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 35.07-2.</td>
</tr>
<tr>
<td>Home occupation</td>
<td>Must meet the requirements of Clauses 2 and 3 of this Schedule.</td>
</tr>
<tr>
<td>Industry</td>
<td>Must be for gas-fired power generation.</td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td>Must meet the requirements of Clauses 2 and 3 of this Schedule.</td>
</tr>
<tr>
<td>Minor utility installation</td>
<td>Must be for gas-fired power generation.</td>
</tr>
</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Railway</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Timber production</strong></td>
<td>Must meet the requirements of Clause 52.18.</td>
</tr>
<tr>
<td></td>
<td>The plantation area must not exceed any area specified in a schedule to this zone. Any area specified must be at least 40 hectares.</td>
</tr>
<tr>
<td></td>
<td>The total plantation area (existing and proposed) on contiguous land which was in the same ownership on or after 28 October 1993 must not exceed any scheduled area.</td>
</tr>
<tr>
<td></td>
<td>The plantation must not be within 100 metres of:</td>
</tr>
<tr>
<td></td>
<td>- Any dwelling in separate ownership.</td>
</tr>
<tr>
<td></td>
<td>- Any land zoned for residential, business or industrial use.</td>
</tr>
<tr>
<td></td>
<td>- Any site specified on a permit which is in force which permits a dwelling to be constructed.</td>
</tr>
<tr>
<td></td>
<td>The plantation must not be within 20 metres of a powerline whether on private or public land, except with the consent of the relevant electricity supply or distribution authority.</td>
</tr>
<tr>
<td><strong>Tramway</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Utility installation (other than Minor utility installation)</strong></td>
<td>Must meet the requirements of Clauses 2 and 3 of this Schedule.</td>
</tr>
<tr>
<td><strong>Any use listed in Clause 62.01</strong></td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>

#### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Accommodation (other than Caretakers house, Dependent person’s unit, Dwelling)</strong></td>
<td>Must be for the purposes of accommodating persons constructing and commissioning a gas-fired power station on the land. Must not be permanent buildings and all buildings must be movable.</td>
</tr>
<tr>
<td><strong>Animal boarding</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Broiler farm</strong></td>
<td>Must meet the requirements of Clause 52.31.</td>
</tr>
<tr>
<td><strong>Car park</strong></td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td><strong>Cattle feedlot – if the Section 1 condition is not met</strong></td>
<td>Must meet the requirements of Clause 52.26.</td>
</tr>
<tr>
<td></td>
<td>The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.</td>
</tr>
<tr>
<td><strong>Cemetery</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Community market</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Crematorium</strong></td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>-----------------------------------------------</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>Dwelling (other than Bed and breakfast) – if the Section 1 condition is not met</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 52.30.</td>
</tr>
<tr>
<td>Freezing and cool storage</td>
<td></td>
</tr>
<tr>
<td>Group accommodation</td>
<td>Must be used in conjunction with Agriculture, Outdoor recreation facility, Rural industry, or Winery. Must be no more than 6 dwellings.</td>
</tr>
<tr>
<td>Host farm</td>
<td></td>
</tr>
<tr>
<td>Intensive animal husbandry (other than Broiler farm and Cattle feedlot)</td>
<td></td>
</tr>
<tr>
<td>Interpretation centre</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Manufacturing sales</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Carnival and Circus)</td>
<td>Must not be used for more than 10 days in a calendar year.</td>
</tr>
<tr>
<td>Primary produce sales</td>
<td></td>
</tr>
<tr>
<td>Renewable energy facility (other than Wind energy facility)</td>
<td>Must meet the requirements of Clause 52.42.</td>
</tr>
<tr>
<td>Residential hotel</td>
<td>Must be used in conjunction with Agriculture, Outdoor recreation facility, Rural industry, or Winery.</td>
</tr>
<tr>
<td>Restaurant</td>
<td></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>Saleyard</td>
<td></td>
</tr>
<tr>
<td>Store (other than Freezing and cool storage and Rural store)</td>
<td>Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.</td>
</tr>
<tr>
<td>Timber production – if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 52.18.</td>
</tr>
<tr>
<td>Transfer station</td>
<td>The use must cover no greater than 500m² and must not accept construction and demolition or commercial and industrial waste.</td>
</tr>
</tbody>
</table>
## Use of land

A permit is not required to use land for a gas-fired power station in accordance with this clause. For the purpose of this schedule, a gas-fired power station means an industrial complex or utility installation using plant, equipment and facilities for the generation of electricity for public use and for connection and export of the electricity into the high voltage transmission system. This includes import of natural gas by pipeline, import of water by pipeline, by road tanker, extraction of groundwater, treatment of the water to remove contaminants, purification and storage of untreated and treated water, any waste treatment systems, lagoons, ponds and storage tanks, fire protection, utilities, control rooms, administration, maintenance, chemical storage areas, temporary concrete batching plant, training and amenity buildings, works and facilities which are ancillary to the use of the land as a gas-fired power station.

A gas-fired power station does not include:

- The use of any plant, equipment or facilities on site as gas storage reservoirs.
- The retail sale from the site of any material stored or processed on the land.

The use of the land must be consistent with both the Development Plan and Environmental Management Plans required by Clause 3 as approved by the responsible authority.

## Buildings and works

A permit is required to construct a building or construct or carry out works. This does not apply to:

### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Veterinary centre</td>
<td></td>
</tr>
<tr>
<td>Wind energy facility</td>
<td>Must meet the requirements of Clause 52.32.</td>
</tr>
<tr>
<td>Winery</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</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>Brothel</td>
</tr>
<tr>
<td>Industry (other than Rural industry and Transfer station) – if the section 1 condition is not met</td>
</tr>
<tr>
<td>Materials recycling</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
<tr>
<td>Office</td>
</tr>
<tr>
<td>Refuse disposal</td>
</tr>
<tr>
<td>Refuse transfer station</td>
</tr>
<tr>
<td>Retails premises (other than Community market, Manufacturing sales, Primary produce sales and Restaurant)</td>
</tr>
<tr>
<td>Warehouse (other than Store)</td>
</tr>
</tbody>
</table>
Buildings and works that are in accordance with a Development Plan approved by the responsible authority.

Buildings and works that rearrange, alter or renew existing plant if the area or height of the plant is not increased.

Buildings and works that are amenities provided for persons constructing and commissioning any plant on the land.

All buildings and works must be consistent with the Environmental Management Plan and the Development Plan required by this clause as approved by the responsible authority.

3.1 Development Plan

Approval

Before the construction of any buildings and works starts, a Development Plan must be prepared to the satisfaction of the responsible authority with regard, as appropriate, to the views provided by relevant agencies including Moyne Shire Council, Department of Sustainability and Environment, Department of Primary Industries, Environment Protection Authority, VicRoads, Energy Safe Victoria, Country Fire Authority, the State Emergency Service and WorkSafe Victoria.

The Development Plan, Offsite Landscaping Plan and Environmental Management Plans should be submitted to the responsible authority a minimum of three (3) months prior to the proposed commencement of construction.

Form, height and area of the development

The Development Plan must provide for a gas-fired power station and associated infrastructure, plant and equipment. The area of the gas-fired power station, substation, switchyard and terminal station must be approximately 20 hectares, though this area does not include the parts of the site used for construction laydown, outdoor car parking and landscaping. The maximum overall height of the development must be 45 metres above ground level. The area and height may be varied with the approval of the responsible authority.

Content of Development Plans

The Development Plan must include:

- The location, layout and height of all buildings and plant and details of site and other works.
- The colour, material and finish of all buildings.
- The location of all vehicle and pedestrian access ways.
- Provision of sufficient parking at the power station to meet requirements during construction phase and maintenance periods.
- The location of all loading areas.
- The location of security areas or areas not available for public access and security fencing.
- Details of proposed signage.
- Details of proposed outside lighting and measures to reduce the impact of outside lighting on nearby dwellings, properties and roads.
- A Flora and Fauna Management Plan, consistent with Victoria’s Native Vegetation Management: A Framework for Action (NRE 2002) and the Flora and Fauna Guarantee Act 1988 prepared in consultation with the Department of Sustainability and Environment, that:
  - Includes details of any further fauna surveys and assessments required prior to construction, and include processes for identifying and managing the potential impacts on native fauna species, including Growling Grass Frog, Southern Bent-wing Bat, Swamp Skink and Brown Toadlet.
- Includes a full net gain assessment of proposed native vegetation losses for the development of the gas-fired power station and associated road upgrades, details of extent and quality of ongoing management of native vegetation to be retained on site, and details of the offsets to be provided and their management.

- Details measures to protect the wetland on the western boundary of the site (Patch 59).

The plan may be prepared in stages.

- Details of proposed landscaping, including such landscaping measures as appropriate both on the land and on surrounding land to screen views of the development from existing dwellings and to filter views to the development from Tarrone North Road and local roads to the south and west.

- Details of major physical infrastructure ancillary to or to be used in conjunction with the development including provision of water, sewerage, drainage, electricity and telecommunications.

- Details of how the gas-fired power station has been designed to comply with recommended noise limits in accordance with the Interim Guidelines for Control of Noise from Country Victoria N3/89.

- Details of how the gas-fired power station has been designed to comply with SEPP (Air Quality Management) and SEPP (Waters of Victoria) design criteria and standards.

- Details of the staging of the development, if any.

**Staging**

The Development Plan may be prepared in stages to the satisfaction of the responsible authority and may be amended to the satisfaction of the responsible authority.

### 3.2 Offsite Landscaping Plan

Within six (6) months of the endorsement of the Development Plan, offers to carry out landscape works to mitigate the visual impact of the power station must be made available to owners of all dwellings within 3 kilometres of the site.

The offers must be available for up to 12 months after commissioning of the first stage of the power station.

If an offer of landscape mitigation works is accepted, an Offsite Landscaping Plan must be prepared for the particular dwelling, in consultation with the owner of the dwelling, by a suitably qualified person to the satisfaction of the responsible authority.

The plan should:

- Incorporate the species to be used, timetable and maintenance arrangements; and

- Specify that all costs for design, implementation and the maintenance to establishment are to be the responsibility of the Proponent or operator.

The landscaping as shown on the endorsed Offsite Landscaping Plan must be completed within 12 months of the endorsement of the particular plan by agreement with the landowner or as otherwise approved by the responsible authority.
Environmental Management Plans

General

The Construction Environmental Management Plan and Operation Environmental Management Plan required under this Schedule must describe (but not necessarily be limited to) management processes and procedures to minimise the amenity and environmental impacts of the use and development of the site as a gas-fired power station and associated construction activities. The plans must set out objectives, performance and monitoring requirements.

The Environmental Management Plans may be prepared in stages and may be amended to the satisfaction of the responsible authority.

The Environmental Management Plans must address the following:

- Independent compliance auditing by suitably qualified people at relevant stages of the development process of the following matters:
  - Air emissions.
  - Noise emissions.
  - Surface water management systems and the quality of water discharged from the project site.
  - Protection of native vegetation and fauna.


Construction Environmental Management Plan

Before the construction of any buildings and works start, a Construction Environmental Management Plan must be prepared to the satisfaction of the responsible authority with regard, as appropriate, to the views provided by relevant agencies including Moyne Shire Council, Department of Primary Industries, Department of Sustainability and Environment, Environment Protection Authority, VicRoads, Energy Safe Victoria, Country Fire Authority, the State Emergency Service and WorkSafe Victoria.

Any road upgrades and improvements identified within the Construction Environmental Management Plan (Traffic Management Plan) must be undertaken to the satisfaction of the responsible authority and VicRoads before the construction of any buildings and works start on the power station site.

The Construction Environmental Management Plan must address the following:

- Air emissions.
- Noise management.
- Surface water and storm water management.
- Soil management and erosion control.
- Groundwater.
- Non-Aboriginal cultural heritage material.
- Flora and fauna.
- Measures to prevent damage to the wetland on the western boundary of the site.
- Weed control.
- Waste management and minimisation.
- Spill prevention and response.
- Fuel and chemical storage and handling.
- Monitoring.
- Off-site dust emissions.
- The transfer of site mud to roads.
- Staff training and communication.
- Reporting for monitoring, audits, incidents and complaints.
- Emergency response.
- Compliance with the EPA document Victoria’s Environmental Guidelines for Major Construction Sites.
- The protection of dry stone walls in the vicinity of the power station site.
- A Traffic Management Plan to ensure the safe and efficient transport of vehicles to and from the power station site, including but not limited to:
  - Preferred traffic routes which may be used by construction or worker vehicles travelling to or from the site.
  - Prohibited traffic routes which are not to be used by construction or worker vehicles travelling to or from the site.
  - Measures to ensure the use of the preferred traffic routes and prevent the use of the prohibited traffic routes by construction or worker vehicles.
  - Over-dimensional vehicles and loads, including the routes that must be used by these vehicles and loads.
  - Surveys of road and pavement quality before major works occur on the power station site, and procedures to repair and reinstate damage to the roads which has been caused by vehicles associated with the construction of the power station.
  - Road upgrades and improvements of either

Works to the following roads:
- The intersection of Tarrone North Road and the Woolsthorpe-Heywood Road.
- Tarrone North Road from the intersection of Tarrone Lane to the Woolsthorpe-Heywood Road.
- The Woolsthorpe-Heywood Road between the Penshurst- Warrnambool Road and the Hamilton - Port Fairy Road.
- The internal site approach road.

or
- comparable improvements to the local road network identified by strategic planning processes.
  - Hours of construction activities and construction deliveries and departures.
  - Procedures for access to adjacent properties.
  - Methods to ensure construction trucks and over-dimensional vehicles do not use school bus routes during school bus hours.
  - Provision of staff car parking.
  - Traffic circulation within the construction zone.
  - Emergency vehicle access.
  - Provision for public pedestrian access.
- Training and induction on driver behaviour and to ensure workers and contractors comply with the requirements of the traffic management plan.
- Contact personnel.

- Communication Plan to:
  - Advise abutting and nearby residents of the hours of construction activities.
  - Advise affected members of the route, nature and timing of construction traffic, and any changes to these matters that occur in accordance with the Traffic Management Plan.

- Accommodation and community services, including but not limited to:
  - A strategy to manage the accommodation needs of the workforce.
  - Identification of measures to minimise adverse impacts on the delivery of social and community services to the broader community.

- Wildfire management measures to protect power station employees from the effects of fire generated from outside the site and to control the spread of fire generated from within the site.

**Operational Environmental Management Plan**

Prior to the commencement of the use as a gas-fired power station an Operational Environmental Management Plan must be prepared to the satisfaction of the responsible authority. The Operational Environmental Management Plan must address the following:

- Environmental Management Framework
  - Environmental management system.
  - Standards and guidelines.
  - Environmental objectives.
  - Organisational responsibilities.
  - Training.
  - Reporting.
  - Routine.
  - Incidents.
  - Complaints, including a complaint management process that adopts the principles outlined in Australian Standard Customer Satisfaction – Guidelines for complaints handling in organizations (AS10002:2006).
  - Emergency response.

- Operational Guidelines
  - Water and discharge quality management.
  - Measures to prevent damage to the wetland on the western boundary of the site.
  - Noise management.
  - Vegetation and fauna management.
  - Cultural heritage.
  - Weed control.
  - Waste management and minimisation.
- Spill prevention and response.
- Fuel and chemical storage and handling.
- Monitoring procedures.
- Decommissioning procedures.

- Wildfire Management
  - A wildfire management plan to protect power station employees from the effects of fire generated from outside the site and to control the spread of fire generated from within the power station site.

4.0
26/04/2012
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**Car and bicycle parking**

This clause exempts a gas-fired power station that meets the requirements of Clause 2 and Clause 3 of this schedule from the provisions of Clauses 52.06 and 52.34.

A gas-fired power station must have provision for a minimum of 20 staff car parking spaces and 5 visitor car parking spaces except with the consent of the responsible authority.

The location, design and construction of car parking spaces for a gas-fired power station must be to the satisfaction of the responsible authority.

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**Advertising signs**

Advertising 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 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>
<tr>
<td>Class of application</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------</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>
</tbody>
</table>

Subdivide land into 2 lots if:                                                                 |

<table>
<thead>
<tr>
<th>Clause 59.02</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The construction of a building or the construction or carrying out of works on the</td>
</tr>
<tr>
<td>land:</td>
</tr>
<tr>
<td>• Has been approved under this scheme or by a permit issued under this scheme</td>
</tr>
<tr>
<td>and the permit has not expired.</td>
</tr>
<tr>
<td>• Has started lawfully.</td>
</tr>
<tr>
<td>• The subdivision does not create a vacant lot.</td>
</tr>
</tbody>
</table>

Construct a fence.                                                                                     |

<table>
<thead>
<tr>
<th>Clause 59.05</th>
</tr>
</thead>
</table>

Remove, destroy or lop one tree.                                                                       |

<table>
<thead>
<tr>
<th>Clause 59.06</th>
</tr>
</thead>
</table>

Construct a building or construct or carry out works for:                                              |

<table>
<thead>
<tr>
<th>Clause 59.05</th>
</tr>
</thead>
<tbody>
<tr>
<td>• A carport, garage, pergola, verandah, deck, shed or similar structure.</td>
</tr>
<tr>
<td>• A rainwater tank.</td>
</tr>
</tbody>
</table>

The buildings and works must be associated with a dwelling.

### Table of exemptions

<table>
<thead>
<tr>
<th>The requirement to obtain a permit does not apply to:</th>
</tr>
</thead>
</table>

#### Emergency works

<table>
<thead>
<tr>
<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>
</tr>
<tr>
<td>• where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.</td>
</tr>
</tbody>
</table>

#### 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

<table>
<thead>
<tr>
<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>
</tr>
<tr>
<td>• planned burning;</td>
</tr>
<tr>
<td>• making or maintenance of a fuelbreak or fire fighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;</td>
</tr>
<tr>
<td>• making of a strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987);</td>
</tr>
<tr>
<td>• is ground fuel within 30 metres of a building and is vegetation other than native vegetation;</td>
</tr>
<tr>
<td>• in accordance with a fire prevention notice issued under either:</td>
</tr>
</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.*

- Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the *Geothermal Energy Resources Act 2005*.
- Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the *Greenhouse Gas Geological Sequestration Act 2008*.
- Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the *Catchment and Land Protection Act 1994*.
- Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the *Catchment and Land Protection Act 1994*.
- Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a work plan approved under Part 3 of the *Mineral Resources (Sustainable Development) Act 1990*. *Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration.*
- Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows. In the case of native vegetation the written agreement of an officer of the department responsible for administering the *Flora and Fauna Guarantee Act 1988* is required before the vegetation can be removed, destroyed or lopped.
- Vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding for Crop raising or Grazing animal production.
- Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*).
- Vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established vegetation, and is:
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 costeining 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 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.

COASTAL AREAS AND ESTUARIES

1.0

Statement of environmental significance

The Shire’s coast is of outstanding environmental significance and is of value as a conservation, scientific and tourism resource. It supports a range of vital commercial, recreational and tourist activities amongst a diverse range of ecosystems of which Childers Cove, the Bay of Islands, The Crags and Lake Yambuk are particularly noteworthy. Although the coastal areas of the Shire contain significant sites of biodiversity much of the adjacent land has been cleared of native vegetation and developed for rural land uses. This has resulted in fragmented patches of remnant vegetation, which have become more important to protect and sustain because of their role as habitat.

Estuaries such as Lake Yambuk, Moyne River, The Cutting (former Merri River entrance) represent unique ecosystems comprising coastal saltmarshes, rushes, sedges and seagrasses which link catchments to the coastal marine environment. They are also under pressure associated with adjoining land management and river mouth openings. These areas are also sites which exhibit hazards related to sea level rise and potential acid sulphate soils and the need to consider these matters when considering development activity on the coast.

Estuaries and their associated wetlands are an important component of the landscape and are biologically productive ecosystems, which provide the following functions:

- Provide habitat for native flora and fauna such as the Orange bellied Parrot;
- Provide nursery and breeding sites for aquatic fauna;
- Trap sediments and assimilate and recycle nutrients;
- Provide landscape value and are a valuable recreation resource;
- Are sites of cultural, scientific, educational and economic significance, particularly with respect to fisheries.

2.0

Environmental objective to be achieved

To protect and enhance flora and fauna habitat of the coast, estuaries, associated wetlands and indigenous native vegetation from the impacts of development.

To protect and enhance the stability and environmental quality of sand dunes and coastal cliffs from the impacts of development.

To protect the physical, biological and water quality integrity and functioning of estuaries from development within or adjoining an estuary including:

- Avoiding the interference of environmental flows, natural flooding regimes and tidal flows;
- the avoidance of interfering with the appropriate management of artificial river mouth openings of estuaries that minimises detrimental effects on the estuarine environment;
- the avoidance of concentrated stormwater flows and filtering of stormwater, nutrients and other pollutants;
- the prevention of soil erosion and sedimentation;
- the prevention of the disturbance of acid sulphate soils associated with estuaries and low lying coastal areas; and
- the recharge and discharge of ground waters.
To encourage development including infrastructure to locate away from the sea, estuaries and wetlands through the use of buffer zones. Buffer zones can assist in protecting development from sea level rise hazards, mitigate the impacts of development and permit wetland vegetation to migrate as a result of predicted sea level rise associated with climate change.

3.0 Permit requirement

A permit is not required to construct a building or to construct or carry out works where:

- A building or works are for agricultural purposes including grazing, ploughing, fencing, stock yards, farm sheds, water tanks and other associated supportive infrastructure unless such works:
  - Are located within 100 metres of the coast, estuary or wetland;
  - Involves the construction of levee banks, raised access tracks, channel banks, drain banks or other works which would alter the natural topography of the land or changes the natural rate or direction of flow of water towards the sea, an estuary or a wetland;
  - Involves the removal or destruction of native indigenous vegetation.

- A building or works is a domestic structure associated with an existing dwelling and for repair and routine maintenance of an existing building.

- Works for the protection or restoration including stock exclusion fencing of an estuary, wetland or site of geological, botanical or biodiversity value.

- Vegetation has been planted for shelter belts or gardens.

- Buildings and works are undertaken by, or on behalf of, the Department of Sustainability and Environment or appointed committee of management on coastal crown land under relevant legislation.

- Buildings and works are undertaken by, or on behalf of, Parks Victoria in relation to its obligation under relevant legislation.

4.0 Referral of applications

All applications must be referred in accordance with Section 55 of the Act to the referral authority as specified in the schedule to Clause 66.04.

5.0 Decision guidelines

Before deciding on an application, the responsible authority must consider as appropriate:

- The impact of the development on neighbouring properties.

- Existing use of land and the reason for the development in relation to that use and the degree of dependence of the development on the coastal environment.

- The availability of alternative land suitable for the proposed development away from the coast, estuary or wetland area.

- The soil stability of the land and whether the proposal minimises ground surface disturbance and included adequate measures to prevent and control soil erosion and sedimentation during construction works and/or associated with the proposed use.

- Whether the proposal minimises the impact of construction (including construction of roads) within prominent areas such as hillsides, promontories, ridge-lines and headlands.

- Whether the proposal avoids the construction (including construction of roads) and works in fragile, unstable areas or hazardous soils, including land subject to inundation and land adjoining coastal or lake foreshore boundaries where acid sulphate soils may occur.
How it is proposed to manage potential acid sulphate soils and satisfy the requirements of the EPA’s Industrial Waste Management Policy (Waste Acid Sulphate Soils), 1999.

Potential threats to the quality, life cycle processes or functioning of aquatic and terrestrial ecosystems or native plant and animal species.

Whether development avoids impacts on an estuary and wetlands from any drainage, excavation, filling and reclamation works or supports the ecology of the wetland.

Whether the proposal protects and avoids the loss of indigenous native vegetation particularly sensitive coastal and foreshore vegetation, in particular heath-lands, dune vegetation, saltmarshes and sedges from clearing, pollution, grazing, and trampling.

Whether the proposal emphasises the use of indigenous species in revegetation programs particularly for riparian buffers along waterways, gullies, ridge-lines, property boundaries and recharge areas, as well as site management measures to minimise the occurrence of salinity, erosion, groundwater and surface water problems.

The need for an agreement or a covenant on title to protect significant habitat and whether this should be a condition of any permit.

Whether the proposal takes into account possible sea and water level rises or other coastal hazards when planning the siting and design of buildings and works.

Whether the proposal avoids development with any associated wastewater within 100 metres of a waterway, wetland or coastal foreshore boundary.

Whether the proposal incorporates stormwater systems, which prevent high nutrient and sediment concentration entering waterways, wetlands and groundwater.

Potential effects of the proposal on quality and quantity of water, the flow of floodwaters and on flood control measures.

The necessity of retaining a buffer zone from either the high water mark of the coast adequate to avoid coastal erosion hazard and coastal shoreline retreat or up to 100 metres from high water mark from an estuary or wetland for landward migration of wetland vegetation due to sea level rise including the benefit of implementing the buffer through an appropriate permit condition and requiring any such buffer to be fenced to exclude stock or vermin.

Control of noxious and environmental weeds and pest animals, including the need to minimise the spread of weeds and soil pathogens.


The impact of the siting, size, height, use of materials, colours and external finishes of any proposed buildings and/or extensions of works on the visual amenity of the coastal and estuarine environment with the intent of minimising any visual impact, including visual impact including views from the water or ocean.

For an application to subdivide land, consider the intended development and use of the land and its likely effects on the coastal location, estuary and/or wetland and if acceptable, the need to impose conditions on lot sizes, lot boundaries, road network, open space, building envelopes or effluent disposal sites to ensure better protection of the coastal location, estuary and/or wetland.

Any comments by the Department of Sustainability and Environment, Catchment Management Authorities, Western Coastal Board or Council Environment sections.

Any approved management plan and coastal action plan.
SCHEDULE 2 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO2.

PETERBOROUGH COASTAL AND ESTUARY AREA

1.0

Statement of environmental significance

Peterborough is located on the banks of the Curdies River estuary and the start of the spectacular limestone cliffs of the Bay of Islands Coastal Park. The coast around the township contains a range of geomorphological features including cliffs, coastal stacks, headlands and beaches. The Curdies River estuary located to the east of the town is a significant ecosystem and nursery for a range of fish species that provides an important habitat for a variety of birdlife.

A number of geomorphologically and ecologically significant limestone depression wetlands or ‘sinkholes’ occur within the town. They vary in size and typically can have a diameter in excess of 40 metres with many containing water in them all year round. Because some of these limestone depressions are located within Peterborough they are sensitive to the impacts of urban development including pollution from stormwater runoff and disturbance from development activity.

It is important that development does not detrimentally affect these drainage features or the further reduce the water quality of the Curdies River estuary or impact on the environmental values of the coastal area.

2.0

Environmental objective to be achieved

- To conserve and enhance the environmental qualities of the coast, estuarine ecology of the Curdies River and structural and water quality of the limestone depressions and in particular to ensure that:
  - the water quality of the limestone depressions and the estuary of the Curdies River is maintained and enhanced;
  - sand dunes and coastal cliffs in the coastal area remain in a stable condition; and
  - valuable ecological systems are protected.
- To require the proper management of stormwater discharges to the Curdies River estuary and limestone depressions from development.
- To encourage development to implement stormwater and grey water recycling systems.
- To encourage revegetation using native coastal species local to the Peterborough area.

3.0

Permit requirement

A permit is not required to construct a building or to construct or carry out works for:

- 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.
- Litter receptacles.

Application Requirements

Any application for a building must contain the following information:

- A Site Analysis and Context Plan which identifies a building envelope. The building envelope should ensure that the structure is sited to minimise any adverse impacts upon the coast, the Curdies River estuary and floodplain and the limestone depressions found within Peterborough including ecological impacts or pressures, visual impacts, and other matters of environmental or cultural significance.
An assessment displaying that the building can be contained within the building envelope which has been determined following an analysis of the site and its context.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider as appropriate:

- The existing use or development of the land.
- The impact of the development on other properties.
- The degree of dependence of the development on the coastal environment.
- The soil stability of the subject land and the need to prevent soil erosion.
- The likelihood of pollution and/or siltation of any watercourse.
- The amount of natural vegetation to be removed through the construction of any buildings or works.
- Whether adequate provision has been made for the landscaping and treatment of the site.
- The value of any native vegetation to be removed in terms of its physical condition, rarity or variety.
- The protection and enhancement of the landscape.
- The desirability of retaining a buffer strip of native vegetation along roads, watercourses and property boundaries.
- The need to protect the environmental values of limestone depressions including avoidance of the draining and filling of limestone depressions.
- The desirability of maintaining natural drainage features.

**Reference Documents**


SCHEDULE 3 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO3.

MORTLAKE POWER STATION ENVIRONS

1.0

Statement of environmental significance

The Mortlake Power Station will provide gas-fired power to contribute to meeting the demand for electricity in Australia. The development and use of the power station will be in accordance with an approved Development Plan and Environmental Management Plans.

There is potential for noise generated by the power station to impact on any proposed sensitive uses and developments of land surrounding the power station site, particularly accommodation uses and developments.

If accommodation land uses and developments which are sensitive to potential noise emissions from the power station are permitted to be located in proximity to the facility this may result in real or perceived impacts and land use conflicts.

Accommodation land uses and developments should not be permitted within the 42 dB(A) contour for worst case weather conditions without consideration of the potential noise impacts from the facility.

2.0

Environmental objective to be achieved

To ensure that the development and use of the Mortlake Power Station is not constrained by the establishment of potentially conflicting accommodation uses and developments nearby.

To ensure that potential noise impacts are considered in any decision regarding accommodation land use and development.

To apply acoustic measures in the design of any accommodation developments in proximity to the Mortlake Power Station.

3.0

Permit requirement

A permit is not required to construct a building or construct or carry out works except if the buildings or works are to be used for accommodation including a dwelling.

4.0

Decision guidelines

Before deciding on an application the responsible authority must consider, as appropriate:

- The comments of the Environment Protection Authority.
- The comments of the manager of the Mortlake Power Station in relation to the likely acoustic impact of the power station on the development.
- Proposed sound attenuation measures to be used in construction of the development, and the effectiveness of such measures.
- The likely amenity of the proposed development.
- The potential impact of the development upon the continued use of the Mortlake Power Station, Connewarren Lane, Mortlake.
- The possibility of locating the development in a location less affected by the Mortlake Power Station.
SCHEDULE 4 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO4.

SHAW RIVER POWER STATION ENVIRONS

1.0

Statement of environmental significance

The Shaw River Power Station will provide gas-fired power to contribute to meeting the demand for electricity in Australia. The development and use of the power station will be in accordance with an approved Development Plan and Environmental Management Plans.

There is potential for noise generated by the power station to impact on any proposed sensitive uses and developments of land surrounding the power station site, particularly accommodation uses and developments.

If accommodation land uses and developments which are sensitive to potential noise emissions from the power station are permitted to be located in proximity to the facility this may result in real or perceived impacts and land use conflicts.

Accommodation land uses and developments should not be permitted within the 34 dB(A) contour for worst case weather conditions without consideration of the potential noise impacts from the facility.

2.0

Environmental objective to be achieved

To ensure that the development and use of the Shaw River Power Station is not constrained by the establishment of potentially conflicting accommodation uses and developments nearby.

To ensure that potential noise impacts are considered in any decision regarding accommodation land use and development.

To apply acoustic measures in the design of any accommodation developments in proximity to the Shaw River Power Station.

3.0

Permit requirement

A permit is not required to construct a building or construct or carry out works except if the buildings or works are to be used for accommodation including a dwelling.

4.0

Decision guidelines

Before deciding on an application the responsible authority must consider, as appropriate:

- The comments of the Environment Protection Authority.
- The comments of the manager of the Shaw River Power Station in relation to the likely acoustic impact of the power station on the development.
- Proposed sound attenuation measures to be used in construction of the development, and the effectiveness of such measures.
- The likely amenity of the proposed development.
- The potential impact of the development upon the continued use of the Shaw River Power Station, Riordans Road, Orford.
- The possibility of locating the development in a location less affected by the Shaw River Power Station.
SCHEDULE 5 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO5.

TARRONE POWER STATION ENVIRONS

1.0 Statement of environmental significance

The Tarrone Power Station will provide gas-fired power to contribute to meeting the demand for electricity in Australia. The development and use of the power station will be in accordance with the approved Development Plan and Environmental Management Plans.

There is potential for noise generated by the power station to impact on any proposed sensitive uses and developments of land surrounding the power station site, particularly accommodation uses and developments.

If accommodation land uses and developments which are sensitive to potential noise emissions from the power station are permitted to be located in proximity to the facility this may result in real or perceived impacts and land use conflicts.

Accommodation land uses and developments should not be permitted within the 32 dB(A) contour for adverse meteorological conditions without consideration of the potential noise impacts from the facility.

2.0 Environmental objective to be achieved

To ensure that the development and use of the Tarrone Power Station is not constrained by the establishment of potentially conflicting accommodation uses and developments nearby.

To ensure that potential noise impacts are considered in any decision regarding accommodation land use and development.

To apply acoustic measures in the design of any accommodation developments in proximity to the Tarrone Power Station.

3.0 Permit requirement

A permit is not required to construct a building or construct or carry out works except if the buildings or works are to be used for accommodation including a dwelling.

A permit is not required to remove, destroy or lop any non-native vegetation, including non-native dead vegetation.

4.0 Decision guidelines

Before deciding on an application the responsible authority must consider, as appropriate:

- The comments of the Environment Protection Authority.
- The comments of the manager of the Tarrone Power Station in relation to the likely acoustic impact of the power station on the development.
- Proposed sound attenuation measures to be used in construction of the development, and the effectiveness of such measures.
- The likely amenity of the proposed development.
- The potential impact of the development upon the continued use of the Tarrone Power Station, corner Landers Lane and Riordans Road, Tarrone.
SCHEDULE 6 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO6.

REMNANT VEGETATION AND HABITAT PROTECTION AREAS

1.0

Statement of environmental significance

The indigenous vegetation of the Shire is highly depleted due to European settlement and broad scale agricultural uses. All remnant vegetation is therefore significant for its diversity and biodiversity values. The areas that remain exist as small pockets on private land and along roadsides. They are important in providing habitat for native plants and animals and as movement corridors for indigenous species.

2.0

Environmental objective to be achieved

To protect remnant vegetation and habitat areas.

To promote the maintenance of ecological processes and genetic diversity.

To encourage maintenance and development of biolinks between existing remnant vegetation.

To recognise the importance of structural habitat, particularly in the absence of native vegetation.

3.0

Permit requirement

A permit is required to construct a fence. This does not apply:

- If the fence is of post and wire construction or other open ‘rural type’ fencing.
- If the fence is a vermin control fence.
- For temporary fencing for construction sites.

A permit is not required to remove, destroy or lop vegetation which is not native vegetation.

4.0

Application requirements

An application to remove native vegetation must:

- Indicate the total extent of native vegetation on the subject land and the extent of proposed clearing, destruction or lopping, the location of any river, stream, watercourse, wetland or channel on the subject land, and if relevant the location of areas with a slope exceeding 20%.
- Specify the purpose of the proposed clearing.
- Demonstrate that the need for removal, destruction or lopping of remnant native vegetation has been reduced to the minimum extent that is reasonable and practicable.

5.0

Decision guidelines

Before deciding on the application, the responsible authority must consider, as appropriate:

- The need to retain remnant vegetation and the effect of the proposed removal of native vegetation on the habitat value and long-term viability of flora and fauna and rare, endangered and threatened species.
- The need to retain and enhance the connectivity in a local and regional context of linear remnants, habitat corridors and biolinks.
- The significance of the native bushland area.
- The reason for removing the vegetation and the practicality of alternative options which do not require removal of native vegetation.
- The particular characteristics of the habitat.
• The potential impact of the proposal on biodiversity values.
• Opportunities for mitigation, protection or enhancement of those values.
• The presence, or likely presence, of any rare or threatened species.
• Any other relevant, Action Statement, Recovery Plan Biodiversity Action Plan or similar documentation.
VEGETATION PROTECTION OVERLAY

Shown on the planning scheme map as VPO with a number.

Purpose
To implement the Municipal Planning Strategy and the Planning Policy Framework.
To protect areas of significant vegetation.
To ensure that development minimises loss of vegetation.
To preserve existing trees and other vegetation.
To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.
To maintain and enhance habitat and habitat corridors for indigenous fauna.
To encourage the regeneration of native vegetation.

Vegetation significance and objectives
A schedule to this overlay must contain:

- A statement of the nature and significance of the vegetation to be protected.
- The vegetation protection objectives to be achieved.

Permit requirement
A permit is required to remove, destroy or lop any vegetation specified in a schedule to this overlay.
This does not apply:

- If the table to Clause 42.02-3 specifically states that a permit is not required.
- To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.

VicSmart applications
Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remove, destroy or lop one tree.</td>
<td>Clause 59.06</td>
</tr>
</tbody>
</table>

Table of exemptions

The requirement to obtain a permit does not apply to:

Emergency works
Vegetation that is to be removed, destroyed or lopped:

- in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access or to enable emergency works; or
- where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.

Fire protection
Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of any of the following fire protection activities:

- fire fighting;
The requirement to obtain a permit does not apply to:

- planned burning;
- making or maintenance of a fuelbreak or fire fighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;
- making a strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987);
- is ground fuel within 30 metres of a building and is vegetation other than native vegetation;
- in accordance with a fire prevention notice issued under either:
  - Section 65 of the Forests Act 1958; or
  - Section 41 of the Country Fire Authority Act 1958.
- keeping vegetation clear of, or minimising risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the Electricity Safety Act 1998;
- minimising the risk to life and property from bushfire on a roadside of a public road managed by the relevant responsible road authority, and carried out by, or on behalf of that authority in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the Road Management Act 2004. Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.
- 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.

| 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 and directions notice | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the Catchment and Land Protection Act 1994. |
| Land use conditions | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the Catchment and Land Protection Act 1994. |
| Mineral exploration and extraction | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention licence issued under the Mineral Resources (Sustainable Development) Act 1990:
  - that is low impact exploration within the meaning of Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990; or
  - in accordance with a work plan approved under Part 3 of the Mineral Resources (Sustainable Development) Act 1990. Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration. |
| Noxious weeds | Vegetation that is a noxious weed subject of a declaration under section 58 or section 58A of the Catchment and Land Protection Act 1994. This exemption does not apply to Australian Dodder (Cuscuta australis). |
| Pest animal burrows | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows. In the case of native vegetation the written agreement of an officer of the department responsible for administering the Flora and Fauna Guarantee Act 1988 is required before the vegetation can be removed, destroyed or lopped. |
The requirement to obtain a permit does not apply to:

<table>
<thead>
<tr>
<th>Vegetation Type</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 costeining and bulk sampling activities. |
| Stone extraction                | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone extraction in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority granted under that Act. |
| Surveying                       | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the Surveying Act 2004) using hand-held tools to establish a sightline for the measurement of land. |
| Traditional owners              | Vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:  
  - a natural resources agreement under Part 6 of the Traditional Owners Settlement Act 2010; or  
  - an authorisation order made under sections 82 or 84 of the Traditional 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 Municipal Planning Strategy and the Planning Policy Framework.
• 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.

ROADSIDE VEGETATION PROTECTION AREAS

1.0 Statement of nature and significance of vegetation to be protected

Areas of remnant vegetation are fragmented in the Moyne Shire and road reserves represent one of the largest remaining areas supporting remnant native vegetation within the municipality. Road reserves are important locations of rare, threatened and endangered flora and fauna species. The vegetation plays an important role as a wildlife habitat, and often provides corridors for movement. It is important to maintain and enhance these habitat and corridor values.

Roadside vegetation also determines the quality of travel experience and contributes to the visual quality of the area.

2.0 Vegetation protection objective to be achieved

To protect areas of significant remnant vegetation located along roadsides that act as habitat corridors and or as linkages with other more significant areas of remnant native vegetation.

3.0 Permit requirement

A permit is not required to remove, destroy or lop any vegetation which is not native vegetation. An application to remove native vegetation must:

- Indicate the total extent of native vegetation on the subject land and the extent of proposed clearing, destruction or lopping; the location of any river, stream, watercourse, wetland or channel on the subject land; and, if relevant, the location of areas with a slope exceeding 20%.

- Specify the purpose of the proposed clearing.

- Demonstrate that the need for removal, destruction or lopping of remnant native vegetation has been avoided and minimised to the greatest extent practicable.

- Specify a proposal to compensate for the loss of the vegetation.

- Include a description of the vegetation and the habitat significance of the area, to the satisfaction of the responsible authority.

4.0 Decision guidelines

Before deciding on an application the responsible authority must consider as appropriate:

- The flora and fauna conservation value of the roadside area.

- The presence or potential presence of any rare or threatened species.

- 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.

- Any other relevant, Action Statement, Recovery Plan Biodiversity Action Plan or similar documentation.

- The need to use local endemic flora species for revegetation.

- The need to fence off roadside vegetation areas to protect their environmental values.

- The landscape, recreational and amenity values of the vegetation.

- The role of roadsides as corridors for the movement of fauna and avifauna between areas of native vegetation.
- Protecting vegetation from damage and disturbance caused by mowing, burning, grazing, droving, cultivation, spraying, grading, road formation and drainage works.
- Pest plant and animal control.
- The habitat value of dead trees and logs.
- Maintaining sight distance and clearance to fixed objects for road safety.
- Whether buildings, works or use could be more appropriately located on cleared land.
- Any relevant fire management plan.
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</th>
<th>Description</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>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 maintaining 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 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 the risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the Electricity Safety Act 1998;</td>
</tr>
<tr>
<td></td>
<td>• 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.</td>
</tr>
<tr>
<td></td>
<td>Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.</td>
</tr>
<tr>
<td><strong>Geothermal energy</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>exploration and extraction</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Greenhouse gas</strong></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><strong>sequestration and exploration</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Land management or</strong></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><strong>directions notice</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Land use conditions</strong></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><strong>Mineral exploration and</strong></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><strong>extraction</strong></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>
</tbody>
</table>
The requirement to obtain a permit does not apply to:

<table>
<thead>
<tr>
<th>Category</th>
<th>Exception Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noxious weeds</td>
<td>Vegetation that is a noxious weed subject of a declaration under section 58 or section 58A of the Catchment and Land Protection Act 1994. This exemption does not apply to Australian Dodder (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>
<tr>
<td></td>
<td>In the case of native vegetation the written agreement of an officer of the department responsible for administering the Flora and Fauna Guarantee Act 1988 is required before the vegetation can be removed, destroyed or lopped.</td>
</tr>
<tr>
<td>Planted vegetation</td>
<td>Vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding for Crop raising or Grazing animal production.</td>
</tr>
<tr>
<td>Railways</td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).</td>
</tr>
<tr>
<td>Regrowth</td>
<td>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:</td>
</tr>
<tr>
<td></td>
<td>- bracken (Pteridium esculentum); 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.</td>
</tr>
<tr>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>Road safety</td>
<td>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).</td>
</tr>
<tr>
<td>Stone exploration</td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.</td>
</tr>
<tr>
<td></td>
<td>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:</td>
</tr>
<tr>
<td></td>
<td>- 1 hectare of vegetation which does not include a tree.</td>
</tr>
<tr>
<td></td>
<td>- 15 trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.</td>
</tr>
<tr>
<td></td>
<td>- 5 trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.</td>
</tr>
<tr>
<td></td>
<td>This exemption does not apply to costeathering and bulk sampling activities.</td>
</tr>
<tr>
<td>Stone extraction</td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone extraction in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority granted under that Act.</td>
</tr>
<tr>
<td>Surveying</td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the Surveying Act 2004) using hand-held tools to establish a sightline for the measurement of land.</td>
</tr>
<tr>
<td>Traditional owners</td>
<td>Vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:</td>
</tr>
</tbody>
</table>
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.

MOUNT ROUSE AREA OF NATURAL BEAUTY

1.0

Statement of nature and key elements of landscape

The environs of Mount Rouse are a significant landscape feature of the Shire. The views to and from Mount Rouse are of significance to the local community and tourists visiting the area. The environs are characterised by undulating rural land with areas of bushland and trees.

2.0

Landscape character objective to be achieved

- To recognise and protect the natural beauty, interest and importance of the Mount Rouse area.
- To protect the bushland and treed environment of the area.

3.0

Permit requirement

A permit is not required to remove, destroy or lop vegetation which is

- less than four metres in height.
- has a girth less than five hundred (500) millimetres measured at a height of one (1) metre from the ground.
- has a branch spread of less than three (3) metres.
- pruning for regeneration or ornamental shaping.
- the removal of any tree which is dying or dead or has become dangerous.

4.0

Decision guidelines

The responsible authority shall have regard to the following in considering whether to grant consent:

- the desirability of preserving the natural beauty of the area and of preventing soil erosion; and
- the desirability of retaining a buffer strip of indigenous vegetation along roads, watercourses and property boundaries.

The responsible authority may include conditions requiring replanting, sowing down or other treatment of any area to be cleared.
SCHEDULE 2 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO2.

PETERBOROUGH URBAN COASTAL AREA

Statement of nature and key elements of landscape

Peterborough is an important and growing coastal township located on the estuary of the Curdies River and the start of the Bay of Islands Coastal Park. It has access to the spectacular cliff formations of the Coastal Park and popular ocean and estuarine beaches. The Peterborough Urban Design Framework identifies the landscape character of the township and its vulnerability to development due to the open and highly exposed landscape with limited low coastal vegetation and few trees. An important characteristic of the township is its appearance as a scattering of buildings rather than an intensely developed town, which provides a coastal rural or country ambience to the town. The balance between a low density form of urban development set within a dramatic coastal landscape and vegetation when viewed from a distance is the distinctive character currently portrayed. The lack of substantial vegetation means that the township is visible from some distance and that new development will be clearly seen. It is the vision of the township to maintain the small scale seaside village character and protect the surrounding landscape character including views and vistas towards the coast, the estuary, rural hinterland and along the Great Ocean Road as well as views of the town.

In addition, the exposed topography of Peterborough has encouraged development that seeks to maximise views. Part of the landscape character of Peterborough that is valued by the local community is the ability to view the ocean, the Curdies River and/or the rural hinterland from numerous points along streets, in public areas, and from private dwellings. Respect for the sharing of views, rather than necessarily the retention of all existing views, is therefore an important characteristic of this coastal town.

Other landscape elements of particular importance in Peterborough include the allocation of sufficient space for the planting and retention of vegetation, and building height that does not dominate the streetscape and long distance views.

Landscape character objective to be achieved

To maintain the small scale seaside village character of Peterborough.

To encourage the development of buildings that fit within the landscape and do not dominate the streetscape and long distance views from the coast, estuary, the rural hinterland and along the Great Ocean Road.

To minimise the impact of buildings that project above the vegetation canopy.

To encourage development to continue the use of light colours and tones, rather than bright or garish colours.

To provide space around buildings for the retention and planting of vegetation, particularly native coastal species common to the area.

To maximise opportunities for view sharing, particularly where views are available to the ocean, Curdies River, the rural hinterland and along the Great Ocean Road from private dwellings.

To protect vistas of the ocean and the Curdies River available from public viewing points in the town, Bay of Islands Coastal Park and other areas of high visual amenity.

Permit requirement

A permit is required to remove, destroy or lop vegetation except where:

- The vegetation is recognised by the Department of Sustainability and Environment as an environmental weed.
The vegetation is dead.

**Application Requirements**

An application for buildings and/or works must be accompanied by a Site Description and Design Response which must provide information on:

- Views obtained from neighbourhood dwellings or other habitable buildings across the site of the proposal to either the coast, coastal park, Curdies River, and/or rural hinterland.
- How the proposed development will ‘share’ existing views with adjacent dwellings.
- Where the proposed construction or extension of a building has the potential to be visible from a nearby beach and or visual amenity node, photographs, diagrams or similar documentation must be submitted to accurately demonstrate or capture the proposed structure as part of the visual landscape from these locations. The documentation must show that the development will not unduly impact upon vistas from the beach and other coastal areas including important visitor and tourism sites.

An application for buildings and/or works, or to remove, destroy or lop vegetation, should be accompanied by a landscape plan that should incorporate the use of local indigenous species.

**Decision guidelines**

Before deciding on an application the responsible authority must consider:

**Buildings and Works**

- Whether the height of any part of the building, excluding any television antenna, chimney or flue, is less than 8 metres above natural ground level.
- Whether the location of an outbuilding normal to a dwelling is behind the front building line of the dwelling.
- Whether at least 45 per cent of the site is not covered by buildings or impervious surfaces including driveways, paving, swimming pools or tennis courts.
- Whether the external cladding or painting of a building other than for surface finishes is in light or pale colours and tones.
- Whether the siting and design of buildings achieves a reasonable sharing of views between properties with significant landscape features having particular regard to the following:
  - The impact of the proposed buildings and works on the view from another property as a result of the design, siting, height, size, bulk (including the roof), and colour of the building.
  - The opportunity for a reasonable sharing of views having regard to the extent of the available view(s) and the significance of the view(s) from the properties affected.
  - Whether the siting of buildings and availability of areas not covered by hard surfaces enables the retention of adequate vegetation and provides sufficient area for the planting of vegetation, particularly coastal native species that contributes to the overall character of Peterborough.

**Vegetation**

- Whether the size, species, age and health of existing vegetation proposed to be removed, destroyed or lopped and the size, species and growth characteristics of any proposed replacement vegetation.
- The reasons for removing the tree and the practicalities of alternative options that do not require removal of any trees.
- The effect of constructing a building or constructing or carrying out works on the root system, canopy and overall appearance of any trees.
- The impact of a specified flood level on the overall height of a building.

**All applications**

- The comments of an Urban Design Advisor or Urban Design Panel appointed by Council for any new development and for alterations and additions to existing and new commercial development including tourist accommodation proposed in prominent locations, (including sites adjacent to the Great Ocean Road, foreshore and coastal reserves and existing motel and hotel sites).

- The Peterborough Urban Design Framework

**Reference Documents**


SCHEDULE 3 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO3.

WESTERN COASTAL CLIFFS LANDSCAPE AREA

1.0

Statement of nature and key elements of landscape

The Western Coastal Cliffs landscape character type is located along the western coast from Warrnambool to beyond Port Campbell, and extending into the hinterland well beyond the Great Ocean Road. The rugged cliffs, off-shore rock formations and coastal hinterland are of National and State significance. It is characterized by low to dramatic sea cliffs, including spectacles such as the Bay of Islands and Childers Cove, with gently undulating topography further inland. Vegetation is low coastal scrub, with reserves of natives or plantations, and paddocks with shelter belts in the hinterland.

The combination of these distinctive cliffs and landforms, the indigenous coastal vegetation and the untamed, wild ocean has produced a landscape of national significance that attracts thousands of international visitors every year particularly around the Peterborough area. Although the section of the coast closer to the municipal boundary with Warrnambool are not directly accessible from the Great Ocean Road, they are important landscape features that contribute to the state significance of the coastal cliffs landscape.

2.0

Landscape character objective to be achieved

To increase the coverage of native and indigenous vegetation, particularly in corridors that link to coastal vegetated areas associated with the Bay of Islands Coastal Park.

To protect indigenous vegetation within the coastal area.

To increase indigenous vegetation inland, particularly to highlight landscape features such as waterways and valleys.

To retain clear views of the coastal cliffs and formations from the coastal area.

To ensure that long stretches of the coastal strip remain free of development.

To retain the dominance of an indigenous natural landscape in the coastal area around Peterborough, particularly when viewed from the Great Ocean Road.

To ensure that buildings and structures inland do not dominate views from the Great Ocean Road and that the outlook from the Great Ocean Road towards the hinterland is dominated by the rural landscape.

To improve the appearance of residential and rural residential development located on the fringes of Peterborough.

To increase the use of shelter belts and indigenous planting in the hinterland.

To retain the dominance of the natural landscape within the coastal strip, and views to the ocean.

To protect landscape character and attributes that are consistent with the Aboriginal cultural heritage values of the area.

To recognise, and protect, the landscape of the Great Ocean Road and the coastal cliffs area west of Peterborough as a place of significant Aboriginal cultural heritage value.

3.0

Permit requirement

A permit is not required to construct a building or construct or carry out works where:

- A building is for agricultural purposes and it has a combined gross floor area less than 70m$^2$ and a height less than 8 metres above natural ground level.

- A dwelling has a height less than 8 metres above natural ground level.
Buildings are set back 500 metres from the edge of the coastal cliffs within the Bay of Islands Coastal Park.

Buildings are set back a minimum of 200 metres from the Curdies River Estuary or any wetlands.

Fences are timber post and rail or post and wire and have a height of less than 1.5 metres.

Works are for agricultural purposes including raised bed cropping, stock grazing, unlicensed dams and associated supporting farming infrastructure.

A permit is required to remove, destroy or lop any vegetation except where:

- The vegetation is recognised by the Department of Sustainability and Environment as an environmental weed.
- The vegetation is dead.
- The vegetation has been planted for gardens or for horticultural purposes.
- The works are for a minor utility installation.

### Decision guidelines

Before deciding on an application the responsible authority must consider whether:

- The height of a building will have an impact on the landscape.
- The external cladding or painting of a building other than for surface finishes is in light or pale colours and tones.
- The siting and design of buildings will impact on the significant landscape features having particular regard to the following:
  - The impact of the proposed buildings and works on the view from a road or another property as a result of the design, siting, height, size, bulk (including the roof), and colour of the building.
  - The siting of buildings and availability of areas not covered by hard surfaces enables the retention of adequate vegetation and provides sufficient area for the planting of vegetation, particularly coastal native species that contributes to the overall landscape character.
- The proposal avoids any development on the coastal side of the Great Ocean Road.
- The proposal is designed so that development is not visible above the coastal vegetation when viewed from the Great Ocean Road.
- The proposal locates all signage on the landward side of the Great Ocean Road.
- The proposal avoids bright colours and group signage at particular locations to minimize visual impact on large areas of the landscape and to maintain views.
- The proposal responds to the characteristics of the site and utilises low scale building forms, simple building details and avoids dominant bulky buildings or buildings that have no relationship to landform.
- The proposal utilises materials and colours that complement those that occur naturally in the hinterland landscape with consideration as to how the materials will weather over time.
- The proposal locates and screens large buildings and structures such as sheds, transmission lines and cleared easements etc to minimize visibility from the Great Ocean Road and key viewing locations.
- The proposal avoids visually obtrusive infrastructure and provides infrastructure such as power lines and other utility services underground in the coastal area wherever possible.
- The proposal sites development sparsely in coastal areas minimizing visibility from the Great Ocean Road and maximizing the retention of coastal vegetation.
The proposal avoids the loss of views to geological features.

- The size, species, age and health of existing vegetation proposed to be removed, destroyed or lopped and the size, species and growth characteristics of any proposed replacement vegetation.
- The removal of vegetation is justified and the practicalities of alternative options that do not require removal of vegetation.
- The construction of a building or construction or carrying out of works will impact on the root system, canopy and overall appearance of any vegetation.
- The proposal avoids the loss of indigenous coastal vegetation.
- The proposal retains existing indigenous and native trees and understorey wherever possible and provides for the planting of new indigenous vegetation, particularly around landscape features such as creek valleys.
- The proposal replaces any trees lost due to development with indigenous trees that will grow to a similar size.
- The proposal retains existing shelter belts wherever possible.
- The proposal replaces lost shelter belt trees with the same species or an alternative species, suitable to the local area.

Reference Documents

The Great Ocean Road Region Landscape Assessment Study (Planisphere 2003).
SCHEDULE 4 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO4.

LAKE YAMBUK TO PORT FAIRY COAST

1.0

Statement of nature and key elements of landscape

The coast from Lake Yambuk to Port Fairy is a contrasting mix of rugged, rocky coastline and long sandy beaches and dunes. There are notable scenic features at Lake Yambuk and The Crags and these, combined with the panoramic views to Lady Julia Percy Island, make this stretch of coast regionally significant.

Lake Yambuk is a picturesque inland lagoon that is trapped behind the dune system, and The Crags is a notable headland with high cliffs just outside Port Fairy. This is a largely untouched and attractive coastal landscape that is accessible to visitors, but still offers a sense of seclusion and remoteness.

The landscape is notable in Victoria’s Western region as the point at which the rolling volcanic plains intersect with the sea. It has high Aboriginal significance with many known heritage sites along the coast, around The Crags and at Lake Yambuk, and offshore at Lady Julia Percy Island.

2.0

Landscape character objective to be achieved

To increase the coverage of native and indigenous vegetation, particularly in corridors that link to vegetated hillsides, and adjacent to Lake Yambuk.

To protect and enhance indigenous coastal vegetation and ensure that it is the dominant feature of the landscape within the coastal strip.

To protect locally significant views and vistas, including long and extensive views of the coastal and hinterland landscape from main roads throughout the landscape, and largely natural and unbuilt views of lakes and other water bodies from their edges.

To ensure that development in and around settlements within the landscape does not impact on the characteristics of surrounding landscapes, including key views and viewing opportunities.

To ensure that long stretches of the coastal strip between Lake Yambuk and Port Fairy remain free of visible development.

To ensure that the settlement of Port Fairy has a clearly defined boundary between it and the natural landscape beyond.

To protect the largely natural and undeveloped character of the landscape, viewed from, at or near the coast.

To minimise the visual prominence and intrusion of developments on the coastal edge.

To encourage landscape change that is consistent with the cultural heritage values of the landscape.

To minimise the visibility of infrastructure, particularly in visually prominent areas of the landscape.

To retain the character of the rural hinterland landscape, including cultural elements such as dry stone walls and rocky outcrops.

To ensure that shelter belt planting remains a feature of the rural hinterland landscape.

To protect landscape character and attributes that are consistent with the Aboriginal cultural heritage values of the area.

To recognise, and protect, the landscape of the Lake Yambuk to Port Fairy Coast as a place of significant Aboriginal cultural heritage value.

3.0

Permit requirement

A permit is not required to construct a building or construct or carry out works where:
A building is for agricultural purposes and it has a gross floor area less than 70m² and a height less than 8 metres above natural ground level.

A dwelling has a height less than 8 metres above natural ground level.

Buildings are setback a minimum of 200 metres from the sea, estuary or wetlands.

Fences are timber post and rail or post and wire and have a height of less than 1.5 metres.

Works are for agricultural purposes including raised bed cropping, stock grazing and associated supporting farming infrastructure.

A permit is required to remove, destroy or lop any vegetation except where:

- The vegetation is recognised by the Department of Sustainability and Environment as an environmental weed.
- The vegetation is dead.
- The vegetation has been planted for gardens or for horticultural purposes.
- The works are for a minor utility installation.

**Decision guidelines**

Before deciding on an application the responsible authority must consider whether:

- The proposed development includes the use of indigenous vegetation in preference for exotic, except for the use of non-invasive exotic species (that are already a feature of the area) in open rural areas away from lakes and watercourses.
- The proposed development is integrated with the landscape through the use of appropriate indigenous vegetation.
- The proposal includes the retention of existing shelterbelts in open rural areas away from lakes and watercourses to act as a buffer to new development.
- Buildings, structures and other developments that occur in view fields are designed and sited so as to retain the character and quality of the views unless it can be shown that equivalent publicly accessible vistas are available nearby.
- Development within the coastal strip that cannot be prevented (e.g. development for essential public purposes):
  - is sited on the inland slope of dunes (avoid buildings protruding above the dune ridgeline);
  - is set among existing vegetation, maximising the retention of coastal vegetation;
  - utilises appropriate indigenous vegetation to further integrate the development with the landscape;
  - is designed to follow the contours or step down the site and avoid visually dominant elevations;
  - minimises overlooking of the foreshore;
  - avoids access in highly visible or undisturbed areas;
  - is sited sparsely, minimising visibility and maximising the retention of coastal vegetation;
  - minimises building footprints and heights, with servicing managed so as not to adversely impact the foreshore landscape (overshadowing of the public foreshore should be avoided);
  - utilises materials and colours that compliment the coastal environment, with consideration as to how the materials will weather over time; and
  - minimises and clearly defines pedestrian and vehicular facilities through the coastal landscape.
• Development on prominent hill faces and coastal dunal slopes can be avoided wherever possible.
• Development that cannot be avoided on dunal ridgelines and other ridge tops:
  - Are located to avoid the loss of vegetation;
  - Are constructed of lighter materials to minimise visibility against the sky.
• The proposed development is set back a sufficient distance from roads and whether the proposal mimicks traditional homestead clusters by grouping buildings in the landscape.
• The proposed development utilises low scale building forms, tucked into the landscape, with simple building details.
• Buildings near lakes and waterways is designed to be low scale and set back a sufficient distance to allow for the protection or rehabilitation of a substantial zone of riparian vegetation (e.g. over 100 metres).
• Development is designed to minimise need for earthworks on the site.
• Buildings and structures are sited away from landscape features such as rocky outcrops wherever possible.
• Lost, old, degraded or incomplete vegetated shelter belts are retained or replaced with the same species or an alternative species, suitable to the local area.
• Low density and rural residential development:
  - Includes the use of vegetation screening to delineate property boundaries, instead of fencing;
  - Includes the use of open style fencing of a type traditionally used in rural areas is utilised (e.g. post and wire), where fencing is necessary.
• Development will create cumulative impacts on the open rural character from key viewing corridors (e.g. touring routes, highways) and scenic lookouts.
• New development can be setback from the coast and natural coastal landforms to ensure that buildings and structures are not visible from the foreshore.
• Development will ensure the retention of any existing dry stone walls.
• Ribbon development can be avoided along main roads and key touring routes.

Reference Documents
• State Overview Report, Coastal Spaces Landscape Assessment Study (Planisphere, 2006).
• Moyne Shire Municipal Reference Document, Coastal Spaces Landscape Assessment Study (Planisphere, 2006).
• The Siting and Design Guidelines for Structures on the Victorian Coast (Victorian Coastal Council, 1998).
SCHEDULE 5 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO5.

PORT FAIRY TO WARRNAMBOOL COAST

1.0

Statement of nature and key elements of landscape

The coast between Port Fairy and Warrnambool is a landscape of regional significance, characterised by low dunes and rocky outcrops with inland waterways.

It is an open and uncluttered landscape that marks the edge of where Victoria’s volcanic plains run into the sea. The rural hinterland provides a scenic backdrop for this landscape that also features significant waterways at the Merri River, Belfast Lough and Kelly’s Swamp.

The Register of the National Estate lists this area for its Aboriginal significance, with ceremonial sites and middens at Thunder Point near Warrnambool, and Armstrong Bay near Killarney. The Register also includes this area as part of the whole Otway to Port Fairy coastline that is noted for its diverse and rugged landscape qualities.

2.0

Landscape character objective to be achieved

To increase the coverage of native and indigenous vegetation, both in corridors throughout the landscape, and associated with landscape features.

To ensure that shelter belt planting remains a feature of rural areas of the landscape.

To protect locally significant views and vistas that contribute to the character of the landscape, such as extensive vistas to low dunes and the open hinterland from the Princes Highway, and spectacular long range views to Tower Hill, and from other localised rises throughout.

To ensure that development in and around settlements and along main roads and touring routes does not impact on the characteristics of the landscape, including key views and viewing opportunities.

To ensure that long stretches of the coastal strip between Port Fairy and Warrnambool, retain a dominant natural character, free of visually intrusive development.

To retain an undeveloped appearance from foreshore and other public use areas.

To improve the appearance of low density and rural residential development, particularly on the outskirts of Warrnambool.

To ensure the ridge tops and visually prominent hill faces, are largely kept free of development.

To ensure clear visual separation between Port Fairy and Killarney.

To ensure the retention of an open plain surrounding the ‘Woodbine’ estate.

To ensure a reduction in visually cluttered advertising at the Dennington entrance and ensure no visual clutter along the Princes Highway and abutting land.

To reduce the visual impact of infrastructure throughout the landscape.

To protect landscape character and attributes that are consistent with the Aboriginal cultural heritage values of the area.

To recognise, and protect, the landscape of the Port Fairy to Warrnambool Coast as a place of significant Aboriginal cultural heritage value.

3.0

Permit requirement

A permit is not required to construct a building or construct or carry out works where:

- A building is for agricultural purposes and it has a floor area less than 70m2 and a height less than 8 metres above natural ground level.
- A dwelling has a height less than 8 metres above natural ground level.
- Buildings are setback a minimum of 200 metres from the sea, estuary or wetlands.
- Fences are timber post and rail or post and wire and have a height of less than 1.5 metres.
- Works are for agricultural purposes including raised bed cropping, stock grazing and associated supporting farming infrastructure.
- The works are for a minor utility installation.

A permit is required to remove, destroy or lop any vegetation except where:
- The vegetation is recognised by the Department of Sustainability and Environment as an environmental weed.
- The vegetation is dead.
- The vegetation has been planted for gardens or for horticultural purposes.

### Decision guidelines

Before deciding on an application the responsible authority must consider whether:

- The proposal will result in an increase in habitat vegetation species, particularly around the coastal hinterland and wetlands.
- The proposal includes the retention and/or reinstatement of Monterey Cypress trees in areas of limited numbers.
- Any proposed new shelterbelt plantings are sited to retain important view lines.
- The proposal includes the retention and increase of planting through north-south indigenous vegetation corridors.
- Developments occur in view fields, whether they are designed and sited so as to retain the character and quality of views.
- Development on prominent hill faces and ridge tops can be avoided.
- Development that cannot be avoided on ridge tops:
  - is located to avoid the loss of vegetation;
  - is constructed of lighter materials to minimise visibility against the sky.
  - utilises low scale building forms, tucked into the landscape.
- The proposed development mirrors traditional homestead clusters, to reduce the impact of development on large areas of the landscape by grouping buildings in the landscape and setting back buildings a sufficient distance from roads.
- Low density and rural residential development:
  - uses permeable surfacing for all unbuilt areas to minimise surface run-off and to support vegetation.
  - includes the retention of trees that form part of a continuous canopy beyond the property, with new trees planted in a position where they will add to such a continuous canopy.
  - utilises vegetation for screening and to delineate property boundaries, instead of fencing.
- Ribbon development along main roads and key touring routes can be avoided.

### Reference Documents

- State Overview Report, Coastal Spaces Landscape Assessment Study (Planisphere, 2006).
- Moyne Shire Municipal Reference Document, Coastal Spaces Landscape Assessment Study (Planisphere, 2006).

SCHEDULE 6 TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO6.

TOWER HILL AND ENVIRONS

1.0

Statement of nature and key elements of landscape

Tower Hill is a visually outstanding volcanic landscape, having the full sequence of geological features including the caldera, crater lakes, internal scoria cones and islands. It is the most popular and well-known volcanic landscape in Victoria and is of state significance for its visual qualities.

The views from Tower Hill and its crater rim are remarkable, both across the surrounding plains to the coast, and within the complex to the crater floor and its island lakes. Its distinctive volcanic form, in an otherwise flat and featureless lava plain, make this a recognisable and highly prominent landscape feature of the Western Region.

Much of the area’s vegetation was denuded and is being re-established, and it is a refuge to a variety of native plants, birds and animals.

2.0

Landscape character objective to be achieved

To increase the coverage of native and indigenous vegetation, both in corridors throughout the landscape, and associated with prominent landscape features such as Tower Hill.

To ensure that shelter belt planting remains a feature of rural areas throughout the landscape.

To protect locally significant views and vistas that contribute to the character of the landscape, such as extensive vistas to low dunes and the open hinterland from the Princes Highway, and spectacular long range views to and from Tower Hill.

To ensure that development in and around settlements and along main roads and touring routes does not impact on the characteristics of the landscape, including key views and viewing opportunities.

To retain an undeveloped appearance from the foreshore and other public use areas.

To improve the appearance of low density and rural residential development.

To ensure that ridge tops and visually prominent hill faces are largely kept free of development.

To ensure no visual clutter along the Princes Highway and abutting land.

To retain a dominant pastoral and ‘natural’ landscape.

To reduce the visual impact of infrastructure throughout the landscape.

To protect landscape character and attributes that are consistent with the Aboriginal cultural heritage values of the area.

To recognise, and protect, the landscape of Tower Hill and environs as a place of significant Aboriginal cultural heritage value.

3.0

Permit requirement

A permit is not required to construct a building or construct or carry out works where:

- The building is located south of the Princes Highway.

- The building has a height less than 5.0 metres above the centre line of Scenic Drive or Lake View Road or 5.0 metres above the highest point of land located around the northern rim of Tower Hill on which it is built, whichever is greater.

- The building or works is constructed greater than 20 metres from the eastern and northern boundaries of the Tower Hill State Game Reserve or is greater than 10 metres from any roads adjoining the Tower Hill Reserve.
Buildings and works which are not finished in non-reflective, earthy colours which blend with the landscape.

A building is for agricultural purposes and it has a gross floor area less than 70m² and a height less than 8 metres above natural ground level.

The dwelling has a height less than 8 metres above the natural ground level.

Buildings are setback a minimum of 200 metres from the sea, estuary or wetlands.

Fences are timber post and rail, unpainted and have a height less than 1.5 metres.

Works are for agricultural purposes including raised bed cropping, stock grazing and associated supporting farming infrastructure.

A permit is required to remove, destroy or lop any vegetation except where:

- The vegetation is recognised by the Department of Sustainability and Environment as an environmental weed.
- The vegetation is dead.
- The vegetation has been planted for gardens or for horticultural purposes.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider whether:

- Any portion of the building or structure will be visible as a silhouette against the skyline (not including the effect of any vegetation) when viewed from 1.55 metres above any of the following points:
  - the lookout and car park at the southern entrance to the Tower Hill reserve;
  - the main peak west of Yatt Mirng crater;
  - the Natural History Centre building;
  - the rim of North West crater;
  - the exit from the reserve at Lake View Road;
  - the trig point on the eastern rim of the crater; and
  - Von Guerard lookout.

- Any building or structure will have a detrimental impact on the visual and environmental quality and character of the Tower Hill Reserve when viewed from the carriageway of the Princes Highway between the Killarney township and the southern entrance to Tower Hill reserve, or from Lakeview Road between Bushfield - Tower Hill Road and Walkers Lane.

- The building has a minimum roof pitch of 15 degrees.

- The proposal will contribute to the replacement of the weedy understorey of Tower Hill with indigenous plants.

- The proposal will contribute to an increase in habitat vegetation species around the coastal hinterland and wetlands.

- Any proposed new shelterbelt plantings will be sited to retain important view lines.

- Planting is retained and increased through north-south indigenous vegetation corridors.

- Buildings, structures and other developments that occur in view fields are designed and sited so as to retain the character and quality of views.

- Development on prominent hill faces and ridge tops can be avoided wherever possible.

- Development that cannot be avoided on ridge tops:
- is located to avoid the loss of vegetation;
- is constructed of lighter materials to minimise visibility against the sky.
- utilises low scale building forms, tucked into the landscape.

- The proposed development mirrors traditional homestead clusters in order to reduce the impact of development on large areas of the landscape by grouping buildings in the landscape, and whether buildings are set back a sufficient distance from roads.

- Development in low density and rural residential areas:
  - uses permeable surfacing is used for all unbuilt areas to minimise surface run-off and to support vegetation.
  - includes the retention of trees that form part of a continuous canopy beyond the property, with new trees planted in a position where they will add to such a continuous canopy.
  - uses vegetation for screening and to delineate property boundaries, instead of fencing.
  - uses open style fencing of a type traditionally used in rural areas (ie. post and wire) where fencing is necessary.

- Development at the southern edge of Koroit can minimise visibility at the skyline of Tower Hill.

- Ribbon development along main roads and key touring routes can be avoided.


### Reference Documents

- State Overview Report, Coastal Spaces Landscape Assessment Study (Planisphere, 2006).
- Moyne Shire Municipal Reference Document, Coastal Spaces Landscape Assessment Study (Planisphere, 2006).
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.

43.01-1

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>
</tr>
<tr>
<td>- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
<tr>
<td>- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into 2 lots if:</td>
<td></td>
</tr>
<tr>
<td>- The construction of a building or the construction or carrying out of works on the land is approved under this scheme or by a permit issued under this scheme and the permit has not expired.</td>
<td></td>
</tr>
</tbody>
</table>
Class of application

- The construction or carrying out of the approved building or works on the land has started lawfully.
- The subdivision does not create a vacant lot.

Demolish or remove an outbuilding (including a carport, garage, pergola, verandah, deck, shed or similar structure) unless the outbuilding is specified in the schedule to the Heritage Overlay.

Demolish or remove a fence unless the fence is specified in the schedule to the Heritage Overlay.

Externally alter a non-contributory building.

External painting.

Construct a fence.

Construct a carport, garage, pergola, verandah, deck, shed or similar structure.

Construct and install domestic services normal to a dwelling.

Construct and install a non-domestic disabled access ramp.

Construct a vehicle cross-over.

Construct a domestic swimming pool or spa and associated mechanical equipment and safety fencing.

Construct a rainwater tank.

Construct or display a sign.

Lop a tree.

Construct or install a solar energy 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 which are not exempt under Clause 43.01-4</th>
<th>Included on the Victorian Heritage Register under the Heritage Act 2017?</th>
<th>Prohibited uses may be permitted?</th>
<th>Aboriginal heritage place?</th>
</tr>
</thead>
<tbody>
<tr>
<td>HO75</td>
<td>Great Ocean Road, Great Ocean Road</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H2261</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>HO38</td>
<td>Bessiebelle Sheepwashes and Yards, Pyes Road</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H2033</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>HO35</td>
<td>Burchett Creek Bridge, over Burchett Creek, Off Hamilton Highway</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H1856</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>HO37</td>
<td>Stone Mileposts, Hamilton Highway, Warmambool - Carramut Road and Keillors Road (also in Minjah and Woolsthorpe)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H1700</td>
<td>No</td>
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<td>HO1</td>
<td>Chatsworth House, 101 Hopkins Hill Road</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H325</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>HO2</td>
<td>Cast Iron Mileposts, Chatsworth- Wickliffe Road</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes</td>
<td>Ref No H1703</td>
<td>Yes</td>
<td>No</td>
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<td>HO3</td>
<td>Ellerslie Bridge, over Hopkins River, Hopkins Highway</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes</td>
<td>Ref No H1029</td>
<td>No</td>
<td>No</td>
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<td>HO42</td>
<td>Former Temperance Hall, Roger Street</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes</td>
<td>Ref No H2145</td>
<td>Yes</td>
<td>No</td>
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<td>HO4</td>
<td>Merrang Homestead, 1830 Woolsthorpe- Hexham Road</td>
<td>-</td>
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<td>-</td>
<td>Yes</td>
<td>Ref No H322</td>
<td>Yes</td>
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<td>HO5</td>
<td>State Savings Bank Commercial Road</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>HO6</td>
<td>Koroit Post Office Commercial Road</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<td>HO7</td>
<td>Koroit Courthouse, Commercial Road</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<td>HO47</td>
<td>Memorial Hall, 147 Commercial Road, Koroit</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes</td>
<td>Ref No H2222</td>
<td>Yes</td>
<td>No</td>
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<td>HO8</td>
<td>Tower Hill Common School, 79 High Street</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes</td>
<td>Ref No H530</td>
<td>Yes</td>
<td>No</td>
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<td>HO43</td>
<td>Koroit Botanic Gardens, High Street</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes</td>
<td>Ref No H118</td>
<td>Yes</td>
<td>No</td>
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<td>HO9</td>
<td>Catholic Church of the Infant Jesus Queen Street</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO10</td>
<td>Roman Catholic Presbytery, Queen Street</td>
<td>Yes</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>MACARTHUR</td>
<td></td>
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<td>HO36</td>
<td>Former Macarthur Court House, 31 High Street</td>
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<td>Yes Ref No H1473</td>
<td>Yes</td>
<td>No</td>
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<td>MORTLAKE</td>
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<td>HO78</td>
<td>Butter Factory and manager's residence (former)</td>
<td>No</td>
<td>No</td>
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<td>No</td>
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<td>Hermes No. 121964</td>
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<td>HO79</td>
<td>Presbyterian Church (former)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>50 Boundary Road</td>
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<td>Hermes No. 122337</td>
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<tr>
<td>HO80</td>
<td>The Hill residence and Hoop Pine (Araucaria cunninghamii)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes - <em>Araucaria cunninghamii</em> (Hoop Pine)</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td></td>
<td>27 Cairnlea Lane</td>
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<td>Hermes No. 122306</td>
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<tr>
<td>HO81</td>
<td>Mortlake Cemetery</td>
<td>No</td>
<td>No</td>
<td>Yes – <em>Cupressus macrocarpa</em> (Monterey Cypress) boundary planting</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td></td>
<td>CA B1 Section 10, Parish of Mortlake, Cemetery Lane</td>
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<td>Hermes No. 121894</td>
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<td>HO82</td>
<td>Moonya</td>
<td>No</td>
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<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
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<td></td>
<td>71 Darlington Road</td>
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<td>Hermes No. 122328</td>
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<td>HO83</td>
<td>Railway station master's residence</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>67 Dowling Street</td>
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<td>HO84</td>
<td>Railway cottages 20 &amp; 24 Dunlop Street Hermes No. 122302</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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</table>
| HO77       | Dunlop Street Heritage Precinct Mortlake Dunlop Street, Officer Street, Webster Street Hermes No. 122975  
*Incorporated plan:* Mortlake Heritage Precincts Incorporated Document January 2016 | Yes                           | No                                 | No                  | No                                                            | No                                                            | No                            | No                      |
<p>| HO85       | Slaughterhouse (former) Lot 1 TP24134 Hamilton Highway Hermes No. 122632 | No                             | No                                 | No                  | No                                                            | No                                                            | No                            | No                      |
| HO86       | Tea Tree Gardens and Lake, Boer War Memorial, Montgomery Pavilion and Gardener's Residence Jamieson Avenue Hermes No. 121888 | No                             | No                                 | Yes                 | No                                                            | No                                                            | No                            | No                      |
| HO87       | Presbyterian Manse (former) 96 (CA 14 Section 1, Parish of Mortlake) Mill Street Hermes No. 122332 | No                             | No                                 | No                  | No                                                            | No                                                            | No                            | No                      |
| HO88       | Mill Cottages 106 &amp; 108 Mill Street Hermes No. 122333 | No                             | No                                 | No                  | No                                                            | No                                                            | No                            | No                      |</p>
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<tr>
<td>HO11</td>
<td>Chimney, Bluestone Mill, Mill Street</td>
<td>-</td>
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<td>Yes Ref No H323</td>
<td>Yes</td>
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<td>HO89</td>
<td>Mondilibi Homestead Complex 1111 Mortlake-Ararat Road Hermanes No. 122288</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
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<td>HO12</td>
<td>Shaw Street Heritage Precinct, Mortlake Shaw Street, Townsend Street, Jamieson Street, Stewart Street, Hyland Street Hermanes No. 1222984</td>
<td>Yes</td>
<td>No</td>
<td>Yes – see Incorporated Plan.</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO90</td>
<td>Willow Cottage 102 Townsend Street Hermanes No. 122336</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO91</td>
<td>Woolongoon Homestead Complex 689 Connewarren Lane Hermanes No. 121898</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
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<td>HO76</td>
<td>Avenue of Honour, Hamilton Highway</td>
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<td>Yes Ref No H2342</td>
<td>Yes</td>
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<td>HO13</td>
<td>Port Fairy Heritage Residential Precinct</td>
<td>Yes</td>
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<td>HO14</td>
<td>Commercial Precinct, Port Fairy Bank Street, Barclay Street, Cox Street and Sackville Street</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Mature trees at 27 Bank Street</td>
<td>No</td>
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<td>HO15</td>
<td>Griffiths Island, Griffiths Island</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H1659 &amp; part Ref No H2213</td>
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<td>Yes</td>
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<td>HO31</td>
<td>Former St. Andrews Presbyterian Church and Manse, 29 Albert Street</td>
<td>-</td>
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<td>Yes Ref No H850</td>
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| HO49       | Princes Highway Precinct  
Albert Road, Albert Street, Cox Street, Regent Street, Rosebrook Road & Uebergang Road  
Hermes No. 194206  
**Incorporated plan:**  
Moyne Shire Heritage Overlay Planning Permit Exemptions Incorporated Document March 2015 | No                           | No                                  | Yes                  | 5 x Norfolk Island Pines in Princes Highway Road Reserve at intersection of Mc Gill Court only | No                                           | No                                 | No                              |
| HO40       | Railway Goods Shed, 4A Bank Street (Railway reserve between Regent Street and Bank Street) | -                             | -                                   | -                   | Yes Ref No H2072                                           |                                                | Yes                                | No                              |
| HO16       | Caledonian Hotel, 41-43 Bank Street (corner James Street) | -                             | -                                   | -                   | Yes Ref No H247                                            |                                                | Yes                                | No                              |
| HO50       | Bank Street West Precinct  
Bank Street & Villiers Street  
Hermes No. 194236  
**Incorporated plan:**  
Moyne Shire Heritage Overlay Planning Permit Exemptions Incorporated Document March 2015 | No                           | No                                  | Yes                  | Yes - Norfolk Island Pine at 24 Villiers Street; Mature Olive Tree in Villiers Street Road Reserve north west corner of Bank and Villiers Streets | No                                           | No                                 | No                              |
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<tr>
<td>HO51</td>
<td>Gipps Street and Moyne River Precinct Bank Street, Campbell Street, Cox Street, Gipps Street, Griffith Street &amp; Moyne River Hermes No. 194213</td>
<td>Yes</td>
<td>No</td>
<td>2 x Italian Cypress, 1 Bank Street; 2 x Cordyline australis and 1 x Norfolk Island Pine (at rear), 36 Gipps Street; Hedge and Canary Island Palm, 64 Gipps Street; Canary Island Palm, 88 Gipps Street; 24 x Norfolk Island Pines, Martins Point; 14 x Norfolk Island Pines, Battery Hill Reserve; all Norfolk Island Pine street trees</td>
<td>No</td>
<td>No</td>
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<td>HO52</td>
<td>Barclay Street Precinct</td>
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<td>No</td>
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<td>HO48</td>
<td>Norfolk Island Pine Avenues, Campbell Street and Albert Street and Regent Street and Gipps Street and William Street and James Street and Sackville Street</td>
<td>-</td>
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<td>-</td>
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<td>Yes Ref No H2239</td>
<td>Yes</td>
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<td>HO18</td>
<td>Former Merrijig Inn, 1 Campbell Street</td>
<td>-</td>
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<td>-</td>
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<td>Yes Ref No H248</td>
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<td>No</td>
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<td>HO19</td>
<td>Cottage, 64 Campbell Street</td>
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<td>Yes Ref No H249</td>
<td>Yes</td>
<td>No</td>
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<td>HO20</td>
<td>Cottage, 66 Campbell Street</td>
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<td>Yes Ref No H250</td>
<td>Yes Ref No H250</td>
<td>Yes</td>
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<td>HO21</td>
<td>Cottage, 68 Campbell Street</td>
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<td>Yes Ref No H251</td>
<td>Yes Ref No H251</td>
<td>Yes</td>
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| HO53      | Campbell Street Precinct  
Campbell Street, James Street & Union Street  
Hermes No. 194201  
Incorporated plan:  
Moyne Shire Heritage Overlay Planning Permit Exemptions Incorporated Document March 2015 | No                             | No                                | Yes - New Zealand Christmas Tree, rear 7 Campbell Street and Monterey Cypress Avenue in James Street between Campbell Street and Ocean Drive | No                                                             | No                                                             | No                           | No                        |
| HO54      | Corbett Street Precinct  
Corbett Street  
Hermes No. 194203 | No                             | No                                | No                   | No                                                             | No                                                             | No                           | No                        |
| HO55      | Cox Street Precinct  
Cox Street  
Hermes No. 194204  
Incorporated plan:  
Moyne Shire Heritage Overlay Planning Permit Exemptions Incorporated Document March 2015 | No                             | No                                | Yes – Mature Street Trees in Cox Street Road Reserve | No                                                             | No                                                             | No                           | No                        |
| HO22      | Emoh, 8 Cox Street | -                              | -                                 | -                   | Yes Ref No H252                                               | Yes Ref No H252                                               | Yes                           | No                        |
| HO39      | Former Customs Shed, 31 Gipps Street | -                              | -                                 | -                   | Yes Ref No H2046                                               | Yes Ref No H2046                                               | Yes                           | No                        |
| HO23      | Port Fairy Court House, 30 Gipps Street | -                              | -                                 | -                   | Yes Ref No H1480                                               | Yes Ref No H1480                                               | Yes                           | No                        |
## MOYNE 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 which are not exempt under Clause 43.01-4</th>
<th>Included on the Victorian Heritage Register under the Heritage Act 2017?</th>
<th>Prohibited uses may be permitted?</th>
<th>Aboriginal heritage place?</th>
</tr>
</thead>
<tbody>
<tr>
<td>HO24</td>
<td>Captain John Mills House, 40 Gipps Street</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H253</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>HO25</td>
<td>Guns and Emplacements, Battery Lane</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H1504</td>
<td></td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO26</td>
<td>Former Lifeboat Station, 3 Griffiths Street</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H1431 &amp; part Ref No H2213</td>
<td>Yes</td>
<td>No</td>
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</tr>
<tr>
<td>HO56</td>
<td>Botanic Gardens and Griffiths Street Precinct</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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</tbody>
</table>

**Incorporated plan:** Moyne Shire Heritage Overlay Planning Permit Exemptions Incorporated Document March 2015

<table>
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</tr>
</thead>
<tbody>
<tr>
<td>HO27</td>
<td>Former Wesleyan Church, Parsonage and Common School, 44-46 James Street</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H884</td>
<td></td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>HO57</td>
<td>James Street Precinct</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>No</td>
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</tbody>
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</tr>
</thead>
<tbody>
<tr>
<td>HO44</td>
<td>Moyne River Training Walls, Moyne River</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H2213 &amp; part Ref No H1431 &amp; part Ref No H1659</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>HO60</td>
<td>Sandhills Cemetery</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>Hermes No. 121915</td>
<td></td>
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</tr>
<tr>
<td>HO28</td>
<td>Talara, 543-555 Princes Highway</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H255</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>HO62</td>
<td>Driscoll’s Cottage 2532 Princes Highway Hermes No. 122684</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO63</td>
<td>Stone Farmhouse 2747 Princes Highway Hermes No. 122706</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO64</td>
<td>Stone farmhouse <em>Dura</em> 2751 Princes Highway Hermes No. 122707</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO65</td>
<td>Leura Homestead 2974 Princes Highway Hermes No. 122518</td>
<td>Yes</td>
<td>No</td>
<td>Yes - Moreton Bay Fig</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO66</td>
<td>Boodcarra Homestead and garden 3098 Princes Highway Hermes No. 122167</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>HO67</td>
<td>Bluestone Bridge Princes Highway (north side, approximately 100m west of 2838 Princes Highway) Hermes No. 122458</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>HO68</td>
<td>Princes Street Precinct</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO17</td>
<td>St. Johns Anglican Church, 23 Regent Street</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H524</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>HO69</td>
<td>Regent Street Precinct</td>
<td>No</td>
<td>No</td>
<td>Yes – Washingtonia Palm, 39 Regent Street;</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO70</td>
<td>Ritchie Court Precinct</td>
<td>No</td>
<td>No</td>
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<td>No</td>
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<tr>
<td>HO29</td>
<td>Motts Cottage, 5 Sackville Street</td>
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<td>-</td>
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<td>Yes Ref No H254</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>HO30</td>
<td>Former Bank of Australasia, 24 Sackville Street corner Cox Street</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H749</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>HO71</td>
<td>Sackville Street Precinct</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Moreton Bay Fig, 14 Sackville Street</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>PS Map Ref</td>
<td>Heritage Place</td>
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<td>Internal Alteration Controls Apply?</td>
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<td>Aboriginal heritage place?</td>
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<tr>
<td>HO72</td>
<td>Stone cottage, drystone wall and trees 122 Toolong Road Hermes No. 122929</td>
<td>No</td>
<td>No</td>
<td>Yes Monterey Cypress and Fruit Trees</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO73</td>
<td>William Street Precinct William Street Hermes No. 194211 <strong>Incorporated plan:</strong> Moyne Shire Heritage Overlay Planning Permit Exemptions Incorporated Document March 2015</td>
<td>No</td>
<td>No</td>
<td>Yes Canary Island Palm x 2 at 24 William St</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO45</td>
<td>Cottage, 14 William Street</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H2078</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>HO32</td>
<td>Woodbine, 146 Woodbine Road</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H271</td>
<td>Yes</td>
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<tr>
<td>HO74</td>
<td>Wishart Street Precinct Wishart Street Hermes No. 194212</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>HO41</td>
<td>Seafield, 16 Wishart Street</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H2063</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

**TOWER HILL**

| HO46       | Tower Hill State Game Reserve | -                              | -                                  | -                                  | -                                                            | Yes Ref No H2114                                                    | Yes                        | No                        |

**WOOLSTHORPE**
**Table: Aboriginal Heritage Place?**

<table>
<thead>
<tr>
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<th>Aboriginal heritage place?</th>
</tr>
</thead>
<tbody>
<tr>
<td>HO34</td>
<td>Bridge, over Youls Creek, Warrnambool-Caramut Road</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H1457</td>
<td>No</td>
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</tr>
<tr>
<td></td>
<td><strong>YAMBUCK</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO33</td>
<td>Yambuk Inn, 4218 Princes Highway</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H270</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

**Notes:**
- Insert Interim control Expiry Date: dd/mm/yyyy if interim controls apply
- See 43.01 for relevant provisions and scope.
- Where the heritage place is included on the Victorian Heritage Register under the Heritage Act 2017 other controls in the table are not applicable. Insert a “-” Dash instead of “No”.
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>
<tr>
<td>The buildings and works must be associated with a dwelling.</td>
<td></td>
</tr>
</tbody>
</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>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.

EAST BEACH GENERAL – PORT FAIRY DESIGN GUIDELINES CHARACTER AREA 1A

1.0  

Design objectives

To retain and enhance the beach’s natural feel and protect it from intrusive development.

To protect the beach from visually intrusive development and ensure the beach remains the dominant visual feature.

To ensure the sand dunes retain their visual integrity when viewed from key viewpoints.

To protect the dunes from excavation.

To protect existing native coastal vegetation and to encourage additional appropriate planting.

2.0  

Buildings and works

A permit is not required to construct a building or to construct or carry out works if either:

- A permit for the development has been granted under the Heritage Act 1995.
- The development is exempt under section 66 of the Heritage Act 1995.

A permit is required for a fence unless:

- The fence is forward of the street-side setback of the building, it is 1.2 metres or less in height.
- The fence is backward of the street-side setback of the building and it is 2.0 metres or less in height.

Requirements

Design Guidelines Height

Building height should not dominate the beachfront or be detrimental to the integrity of the dunes.

A permit must not be granted to construct a building or construct or carry out works, which exceed a Design Guidelines Height of 7 metres.

The Design Guidelines Height is the vertical distance between the apex of the building roof and a plane, representing natural ground level directly beneath the apex of the roof. The plane representing natural ground level above which, height is measured is defined by two horizontal lines in line with the average ground level beneath the front and rearmost facades. The only exception is where the ground level beneath the rearmost facade is lower than that of the front facade, in which case the plane is considered to be horizontal at the ground level beneath the front facade. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

Excavation of sand dunes should be avoided to achieve the Design Guidelines Height.

Facade Height

Building height should not dominate the beachfront or be detrimental to the integrity of the dunes.

A permit should not be granted to construct a building or construct or carry out works, which exceed a Façade Height of 3.5 metres.

The Façade Height is the vertical distance between the natural ground level and the point where the façade joins the roof or upper storey decking. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

Excavation of sand dunes should be avoided to achieve the Façade Height.
Building bulk and mass
Buildings should be articulated so that the overall bulk and mass of the building does not dominate the beach front.
Buildings should not result in an unacceptable intensification of development on the skyline when viewed from the beach of Port Fairy Bay.

Setbacks
Building should be setback from front, rear and side boundaries to avoid dominating the beachfront.
Buildings should be setback front, rear and side boundaries to avoid being perceived as a wall of buildings along the beachfront.

Carparking, garages and outbuildings
Garages, outbuildings and areas allocated for the parking of vehicles should be sited to minimise visibility from the street and be designed to be consistent with the character of the area.

Building materials and colours
Materials and colours should minimise visual impact of buildings and reflect the seaside character of the area.

Landscaping and fencing
Front fencing and landscaping should reflect the seaside character of the area and enable passive surveillance to Beach Street and the beach.

Site coverage
The combined site coverage of buildings and impermeable surfaces should not overwhelm the natural qualities of the beach environment.

Frontage
Buildings should provide an attractive and active edge to the beach and provide passive surveillance to Beach Street and the beach.

Roof pitch and alignment
The roof pitch and roof alignment of buildings should be consistent with the predominant roof character of the area.

Application requirements
An application must be accompanied by a report that demonstrates how the application satisfactorily responds to the objectives and requirements of this schedule and the acceptable solutions to meet performance standards contained in the Port Fairy Design Guidelines 2001.

Subdivision

Requirements
The frontage width of lots abutting the street should be consistent with the typical width of existing lot frontages in the street.
Subdivision should avoid the creation of new crossovers wherever possible.

Application requirements
An application for subdivision should be accompanied by a plan/s that demonstrates how subdivision and associated building envelopes satisfactorily respond to the requirements for subdivision.
Advertising signs

Requirements
Advertising signs should not be illuminated.
The maximum dimension of an advertising sign should be less than 0.5 metres.
Pole signs should have a maximum height of not more than 2.0 metres and be located entirely within a property boundary.

Decision guidelines
In addition to the matters listed at Clause 43.02-5, Council will give consideration to the *Port Fairy Design Guidelines (2001)* and the local policies relating to Port Fairy (Clause 22.01-3 and 22.01-4) before deciding on an application.

Reference Documents
*Port Fairy Design Guidelines Report 2001*
*Port Fairy Design Guidelines 2001*
SCHEDULE 4 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO4.

EAST BEACH BETWEEN RITCHIE AND BOURNE AVENUE – PORT FAIRY DESIGN GUIDELINES CHARACTER AREA 1B

1.0 Design objectives
To protect the beach from visually intrusive development and ensure the beach remains the dominant visual feature.

To protect the sand dunes from excavation.

To protect existing coastal vegetation and to encourage additional appropriate planting.

To encourage a high standard of coastal architecture.

To protect the quality of key viewpoints that make a particular contribution to Port Fairy.

2.0 Buildings and works
A permit is not required to construct a building or to construct or carry out works if either:

- A permit for the development has been granted under the Heritage Act 1995.
- The development is exempt under section 66 of the Heritage Act 1995.

A permit is required for a fence unless:

- The fence is forward of the street-side setback of the building, it is 1.2 metres or less in height.
- The fence is backward of the street-side setback of the building and it is 2.0 metres or less in height.

Requirements

Design guidelines height
Building height should allow an equitable sharing of views with adjacent properties, no dominate the beach front or be detrimental to the visual integrity of the dunes.

A permit must not be granted to construct a building or construct or carry out works, which exceed a Design Guidelines Height of 6.5 metres.

The Design Guidelines Height is the vertical distance between the apex of the building roof and a plane, representing natural ground level directly beneath the apex of the roof. The plane representing natural ground level above which, height is measured is defined by two horizontal lines in line with the average ground level beneath the front and rearmost facades. The only exception is where the ground level beneath the rearmost façade is lower than that of the front façade, in which case the plane is considered to be horizontal at the ground level beneath the front façade. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

Excavation of sand dunes should be avoided to achieve the Design Guidelines Height.

Façade height
Building height should allow an equitable sharing of views with adjacent properties, no dominate the beach front or be detrimental to the visual integrity of the dunes.

A permit should not be granted to construct a building or construct or carry out works, which exceed a Façade Height of 3.5 metres.
The Façade Height is the vertical distance between the natural ground level and the point where the façade joins the roof or upper storey decking. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

Excavation of sand dunes should be avoided to achieve the Façade Height.

**Building bulk and mass**

Buildings should be articulated so that the overall bulk and mass of the building does not dominate the beach front, is not detrimental to the visual integrity of the dunes and allow for an equitable sharing of views with adjacent properties.

**Setbacks**

Building should be setback from front, rear and side boundaries to avoid dominating the beachfront, avoid being perceived as a wall of buildings along the beachfront and allow for an equitable sharing of views with adjacent properties.

**Carparking, garages and outbuildings**

Garages, outbuildings and areas allocated for the parking of vehicles should be sited to minimise visibility from the street and be designed to be consistent with the character of the area.

Driveways should be development with a permeable surface wherever possible.

**Building materials and colours**

Materials and colours should minimise visual impact of buildings and reflect the seaside character of the area.

**Landscaping and fencing**

Front fencing and landscaping should reflect the seaside character of the area and enable passive surveillance to Beach Street and the beach.

**Site coverage**

The combined site coverage of buildings and impermeable surfaces should not overwhelm the natural qualities of the beach environment.

**Frontage**

Buildings should provide an attractive and active edge to the beach and provide passive surveillance to Beach Street and the beach.

**Roof pitch and alignment**

The roof pitch and roof alignment of buildings should be consistent with the predominant roof character of the area.

**Application requirements**

An application must be accompanied by a report that demonstrates how the application satisfactorily responds to the objectives and requirements of this schedule and the acceptable solutions to meet performance standards contained in the Port Fairy Design Guidelines 2001.

**Subdivision**

**Requirements**

The frontage width of lots abutting the street should be consistent with the typical width of existing lot frontages in the street.

Subdivision should avoid the creation of new crossovers wherever possible.
Application requirements
An application for subdivision should be accompanied by a plan/s that demonstrates how subdivision and associated building envelopes satisfactorily respond to the requirements for subdivision.

Advertising signs
Requirements
Advertising signs should not be illuminated.
The maximum dimension of an advertising sign should be less than 0.5 metres.
Pole signs should have a maximum height of not more than 2.0 metres and be located entirely within a property boundary.

Decision guidelines
In addition to the matters listed at Clause 43.02-5, Council will give consideration to the Port Fairy Design Guidelines (2001) and the local policies relating to Port Fairy (Clause 22.01-3 and 22.01-4) before deciding on an application.

Reference Documents
Port Fairy Design Guidelines Report 2001
Port Fairy Design Guidelines 2001
SCHEDULE 5 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO5.

EAST BEACH TEA TREE AREA – PORT FAIRY DESIGN GUIDELINES CHARACTER AREA 1C

1.0

Design objectives

To protect the beach and the wooded character of the area from visually intrusive development.
To ensure the beach and coastal vegetation remain the dominant visual element.
To protect the sand dunes from excavation.
To protect existing coastal vegetation and to encourage additional appropriate planting.

2.0

Buildings and works

A permit is not required to construct a building or to construct or carry out works if either:

- A permit for the development has been granted under the Heritage Act 1995.
- The development is exempt under section 66 of the Heritage Act 1995.

A permit is required for a fence unless:

- The fence is forward of the beachside setback of the building, it is 1.2 metres or less in height.
- The fence is backward of the beachside setback of the building and it is 2.0 metres or less in height.

Requirements

Design guidelines height

Building height should not dominate the beachfront and woodland and should not be detrimental to the visual integrity of the dunes.

A permit must not be granted to construct a building or construct or carry out works, which exceed a Design Guidelines Height of 7 metres.

The Design Guidelines Height is the vertical distance between the apex of the building roof and a plane, representing natural ground level directly beneath the apex of the roof. The plane representing natural ground level above which, height is measured is defined by two horizontal lines in line with the average ground level beneath the front and rearmost facades. The only exception is where the ground level beneath the rearmost façade is lower than that of the front façade, in which case the plane is considered to be horizontal at the ground level beneath the front façade. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

Excavation of sand dunes should be avoided to achieve the Design Guidelines Height.

Façade height

Building height should not dominate the beachfront and woodland and should not be detrimental to the visual integrity of the dunes.

A permit should not be granted to construct a building or construct or carry out works, which exceed a Façade Height of 3.5 metres.

The Façade Height is the vertical distance between the natural ground level and the point where the façade joins the roof or upper storey decking. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

Excavation of sand dunes should be avoided to achieve the Façade Height.
Building bulk and mass
Buildings should be articulated so that the overall bulk and mass of the building does not dominate the beachfront, surrounding woodland or the visual integrity of the dunes.

Setbacks
Building should be setback from front, rear and side boundaries to avoid dominating the beachfront and avoid being perceived as a wall of buildings along the beachfront.

Carparking, garages and outbuildings
Garages, outbuildings and areas allocated for the parking of vehicles should be sited to minimise visibility from the street and be designed to be consistent with the character of the area.
Driveways should be development with a permeable surface wherever possible.

Building materials and colours
Materials and colours should minimise visual impact of buildings, reflect the seaside character of the area and not visually overwhelm the wooded setting of the area.

Landscaping and fencing
Front fencing and landscaping should reflect the seaside character of the area and enable passive surveillance to Beach Street and the beach.
Landscaping should provide for the replacement of environmental weeds with indigenous planting.

Site coverage
The combined site coverage of buildings and impermeable surfaces should not overwhelm the natural qualities of the beach environment.

Frontage
Buildings should provide an attractive and active edge to the beach and provide passive surveillance to the beach.

Roof pitch
The roof pitch of buildings should be consistent with the predominant roof character of the area.

Access
Driveways should be designed to meander and avoid intrusion into the tree canopy.

Ridges
Development should be avoided on ridges or highpoints of the area.

Application requirements
An application must be accompanied by a report that demonstrates how the application satisfactorily responds to the objectives and requirements of this schedule and the acceptable solutions to meet performance standards contained in the Port Fairy Design Guidelines 2001.

Subdivision

Requirements
The frontage width of lots abutting the street should be consistent with the typical width of existing lot frontages in the street.
Subdivision should avoid the creation of new crossovers wherever possible.
Application requirements
An application for subdivision should be accompanied by a plan/s that demonstrates how subdivision and associated building envelopes satisfactorily respond to the requirements for subdivision.

Advertising signs
Requirements
Advertising signs should not be illuminated.
The maximum dimension of an advertising sign should be less than 0.5 metres.
Pole signs should have a maximum height of not more than 2.0 metres and be located entirely within a property boundary.

Decision guidelines
In addition to the matters listed at Clause 43.02-5, Council will give consideration to the Port Fairy Design Guidelines (2001) and the local policies relating to Port Fairy (Clause 22.01-3 and 22.01-4) before deciding on an application.

Reference Documents
Port Fairy Design Guidelines Report 2001
Port Fairy Design Guidelines 2001
SCHEDULE 6 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO6.

GRANTHUST STREET NORTH– PORT FAIRY DESIGN GUIDELINES CHARACTER AREA 2A

1.0

Design objectives

To promote an attractive entry into town that allows views of the surrounding environmental qualities.

To ensure the siting and design of new development respects the existing built character and scale of the area.

To ensure that new development provides for shared views of the Moyne River estuary and does not dominate the dune backdrop.

To protect existing coastal vegetation and to encourage additional appropriate planting.

2.0

Buildings and works

A permit is not required to construct a building or to construct or carry out works if either:

- A permit for the development has been granted under the Heritage Act 1995.
- The development is exempt under section 66 of the Heritage Act 1995.

A permit is required for a fence unless:

- The fence is forward of the street-side setback of the building, it is 1.2 metres or less in height.
- The fence is backward of the street-side setback of the building and it is 2.0 metres or less in height.

Requirements

Design guidelines height

Buildings should not dominate the dunes, riverside or open character of the area.

A permit must not be granted to construct a building or construct or carry out works, which exceed a Design Guidelines Height of 8.0 metres.

The Design Guidelines Height is the vertical distance between the apex of the building roof and a plane, representing natural ground level directly beneath the apex of the roof. The plane representing natural ground level above which, height is measured is defined by two horizontal lines in line with the average ground level beneath the front and rearmost facades. The only exception is where the ground level beneath the rearmost façade is lower than that of the front façade, in which case the plane is considered to be horizontal at the ground level beneath the front façade. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

Excavation of sand dunes should be avoided to achieve the Design Guidelines Height.

Façade height

Buildings should not dominate the dunes, riverside or open character of the area.

A permit should not be granted to construct a building or construct or carry out works, which exceed a Façade Height of 3.5 metres.

The Façade Height is the vertical distance between the natural ground level and the point where the façade joins the roof or upper storey decking. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.
The Façade Height should be 3.5 metres above the designated floor height rather than the natural ground level, if the dwelling site is affected by the Land Subject to Inundation Overlay. Excavation of sand dunes should be avoided to achieve the Façade Height.

**Building bulk and mass**

Buildings should be articulated so that the overall bulk and mass of the building does not dominate the dune or the riverside.

Buildings should not result in an unacceptable intensification of development on the skyline when viewed from Griffith Street.

**Setbacks**

Building should be setback from front, rear and side boundaries to avoid appearing as a wall of buildings along the dunes and riverside.

The setback of new buildings should retain the established development pattern that provides a balance between buildings and landscape.

**Carparking, garages and outbuildings**

Garages, outbuildings and areas allocated for the parking of vehicles should be sited to minimise visibility from the street and be designed to protect the character of the area.

Driveways should be developed with a permeable surface wherever possible.

**Building materials and colours**

Materials and colours should minimise visual impact of buildings, reflect the coastal character of the area and not visually overwhelm the wooded setting of the area.

**Landscaping and fencing**

Front fencing and landscaping should reflect the seaside character of the area and enable passive surveillance to Griffith Street.

Landscaping should provide for the replacement of environmental weeds with indigenous planting.

**Site coverage**

The combined site coverage of buildings and impermeable surfaces should not overwhelm the natural qualities of the beach environment.

**Frontage**

Buildings should provide an attractive and active edge to the beach and enable passive surveillance of Griffith Street.

**Roof pitch**

The roof pitch of buildings should be consistent with the predominant roof character of the area.

**Application requirements**

An application must be accompanied by a report that demonstrates how the application satisfactorily responds to the objectives and requirements of this schedule and the acceptable solutions to meet performance standards contained in the Port Fairy Design Guidelines 2001.

**Subdivision**

**Requirements**

The frontage width of lots abutting the street should be consistent with the typical width of existing lot frontages in the street.
Subdivision should retain the established pattern of development of the area. Subdivision should avoid the creation of new crossovers wherever possible.

**Application requirements**

An application for subdivision should be accompanied by a plan/s that demonstrates how subdivision and associated building envelopes satisfactorily respond to the requirements for subdivision.

**Advertising signs**

**Requirements**

Advertising signs should not be illuminated.

The maximum dimension of an advertising sign should be less than 0.5 metres.

Pole signs should have a maximum height of not more than 2.0 metres and be located entirely within a property boundary.

**Decision guidelines**

In addition to the matters listed at Clause 43.02-5, Council will give consideration to the *Port Fairy Design Guidelines (2001)* and the local policies relating to Port Fairy (Clause 22.01-3 and 22.01-4) before deciding on an application.

**Reference Documents**

*Port Fairy Design Guidelines Report 2001*

*Port Fairy Design Guidelines 2001*
SCHEDULE 7 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO7.

GRiffITH STREET SOUTH – PORT FAIRy DESIGN GUIDELINES CHARACTER AREA 2B

1.0

Design objectives

To protect the river and coastal environment by ensuring dunes or tea trees remain the dominant skyline element when viewed from Griffith Street.

To ensure the siting and design of new development respects the existing built character and scale of the area.

To ensure that new development provides for shared views of the Moyne River estuary and does not dominate the dune backdrop.

To protect existing native coastal vegetation and to encourage additional appropriate planting.

2.0

Buildings and works

A permit is not required to construct a building or to construct or carry out works if either:

- A permit for the development has been granted under the Heritage Act 1995.
- The development is exempt under section 66 of the Heritage Act 1995.

A permit is required for a fence unless:

- The fence is forward of the street-side setback of the building, it is 1.2 metres or less in height.
- The fence is backward of the street-side setback of the building and it is 2.0 metres or less in height.

Requirements

Design guidelines height

Building height should not dominate the surrounding woodland or be detrimental to the integrity of the dunes.

A permit must not be granted to construct a building or construct or carry out works, which exceed a Design Guidelines Height of 8.0 metres.

The Design Guidelines Height is the vertical distance between the apex of the building roof and a plane, representing natural ground level directly beneath the apex of the roof. The plane representing natural ground level above which, height is measured is defined by two horizontal lines in line with the average ground level beneath the front and rearmost facades. The only exception is where the ground level beneath the rearmost façade is lower than that of the front façade, in which case the plane is considered to be horizontal at the ground level beneath the front façade. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

Façade height

Building height should not dominate the surrounding woodland or be detrimental to the integrity of the dunes.

A permit should not be granted to construct a building or construct or carry out works, which exceed a Façade Height of 3.5 metres.

The Façade Height is the vertical distance between the natural ground level and the point where the façade joins the roof or upper storey decking. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.
The Façade Height should be 3.5 metres above the designated floor height rather than the natural ground level, if the dwelling site is affected by the Land Subject to Inundation Overlay.

**Building bulk and mass**
Buildings should be articulated so that the overall bulk and mass of the building minimises impact on the dunes and on the predominantly wooded character of the area.
Buildings should not result in an unacceptable intensification of development on the skyline when viewed from Griffith Street.

**Setbacks**
Building should be setback from front, rear and side boundaries to avoid dominating the street.
The setback of new buildings should retain the established development pattern that provides a balance between buildings and landscape.

**Carparking, garages and outbuildings**
Garages, outbuildings and areas allocated for the parking of vehicles should be sited to minimise visibility from the street and be designed to be consistent with the character of the area.
Driveways should be development with a permeable surface wherever possible.

**Building materials and colours**
Materials and colours should minimise visual impact of buildings, reflect the coastal character area and not visually overwhelm the wooded setting of the area.

**Landscaping and fencing**
Front fencing and landscaping should reflect the wooded character of the area and enable passive surveillance to Griffith Street.
Landscaping should provide for the replacement of environmental weeds with indigenous planting.

**Site coverage**
The combined site coverage of buildings and impermeable surfaces should not overwhelm the natural qualities of the area.

**Frontage**
Buildings should provide an attractive and active edge to the beach and provide passive surveillance to Griffith Street.

**Roof pitch**
The roof pitch of buildings should be consistent with the predominant roof character of the area.

**Application requirements**
An application must be accompanied by a report that demonstrates how the application satisfactorily responds to the objectives and requirements of this schedule and the acceptable solutions to meet performance standards contained in the Port Fairy Design Guidelines 2001.

**Subdivision**

**Requirements**
The frontage width of lots abutting the street should be consistent with the typical width of existing lot frontages in the street.
Subdivision should retain the established pattern of development of the area.
Subdivision should avoid the creation of new crossovers wherever possible.

Application requirements
An application for subdivision should be accompanied by a plan/s that demonstrates how subdivision and associated building envelopes satisfactorily respond to the requirements for subdivision.

Advertising signs
Requirements
Advertising signs should not be illuminated.
The maximum dimension of an advertising sign should be less than 0.5 metres.
Pole signs should have a maximum height of not more than 2.0 metres and be located entirely within a property boundary.

Decision guidelines
In addition to the matters listed at Clause 43.02-5, Council will give consideration to the Port Fairy Design Guidelines (2001) and the local policies relating to Port Fairy (Clause 22.01-3 and 22.01-4) before deciding on an application.

Reference Documents
Port Fairy Design Guidelines Report 2001
Port Fairy Design Guidelines 2001
SCHEDULE 8 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO8**.

SMALL COTTAGES AREA– PORT FAIRY DESIGN GUIDELINES CHARACTER AREA 2C

1.0

**Design objectives**

To retain the historic asset and maintain the gap between buildings in order to allow passers by to glimpse the surrounding environmental qualities.

To respect the existing historic buildings and subdivision pattern by encouraging appropriate new development in the form of cottage style structures.

2.0

**Buildings and works**

A permit is not required to construct a building or to construct or carry out works if either:

- A permit for the development has been granted under the *Heritage Act 1995*.
- The development is exempt under section 66 of the *Heritage Act 1995*.

A permit is required for a fence unless:

- It is a front fence or side fence in front of the street setback of a building that is 1.2 metres or less in height and constructed of stone or pickets.
- It is a side fence behind the street setback of a building, or rear fence that is 1.7 metres or less in height.

**Requirements**

**Design guidelines height**

Building height should be consistent with the small college character of the area.

A permit must not be granted to construct a building or construct or carry out works, which exceed a Design Guidelines Height of 5.0 metres.

The Design Guidelines Height is the vertical distance between the apex of the building roof and a plane, representing natural ground level directly beneath the apex of the roof. The plane representing natural ground level above which, height is measured is defined by two horizontal lines in line with the average ground level beneath the front and rearmost facades. The only exception is where the ground level beneath the rearmost façade is lower than that of the front façade, in which case the plane is considered to be horizontal at the ground level beneath the front façade. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

**Façade height**

Building height should be consistent with the small college character of the area.

A permit should not be granted to construct a building or construct or carry out works, which exceed a Façade Height of 3.5 metres.

The Façade Height is the vertical distance between the natural ground level and the point where the façade joins the roof or upper storey decking. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

The Façade Height should be 3.5 metres above the designated floor height rather than the natural ground level, if the dwelling site is affected by the Land Subject to Inundation Overlay.
Building bulk and mass
Buildings should be articulated so that the overall bulk and mass of the building does not overwhelm the delicate balance between landscape and cottages.
Buildings should not result in an unacceptable intensification of development on the skyline when viewed from Griffith Street.

Setbacks
Building should be setback from front, rear and side boundaries to avoid dominating the street or compromising the relatively open feel of the area.
The setback of new buildings should retain the established development pattern that provides a balance between buildings and landscape.

Carparking, garages and outbuildings
Garages, outbuildings and areas allocated for the parking of vehicles should be sited to minimise visibility from the street and be designed to be consistent with the character of the area.

Building materials and colours
Materials and colours should minimise visual impact of buildings and reflect the heritage character and open setting of the area.

Landscaping and fencing
Front fencing and landscaping should reflect the traditional landscape character of the area and enable passive surveillance to Griffith Street.
Landscaping should provide for the replacement of environmental weeds with indigenous planting.

Site coverage
The combined site coverage of buildings and impermeable surfaces should not overwhelm the natural qualities of the area.

Frontage
Buildings should provide an attractive and active edge to Griffith Street and also provide for passive surveillance to Griffiths Street.

Roof pitch and alignment
The roof pitch and roof alignment should be consistent with the predominant roof character of the area.

Access
Driveways should be development with a permeable surface wherever possible.
Driveways should be designed to meander and incorporated new and retained planting to partially screen new development.

Application requirements
An application must be accompanied by a report that demonstrates how the application satisfactorily responds to the objectives and requirements of this schedule and the acceptable solutions to meet performance standards contained in the Port Fairy Design Guidelines 2001.
3.0 Subdivision

Requirements
The frontage width of lots abutting the street should be consistent with the typical width of existing lot frontages in the street.
Subdivision layout should retain the established pattern of development.
Subdivision should avoid the creation of new crossovers wherever possible.

Application requirements
An application for subdivision should be accompanied by a plan/s that demonstrates how subdivision and associated building envelopes satisfactorily respond to the requirements for subdivision.

4.0 Advertising signs

Requirements
Advertising signs should not be illuminated.
The maximum dimension of an advertising sign should be less than 0.5 metres.
Pole signs should have a maximum height of not more than 2.0 metres and be located entirely within a property boundary.

5.0 Decision guidelines

In addition to the matters listed at Clause 43.02-5, Council will give consideration to the Port Fairy Design Guidelines (2001) and the local policies relating to Port Fairy (Clause 22.01-3 and 22.01-4) before deciding on an application.

Reference Documents
Port Fairy Design Guidelines Report 2001
Port Fairy Design Guidelines 2001
SCHEDULE 9 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO9.

GIPPS STREET & MOYNE RIVER AREA (EAST RIVER SIDE) – PORT FAIRY DESIGN GUIDELINES CHARACTER AREA 3

1.0  20/07/2006  C3

Design objectives

To ensure that new development retains the areas heritage qualities, allows glimpses through to the river and is visually subservient to the river the surrounding vegetation.

To respect the historic built character of the area.

To acknowledge the river environment.

To protect the views of the river from adjoining properties.

To allow for views of the river from the street and an equitable sharing of views between properties.

To ensure that development does not visually overwhelm or compete with the river or the Norfolk Island Pines when viewed from the foreshore or the bridges.

To protect the contribution made by the grass verges to this area.

To minimise the detrimental impact of car parking.

2.0  06/12/2007  C29

Buildings and works

A permit is not required to construct a building or to construct or carry out works if either:

- A permit for the development has been granted under the Heritage Act 1995.
- The development is exempt under section 66 of the Heritage Act 1995.

A permit is required for a fence unless:

- The fence is forward of the riverside setback of the building and it is 1.2 metres or less in height.
- The fence is forward of the Gipps Street setback of the building and it is 2.0 metres or less in height.

Requirements

Design guidelines height

Building height should not overwhelm the contribution to the character of the area made by the river and Pine trees.

A permit must not be granted to construct a building or construct or carry out works, which exceed a Design Guidelines Height of 7.0 metres except at 35 Gipps Street (Certificate of Title Volume 10757 Folio 128 being Lot 1 on Title Plan No. 831358G and Certificate of Title Volume 08260 Folio 201 being Lot 1 on Title Plan No. 258426L) where a permit must not be granted to construct a building or construct or carry out works, which exceed a Design Guidelines Height of 8.0 metres.

The Design Guidelines Height is the vertical distance between the apex of the building roof and a plane, representing natural ground level directly beneath the apex of the roof. The plane representing natural ground level above which, height is measured is defined by two horizontal lines in line with the average ground level beneath the front and rearmost facades. The only exception is where the ground level beneath the rearmost façade is lower than that of the front façade, in which case the plane is considered to be horizontal at the ground level beneath the front façade. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.
Façade height
Building height should not overwhelm the contribution to the character of the area made by the river and Pine trees.

A permit should not be granted to construct a building or construct or carry out works, which exceed a street or riverside Façade Height of 3.5 metres.

The Façade Height is the vertical distance between the natural ground level and the point where the façade joins the roof or upper storey decking. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

The Façade Height should be 3.5 metres above the designated floor height rather than the natural ground level, if the dwelling site is affected by the Land Subject to Inundation Overlay.

Building bulk and mass
Buildings should be articulated so that the overall bulk and mass of the building does not view as a massive and unbroken wall from either the township or the riverside.

Buildings should not result in an unacceptable intensification of development on the skyline when viewed from Griffith Street.

Setbacks
Building should be setback from front, rear and side boundaries to avoid dominating the street or riverside, provide for an equitable sharing of views, and avoid buildings being viewed as a wall of buildings along the river.

The setback of new buildings should retain the established development pattern.

Carparking, garages and outbuildings
Garages, outbuildings and areas allocated for the parking of vehicles should be sited to minimise visibility from the street and be designed to be consistent with the character of the area.

Driveways should be development with a permeable surface wherever possible.

Building materials and colours
Materials and colours should reflect the seaside character or wooded setting of the area.

Landscaping and fencing
Front fencing and landscaping should reflect the riverside character of the area and enable passive surveillance of Gipps Street.

Landscaping should provide for the replacement of environmental weeds with indigenous planting.

Site coverage
The combined site coverage of buildings and impermeable surfaces should not overwhelm the built and natural qualities of the riverside.

Frontage
Buildings should provide an attractive and active edge to Gipps Street and the river and provide for passive surveillance to Gipps Street.

Roof pitch
The roof pitch of buildings should be consistent with the predominant roof character of the area.
Application requirements
An application must be accompanied by a report that demonstrates how the application satisfactorily responds to the objectives and requirements of this schedule and the acceptable solutions to meet performance standards contained in the Port Fairy Design Guidelines 2001.

3.0
20/07/2006
C3

Subdivision

Requirements
The frontage width of lots abutting the street should be consistent with the typical width of existing lot frontages in the street.
Subdivision layout should retain the established pattern of development.
Subdivision should avoid the creation of new crossovers wherever possible.

Application requirements
An application for subdivision should be accompanied by a plan/s that demonstrates how subdivision and associated building envelopes satisfactorily respond to the requirements for subdivision.

4.0
20/07/2006
C3

Advertising signs

Requirements
Advertising signs should not be illuminated.
The maximum dimension of an advertising sign should be less than 0.5 metres.
Pole signs should have a maximum height of not more than 2.0 metres and be located entirely within a property boundary.

5.0
20/07/2006
C3

Decision guidelines
In addition to the matters listed at Clause 43.02-5, Council will give consideration to the Port Fairy Design Guidelines (2001) and the local policies relating to Port Fairy (Clause 22.01-3 and 22.01-4) before deciding on an application.

Reference Documents
Port Fairy Design Guidelines Report 2001
Port Fairy Design Guidelines 2001
SCHEDULE 10 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO10.

HERITAGE RESIDENTIAL AREA – PORT FAIRY DESIGN GUIDELINES CHARACTER AREA 4A

1.0 Design objectives

To respect the scale, design and finish of traditional residential development within Port Fairy.

To acknowledge the importance of variety to Port Fairy’s character, in terms of size, design, setbacks and materials.

To ensure that new development respects the character established by heritage development and does not compromise or threaten that character.

To ensure that development retains the landscape qualities of the area.

2.0 Buildings and works

A permit is not required to construct a building or to construct or carry out works if either:

- A permit for the development has been granted under the Heritage Act 1995.
- The development is exempt under section 66 of the Heritage Act 1995.

A permit is required for a fence unless:

- The fence is forward of the street-side setback of the building, it is 1.2 metres or less in height and at least 50% permeable.
- The fence is backward of the street-side setback of the building and it is 2.0 metres or less in height.

Requirements

Design guidelines height

Building height should not be detrimental to the character of the area.

Building height should be appropriate to the character of the area and should not exceed a Design Guidelines Height of 7.0 metres.

The Design Guidelines Height is the vertical distance between the apex of the building roof and a plane, representing natural ground level directly beneath the apex of the roof. The plane representing natural ground level above which, height is measured is defined by two horizontal lines in line with the average ground level beneath the front and rearmost facades. The only exception is where the ground level beneath the rearmost façade is lower than that of the front façade, in which case the plane is considered to be horizontal at the ground level beneath the front façade. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

Façade height

Building height should not be detrimental to the character of the area.

Building height should be appropriate to the character of the area and should not exceed a Façade Height of 5.25 metres.

The Façade Height is the vertical distance between the natural ground level and the point where the façade joins the roof or upper storey decking. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.
The Façade Height should be 5.25 metres above the designated floor height rather than the natural ground level, if the dwelling site is affected by the Land Subject to Inundation Overlay.

**Building bulk and mass**

Buildings should be articulated so that the overall bulk and mass of the building does not compromise the characteristic scale and pattern of the area.

**Setbacks**

Building should be setback from front, rear and side boundaries to reflect the pattern of buildings within landscape lots that is characteristic of the area.

The setback of new buildings should retain the established development pattern and respect characteristic setbacks.

**Carparking, garages and outbuildings**

Garages, outbuildings and areas allocated for the parking of vehicles should be sited to minimise visibility from the street and be designed to be consistent with the character of the area.

**Building materials and colours**

Materials and colours should respect the character of the area and not overwhelm the natural and built setting.

**Landscaping and fencing**

Front fencing and landscaping should reflect the ‘buildings in landscape character’ of the area and enable passive surveillance to the street.

Landscaping should provide for the replacement of environmental weeds with indigenous planting.

**Site coverage**

The combined site coverage of buildings and impermeable surfaces should respect the pattern of building and open space characteristic of the area.

**Frontage**

Buildings should provide an attractive and active edge to the street and enable passive surveillance of the street.

**Roof pitch**

The roof pitch of buildings should be consistent with the predominant roof character of the area.

**Access**

Driveways should be designed to meander and incorporate new and retained planning to partially screen development.

Driveways should be development with a permeable surface wherever possible.

**Application requirements**

An application must be accompanied by a report that demonstrates how the application satisfactorily responds to the objectives and requirements of this schedule and the acceptable solutions to meet performance standards contained in the Port Fairy Design Guidelines 2001.
3.0 Subdivision

Requirements

The frontage width of lots abutting the street should be consistent with the typical width of existing lot frontages in the street.

Subdivision layout should retain the established pattern of development.

Subdivision should avoid the creation of new crossovers wherever possible.

Application Requirements

An application for subdivision should be accompanied by a plan/s that demonstrates how subdivision and associated building envelopes satisfactorily respond to the requirements for subdivision.

4.0 Advertising signs

Requirements

Advertising signs should not be illuminated.

The maximum dimension of an advertising sign should be less than 0.5 metres.

Pole signs should have a maximum height of not more than 2.0 metres and be located entirely within a property boundary.

5.0 Decision guidelines

In addition to the matters listed at Clause 43.02-5, Council will give consideration to the Port Fairy Design Guidelines (2001) and the local policies relating to Port Fairy (Clause 22.01-3 and 22.01-4) before deciding on an application.

Reference Documents

Port Fairy Design Guidelines Report 2001

Port Fairy Design Guidelines 2001
**SCHEDULE 11 TO THE DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as DDO11.

**WISHART STREET – PORT FAIRY DESIGN GUIDELINES CHARACTER AREA 4B**

1.0

**Design objectives**

To ensure that development retain the area’s heritage qualities.

To preserve the scale, format, design and appearance of Wishart Street and respect the roof forms, massing and fenestration details of existing houses in the street.

2.0

**Buildings and works**

A permit is not required to construct a building or to construct or carry out works if either:

- A permit for the development has been granted under the *Heritage Act 1995*.
- The development is exempt under section 66 of the *Heritage Act 1995*.

A permit is required for a fence unless:

- The fence is forward of the street-side setback of the building, it is 1.2 metres or less in height and at least 50% permeable.
- The fence is backward of the street-side setback of the building and it is 2.0 metres or less in height.

**Requirements**

**Design guidelines height**

Building height should not be detrimental to the character of the area.

A permit should not be granted to construct a building or construct or carry out works, which exceed a Design Guidelines Height of 5 metres.

The Design Guidelines Height is the vertical distance between the apex of the building roof and a plane, representing natural ground level directly beneath the apex of the roof. The plane representing natural ground level above which, height is measured is defined by two horizontal lines in line with the average ground level beneath the front and rearmost facades. The only exception is where the ground level beneath the rearmost façade is lower than that of the front façade, in which case the plane is considered to be horizontal at the ground level beneath the front façade. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

**Façade height**

Building height should not be detrimental to the character of the area.

A permit should not be granted to construct a building or construct or carry out works, which exceed a Façade Height of 3 metres.

The Façade Height is the vertical distance between the natural ground level and the point where the façade joins the roof or upper storey decking. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

**Building bulk and mass**

Buildings should be articulated so that the overall bulk and mass of the building does not compromise the characteristic scale and pattern of the area.
Setbacks
Building should be setback from front, rear and side boundaries should reflect the area’s characteristic pattern of buildings within landscaped lots.

Carparking, garages and outbuildings
Garages, outbuildings and areas allocated for the parking of vehicles should be sited to minimise visibility from the street and be designed to be consistent with the character of the area.
Driveways should be development with a permeable surface wherever possible.

Building materials and colours
Materials and colours should respect the character of the area and not overwhelm the natural and built setting.

Landscaping and fencing
Front fencing and landscaping should reflect the ‘buildings in landscape character’ of the area and enable passive surveillance to the street.
Landscaping should provide for the replacement of environmental weeds.

Site coverage
The combined site coverage of buildings and impermeable surfaces should respect the pattern of building and open space characteristic of the area.

Frontage
Buildings should provide an attractive and active edge to the street and enable passive surveillance of the street.

Roof pitch
The roof pitch of buildings should be consistent with the predominant roof character of the area.

Access
Driveways should be designed to meander to incorporate new and retained planting to partially screen development.

Application requirements
An application must be accompanied by a report that demonstrates how the application satisfactorily responds to the objectives and requirements of this schedule and the acceptable solutions to meet performance standards contained in the Port Fairy Design Guidelines 2001.

Subdivision
Requirements
The frontage width of lots abutting the street should be consistent with the typical width of existing lot frontages in the street.
Subdivision should avoid the creation of new crossovers wherever possible.
Subdivision layout should retain the established pattern of development.

Application Requirements
An application for subdivision should be accompanied by a plan/s that demonstrates how subdivision and associated building envelopes satisfactorily respond to the requirements for subdivision.
4.0 Advertising signs

Requirements
Advertising signs should not be illuminated.
The maximum dimension of an advertising sign should be less than 0.5 metres.
Pole signs should have a maximum height of not more than 2.0 metres and be located entirely within a property boundary.

5.0 Decision guidelines
In addition to the matters listed at Clause 43.02-5, Council will give consideration to the Port Fairy Design Guidelines (2001) and the local policies relating to Port Fairy (Clause 22.01-3 and 22.01-4) before deciding on an application.

Reference Documents
Port Fairy Design Guidelines Report 2001
Port Fairy Design Guidelines 2001
SCHEDULE 12 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO12.

HERITAGE COMMERCIAL AREA – PORT FAIRY DESIGN GUIDELINES CHARACTER AREA 5

1.0 Design objectives

To ensure that development retain the area’s heritage qualities.

To retain a commercial centre that reflects the scale, design and finish of the traditional commercial development of Port Fairy.

2.0 Buildings and works

A permit is not required to construct a building or to construct or carry out works if either:

- A permit for the development has been granted under the Heritage Act 1995.
- The development is exempt under section 66 of the Heritage Act 1995.

A permit is required for a fence unless:

- The fence is backward of the street-side setback of the building and it is 2.0 metres or less in height.

Requirements

Design guidelines height

Building height should not be detrimental to the character of the area.

A permit should not be granted to construct a building or construct or carry out works, which exceed a Design Guidelines Height of 8 metres.

The Design Guidelines Height is the vertical distance between the apex of the building roof and a plane, representing natural ground level directly beneath the apex of the roof. The plane representing natural ground level above which, height is measured is defined by two horizontal lines in line with the average ground level beneath the front and rearmost facades. The only exception is where the ground level beneath the rearmost façade is lower than that of the front façade, in which case the plane is considered to be horizontal at the ground level beneath the front façade. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

Façade height

Building height should not be detrimental to the character of the area.

A permit should not be granted to construct a building or construct or carry out works, which exceed a Façade Height of 8 metres.

The Façade Height is the vertical distance between the natural ground level and the point where the façade joins the roof or upper storey decking. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

The Façade Height should be 8 metres above the designated floor height rather than the natural ground level, if the dwelling site is affected by the Land Subject to Inundation Overlay.

Building bulk and mass

Buildings should be articulated so that the overall bulk and mass of the building does not compromise the characteristic scale and pattern of the area.
Setbacks
Building should reflect the area’s characteristic pattern of buildings directly abutting the street.

Carparking, garages and outbuildings
Garages, outbuildings and areas allocated for the parking of vehicles should be consistent with the character of the area.

Building materials and colours
Building materials and colours should respect the character of the area.

Landscaping and fencing
Front fencing and landscaping should reflect the commercial character of the area and provide opportunities for passive surveillance to the street.

Site coverage
The combined site coverage of buildings and impermeable surfaces should respect the pattern of building and open space characteristic of the area.

Frontage
Buildings should provide an attractive and active edge to the street and enable passive surveillance of the street.

Roof pitch
The roof pitch of buildings should be consistent with the predominant roof character of the area.

Application requirements
An application must be accompanied by a report that demonstrates how the application satisfactorily responds to the objectives and requirements of this schedule and the acceptable solutions to meet performance standards contained in the Port Fairy Design Guidelines 2001.

3.0
20/07/2006
C3

Subdivision
Requirements
Subdivision should ensure that all subdivided lots have a street frontage to reinforce the characteristic close grain of development in Port Fairy’s commercial area.

Application Requirements
An application for subdivision should be accompanied by a plan/s that demonstrates how subdivision and associated building envelopes satisfactorily respond to the requirements for subdivision.

4.0
20/07/2006
C3

Advertising signs
Requirements
New development should avoid:

- Projecting advertising signs above verandah level.
- Internally illuminated advertising signs.
- Advertising that is not contained within the built form.
Decision guidelines

In addition to the matters listed at Clause 43.02-5, Council will give consideration to the *Port Fairy Design Guidelines (2001)* and the local policies relating to Port Fairy (Clause 22.01-3 and 22.01-4) before deciding on an application.

Reference Documents

*Port Fairy Design Guidelines Report 2001*

*Port Fairy Design Guidelines 2001*
SCHEDULE 13 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO13.

SOUTH BEACH – PORT FAIRY DESIGN GUIDELINES CHARACTER AREA 6

1.0

Design objectives

To protect the beach from intrusive development.

To encourage development that respects the coastal location of the area through the use of appropriate colours and materials on all new buildings and limited the scale and setting of development.

To encourage a high standard of coastal architecture.

2.0

Buildings and works

A permit is not required to construct a building or to construct or carry out works if either:

- A permit for the development has been granted under the Heritage Act 1995.
- The development is exempt under section 66 of the Heritage Act 1995.

A permit is required for a fence unless:

- The fence is forward of the street-side setback of the building, it is 1.2 metres or less in height.
- The fence is backward of the street-side setback of the building and it is 2.0 metres or less in height.

Requirements

Design guidelines height

Building height should no dominate the beachfront.

A permit should not be granted to construct a building or construct or carry out works, which exceed a Design Guidelines Height of 7 metres.

The Design Guidelines Height is the vertical distance between the apex of the building roof and a plane, representing natural ground level directly beneath the apex of the roof. The plane representing natural ground level above which, height is measured is defined by two horizontal lines in line with the average ground level beneath the front and rearmost facades. The only exception is where the ground level beneath the rearmost façade is lower than that of the front façade, in which case the plane is considered to be horizontal at the ground level beneath the front façade. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

Excavation of sand dunes should be avoided to achieve the Design Guidelines Height.

Façade height

Building height should no dominate the beachfront.

A permit should not be granted to construct a building or construct or carry out works, which exceed a Façade Height of 3.5 metres.

The Façade Height is the vertical distance between the natural ground level and the point where the façade joins the roof or upper storey decking. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

Excavation of sand dunes should be avoided to achieve the Façade Height.
Building bulk and mass
Buildings should be articulated so that the overall bulk and mass of the building does not dominate the beachfront.

Buildings should not result in any perceived intensification of development on the skyline when viewed from the beach or Ocean Drive.

Setbacks
Buildings should be setback from front, rear and side boundaries to avoid dominating the beachfront.

Buildings should be setback front, rear and side boundaries to avoid being perceived as a wall of buildings along the beachfront.

Carparking, garages and outbuildings
Garages, outbuildings and areas allocated for the parking of vehicles should be sited to minimise visibility from the street and be designed to be consistent with the character of the area.

Driveways should be development with a permeable surface wherever possible.

Building materials and colours
Building materials and colours should respect the character of the area.

Landscaping and fencing
Front fencing and landscaping should reflect the seaside character of the area and provide opportunities for passive surveillance to Ocean Drive and the beach.

Site coverage
The combined site coverage of buildings and impermeable surfaces should not overwhelm the natural qualities of the beach.

Frontage
Buildings should provide an attractive and active edge to the street and enable passive surveillance of Ocean Drive and the beach.

Roof pitch and alignment
The roof pitch and roof alignment of buildings should be consistent with the predominant roof character of the area.

Application requirements
An application must be accompanied by a report that demonstrates how the application satisfactorily responds to the objectives and requirements of this schedule and the acceptable solutions to meet performance standards contained in the Port Fairy Design Guidelines 2001.

Subdivision

Requirements
The frontage width of lots abutting the street should be consistent with the typical widths of existing lot frontages in the street.

Subdivision should avoid the creation of new crossovers.

The subdivision should not result in any perceived intensification of development on the skyline when viewed from the beach or Ocean Drive.
Application requirements

An application for subdivision should be accompanied by a plan/s that demonstrates how subdivision and associated building envelopes satisfactorily respond to the requirements for subdivision.

4.0
20/07/2006
C3

Advertising signs

Requirements

Advertising signs should not be illuminated.
The maximum dimension of an advertising sign should be less than 0.5 metres.
Pole signs should have a maximum height of not more than 2.0 metres and be located entirely within a property boundary.

5.0
20/07/2006
C3

Decision guidelines

In addition to the matters listed at Clause 43.02-5, Council will give consideration to the Port Fairy Design Guidelines (2001) and the local policies relating to Port Fairy (Clause 22.01-3 and 22.01-4) before deciding on an application.

Reference Documents

Port Fairy Design Guidelines Report 2001
Port Fairy Design Guidelines 2001
SCHEDULE 14 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO14**.

**SOUTH BEACH WEST – PORT FAIRY DESIGN GUIDELINES CHARACTER AREA 7**

1.0 Design objectives

To protect the beach and ridgelines from intrusive development.

To encourage limited low scale development which is unobtrusive and will not have a detrimental impact, visually or physically, on the beach or dunes.

To encourage a high standard of coastal architecture.

2.0 Buildings and works

A permit is not required to construct a building or to construct or carry out works if either:

- A permit for the development has been granted under the *Heritage Act 1995*.
- The development is exempt under section 66 of the *Heritage Act 1995*.

A permit is required for a fence unless:

- The fence is forward of the street-side setback of the building, it is 1.2 metres or less in height.
- The fence is backward of the street-side setback of the building and it is 2.0 metres or less in height.

**Requirements**

**Design guidelines height**

Building height should not dominate the beachfront or be detrimental to the integrity of the dunes.

A permit should not be granted to construct a building or construct or carry out works which exceed a height of 5 metres. A permit may be granted to exceed this height if the site is within the Land Subject to Inundation Overlay (Schedule 3) and requires additional height to meet the required minimum floor levels set down by the relevant authority, in which case a preferred height of 7 metres applies.

The Design Guidelines Height is the vertical distance between the apex of the building roof and a plane, representing natural ground level directly beneath the apex of the roof. The plane representing natural ground level above which, height is measured is defined by two horizontal lines in line with the average ground level beneath the front and rearmost facades. The only exception is where the ground level beneath the rearmost façade is lower than that of the front façade, in which case the plane is considered to be horizontal at the ground level beneath the front façade. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

Excavation of sand dunes should be avoided to achieve the Design Guidelines Height.

**Façade height**

Building height should not dominate the beachfront or be detrimental to the integrity of the dunes.

A permit should not be granted to construct a building or construct or carry out works, which exceed a Façade Height of 3.5 metres.

The Façade Height is the vertical distance between the natural ground level and the point where the façade joins the roof or upper storey decking. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

Excavation of sand dunes should be avoided to achieve the Façade Height.
Building bulk and mass
Buildings should be articulated so that the overall bulk and mass of the building does not dominate the beachfront.

New development should not protrude above the skyline when viewed from South Beach, South West Beach, Ocean Drive or the Princes Highway.

Setbacks
Buildings should be setback from front, rear and side boundaries to avoid dominating the beachfront. Buildings should be setback front, rear and side boundaries to avoid being perceived as a wall of buildings along the beachfront.

Carparking, garages and outbuildings
Garages, outbuildings and areas allocated for the parking of vehicles should be sited to minimise visibility from the street and be designed to be consistent with the character of the area. Driveways should be development with a permeable surface wherever possible.

Building materials and colours
Building materials and colours should respect the character of the area.

Landscaping and fencing
Fencing and landscaping should reflect the seaside character of the area.

Site coverage
The combined site coverage of buildings and impermeable surfaces should not overwhelm the natural qualities of the beach.

Primary dunes, ridges and other high points should remain free of development.

Frontage
Buildings should provide an attractive and discrete edge to the beach.

Roof pitch and alignment
The roof pitch and roof alignment of buildings should be consistent with the predominant roof character of the area.

Application requirements
An application must be accompanied by a report that demonstrates how the application satisfactorily responds to the objectives and requirements of this schedule and the acceptable solutions to meet performance standards contained in the Port Fairy Design Guidelines 2001. An application should be accompanied by a landscape plan illustrating how buildings can be screened and planting responds to coastal conditions, where necessary.

Subdivision

Requirements
Subdivision should provide opportunities for shared driveways, wherever possible.

Application requirements
An application for subdivision should be accompanied by a plan/s that demonstrates how subdivision and associated building envelopes satisfactorily respond to the requirements for subdivision.
4.0 Advertising signs

Requirements
Advertising signs should not be illuminated.
The maximum dimension of an advertising sign should be less than 0.5 metres.
Pole signs should have a maximum height of not more than 2.0 metres and be located entirely within a property boundary.

5.0 Decision guidelines
In addition to the matters listed at Clause 43.02-5, Council will give consideration to the Port Fairy Design Guidelines (2001) and the local policies relating to Port Fairy (Clause 22.01-3 and 22.01-4) before deciding on an application.

Reference Documents
Port Fairy Design Guidelines Report 2001
Port Fairy Design Guidelines 2001
Port Fairy West Structure Plan 2014
SCHEDULE 15 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO15.

TOWN ENTRANCES – PORT FAIRY DESIGN GUIDELINES CHARACTER AREA 8

1.0 Design objectives

To ensure development retains the area’s heritage qualities and contributes to providing an attractive entry to Port Fairy.

To respect the historic residential and commercial development of Port Fairy.

To provide an attractive entry into the township by supporting the existing attractive streetscaping.

2.0 Buildings and works

A permit is not required to construct a building or to construct or carry out works if either:

- A permit for the development has been granted under the Heritage Act 1995.
- The development is exempt under section 66 of the Heritage Act 1995.

A permit is required for a fence unless:

- The fence is forward of the street-side setback of the building, it is 1.2 metres or less in height and at least 50% permeable.
- The fence is backward of the street-side setback of the building and it is 2.0 metres or less in height.

Requirements

Design guidelines height

Building height should not be detrimental to the character of the area.

A permit should not be granted to construct a building or construct or carry out works, which exceed a Design Guidelines Height of 7 metres.

The Design Guidelines Height is the vertical distance between the apex of the building roof and a plane, representing natural ground level directly beneath the apex of the roof. The plane representing natural ground level above which, height is measured is defined by two horizontal lines in line with the average ground level beneath the front and rearmost facades. The only exception is where the ground level beneath the rearmost façade is lower than that of the front façade, in which case the plane is considered to be horizontal at the ground level beneath the front façade. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

Façade height

Building height should not be detrimental to the character of the area.

A permit should not be granted to construct a building or construct or carry out works, which exceed a Façade Height of 5.25 metres.

The Façade Height is the vertical distance between the natural ground level and the point where the façade joins the roof or upper storey decking. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

Building bulk and mass

Buildings should be articulated so that the overall bulk and mass of the building does not compromise the characteristic scale and pattern of the area.
Setbacks
Building should be setback from front, rear and side boundaries should reflect the area’s characteristic and valued pattern of buildings within landscapes lots.

Carparking, garages and outbuildings
Garages, outbuildings and areas allocated for the parking of vehicles should be sited to minimise visibility from the street and be designed to be consistent with the character of the area.
Driveways should be development with a permeable surface wherever possible.

Building materials and colours
Building materials and colours should respect the character of the area.

Landscaping and fencing
Front fencing and landscaping should reflect the ‘buildings in landscape character’ of the area and enable passive surveillance to the street.

Site coverage
The combined site coverage of buildings and impermeable surfaces should respect the pattern of building and open space characteristic of the area.

Frontage
Buildings should provide an attractive and active edge to the street and enable passive surveillance of the street.

Roof pitch
The roof pitch of buildings should be consistent with the predominant roof character of the area.

Access
Driveways should be designed to meander to incorporate new and retained planting to partially screen development.

Application requirements
An application must be accompanied by a report that demonstrates how the application satisfactorily responds to the objectives and requirements of this schedule and the acceptable solutions to meet performance standards contained in the Port Fairy Design Guidelines 2001.

Subdivision
Requirements
The frontage width of lots abutting the street should be consistent with the typical widths of existing lot frontages in the street.
Subdivision should avoid the creation of new crossovers wherever possible.
Subdivision layout should retain the established pattern of development.

Application requirements
An application for subdivision should be accompanied by a plan/s that demonstrates how subdivision and associated building envelopes satisfactorily respond to the requirements for subdivision.
Advertising signs

Requirements

New development should avoid:

- Projecting advertising signs above verandah level.
- Internally illuminated advertising signs.
- Advertising that is not contained within the built form.

Decision guidelines

In addition to the matters listed at Clause 43.02-5, Council will give consideration to the Port Fairy Design Guidelines (2001) and the local policies relating to Port Fairy (Clause 22.01-3 and 22.01-4) before deciding on an application.

Reference Documents

Port Fairy Design Guidelines Report 2001

Port Fairy Design Guidelines 2001
SCHEDULE 16 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO16.

BELFAST LOUGH – PORT FAIRY DESIGN GUIDELINES CHARACTER AREA 9

1.0

Design objectives

To ensure development retains the area’s natural qualities and relative openness.
To encourage development which does not have a detrimental effect on the high scenic and environmental values of the area.

2.0

Buildings and works

A permit is not required to construct a building or to construct or carry out works if either:

- A permit for the development has been granted under the Heritage Act 1995.
- The development is exempt under section 66 of the Heritage Act 1995.

A permit is required for a fence unless:

- The fence is forward of the street-side setback of the building, it is 1.2 metres or less in height and at least 50% permeable.
- The fence is backward of the street-side setback of the building and it is 2.0 metres or less in height.

Requirements

Design guidelines height

The height of new development should not dominate the Lough edge or be detrimental to the character of the area.

A permit should not be granted to construct a building or construct or carry out works, which exceed a Design Guidelines Height of 7 metres.

The Design Guidelines Height is the vertical distance between the apex of the building roof and a plane, representing natural ground level directly beneath the apex of the roof. The plane representing natural ground level above which, height is measured is defined by two horizontal lines in line with the average ground level beneath the front and rearmost facades. The only exception is where the ground level beneath the rearmost façade is lower than that of the front façade, in which case the plane is considered to be horizontal at the ground level beneath the front façade. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

Façade height

The height of new development should not dominate the Lough edge or be detrimental to the character of the area.

A permit should not be granted to construct a building or construct or carry out works, which exceed a Façade Height of 5.25 metres to a road or the Lough.

The Façade Height is the vertical distance between the natural ground level and the point where the façade joins the roof or upper storey decking. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

Building bulk and mass

Buildings should be articulated so that the overall bulk and mass of the building does not dominate the Lough edge and is consistent with the open character of the area.
Setbacks
Building setbacks should not dominate the Lough or be perceived as dominating the view of the Lough from nearby roads.

Carparking, garages and outbuildings
Garages, outbuildings and areas allocated for the parking of vehicles should be consistent with the character of the area.
Driveways should be development with a permeable surface wherever possible.

Building materials and colours
Building materials and colours should respect the character of the area.

Landscaping and fencing
Front fencing and landscaping should reflect the natural character of the area.

Site coverage
The combined site coverage of buildings and impermeable surfaces should ensure buildings do not overwhelm the natural and open character of the Lough.

Frontage
Buildings should provide an attractive and active edge to the Lough and the road.

Roof pitch
The roof pitch of buildings should be consistent with the predominant roof character of the area.

Application requirements
An application must be accompanied by a report that demonstrates how the application satisfactorily responds to the objectives and requirements of this schedule and the acceptable solutions to meet performance standards contained in the Port Fairy Design Guidelines 2001.
An application should be accompanied by a landscape plan illustrating how buildings can be screened and proposed planting responds to the Lough’s conditions, where necessary.

Subdivision

Requirements
Subdivision should make provision for shared driveways wherever possible.

Application requirements
An application for subdivision should be accompanied by a plan/s that demonstrates how subdivision and associated building envelopes satisfactorily respond to the requirements for subdivision.

Advertising signs

Requirements
Advertising signs should not be illuminated.
The maximum dimension of an advertising sign should be less than 0.5 metres.
Pole signs should have a maximum height of not more than 2.0 metres and be located entirely within a property boundary.
5.0 20/07/2006 C3

Decision guidelines

In addition to the matters listed at Clause 43.02-5, Council will give consideration to the *Port Fairy Design Guidelines (2001)* and the local policies relating to Port Fairy (Clause 22.01-3 and 22.01-4) before deciding on an application.

Reference Documents

*Port Fairy Design Guidelines Report 2001*

*Port Fairy Design Guidelines 2001*
SCHEDULE 17 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO17.

LAND NORTH OF REGENT STREET – PORT FAIRY DESIGN GUIDELINES CHARACTER AREA 10

1.0

Design objectives
To ensure the area provides an attractive edge to the town and an attractive foreground/middle ground for views from the town centre to the surrounding country.
To respect the historic residential and commercial development of Port Fairy.
To retain and enhance the area as an attractive edge to the township.
To ensure that the siting, design and building bulk and mass or new development in the area allows for visual links to be obtained from the town centre.

2.0

Buildings and works
A permit is required for a fence unless:
- The fence is forward of the street-side setback of the building, it is 1.2 metres or less in height and at least 50% permeable.
- The fence is backward of the street-side setback of the building and it is 2.0 metres or less in height.

Requirements

Design guidelines height
The height of new development should not be detrimental to the character of the area.
A permit should not be granted to construct a building or construct or carry out works, which exceed a Design Guidelines Height of 7 metres.
The Design Guidelines Height is the vertical distance between the apex of the building roof and a plane, representing natural ground level directly beneath the apex of the roof. The plane representing natural ground level above which, height is measured is defined by two horizontal lines in line with the average ground level beneath the front and rearmost facades. The only exception is where the ground level beneath the rearmost façade is lower than that of the front façade, in which case the plane is considered to be horizontal at the ground level beneath the front façade. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

Façade height
A permit should not be granted to construct a building or construct or carry out works, which exceed a Façade Height of 5.25 metres.
The Façade Height is the vertical distance between the natural ground level and the point where the façade joins the roof or upper storey decking. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.
The Façade Height should be 5.25 metres above the designated floor height rather than the natural ground level, if the dwelling site is affected by the Land Subject to Inundation Overlay.

Building bulk and mass
Buildings should be articulated so that the overall bulk and mass of the building does not compromise the characteristic scale and pattern of the area.
Setbacks
New development should retain the area’s established development pattern, and the balance between development and landscape and in the area by respecting characteristic setbacks.

Carparking, garages and outbuildings
Garages, outbuildings and areas allocated for the parking of vehicles should be sited to minimise visibility from the street and be designed to be consistent with the character of the area.
Driveways should be development with a permeable surface wherever possible.

Building materials and colours
Building materials and colours should respect the character of the area.

Landscaping and fencing
Front fencing and landscaping should reflect the ‘buildings in landscape’ character of the area and provide opportunities for passive surveillance to the street.

Site coverage
The combined site coverage of buildings and impermeable surfaces should respect the pattern of building and open space that is characteristic of the area.

Frontage
Buildings should provide an attractive and active edge to the street and enable passive surveillance of the street.

Roof pitch
The roof pitch of buildings should be consistent with the predominant roof character of the area.

Application requirements
An application must be accompanied by a report that demonstrates how the application satisfactorily responds to the objectives and requirements of this schedule and the acceptable solutions to meet performance standards contained in the Port Fairy Design Guidelines 2001.

3.0 20/07/2006 C3
Subdivision
Requirements
The frontage width of lots abutting the street should be consistent with the typical widths of existing lot frontages in the street.
Subdivision should avoid the creation of new crossovers.

Application requirements
An application for subdivision should be accompanied by a plan/s that demonstrates how subdivision and associated building envelopes satisfactorily respond to the requirements for subdivision.

4.0 20/07/2006 C3
Advertising signs
Requirements
Advertising signs should not be illuminated.
The maximum dimension of an advertising sign should be less than 0.5 metres.
Pole signs should have a maximum height of not more than 2.0 metres and be located entirely within a property boundary.
Decision guidelines

In addition to the matters listed at Clause 43.02-5, Council will give consideration to the *Port Fairy Design Guidelines (2001)* and the local policies relating to Port Fairy (Clause 22.01-3 and 22.01-4) before deciding on an application.

Reference Documents

*Port Fairy Design Guidelines Report 2001*

*Port Fairy Design Guidelines 2001*
SCHEDULE 18 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO18.

SOUTH BEACH BEHIND FORESHORE – PORT FAIRY DESIGN GUIDELINES CHARACTER AREA 11

1.0 Design objectives

To reduce visual intrusion of buildings in this natural setting.

To encourage development that respects the coastal location of the area through the use of appropriate colours and materials on all new building and limiting the scale of development.

To encourage a high standard of coastal architecture.

2.0 Buildings and works

A permit is not required to construct a building or to construct or carry out works if either:

- A permit for the development has been granted under the Heritage Act 1995.
- The development is exempt under section 66 of the Heritage Act 1995.

A permit is required for a fence unless:

- The fence is forward of the street-side setback of the building, it is 1.2 metres or less in height.
- The fence is backward of the street-side setback of the building and it is 2.0 metres or less in height.

Requirements

Design guidelines height

Building height should not dominate the low and open character of the area or be detrimental to the integrity of the dunes.

A permit should not be granted to construct a building or construct or carry out works, which exceed a Design Guidelines Height of 7 metres.

The Design Guidelines Height is the vertical distance between the apex of the building roof and a plane, representing natural ground level directly beneath the apex of the roof. The plane representing natural ground level above which, height is measured is defined by two horizontal lines in line with the average ground level beneath the front and rearmost facades. The only exception is where the ground level beneath the rearmost façade is lower than that of the front façade, in which case the plane is considered to be horizontal at the ground level beneath the front façade. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

Excavation of sand dunes should be avoided to achieve the Design Guidelines Height.

Façade height

Building height should not dominate the low and open character of the area or be detrimental to the integrity of the dunes.

A permit should not be granted to construct a building or construct or carry out works, which exceed a Façade Height of 3.5 metres.

The Façade Height is the vertical distance between the natural ground level and the point where the façade joins the roof or upper storey decking. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

Excavation of sand dunes should be avoided to achieve the Façade Height.
Building bulk and mass
Buildings should be articulated so that the overall bulk and mass of the building does not overwhelm the open character of the area.

Setbacks
Buildings should be setback from front, rear and side boundaries to avoid being perceived as a wall of buildings along the beachfront.

Carparking, garages and outbuildings
Garages, outbuildings and areas allocated for the parking of vehicles should be sited to minimise visibility from the street and be designed to be consistent with the character of the area. Driveways should be development with a permeable surface wherever possible.

Building materials and colours
Building materials and colours should reflect the seaside character of the area.

Landscaping and fencing
Front fencing and landscaping should reflect the seaside character of the area and provide opportunities for passive surveillance to the street.

Site coverage
The combined site coverage of buildings and impermeable surfaces should not overwhelm the natural qualities of the beach. Ridges, primary dunes and other highpoints should remain free of development.

Frontage
Buildings should provide an attractive and active edge to the street and enable passive surveillance of the street.

Roof pitch
The roof pitch of buildings should be consistent with the predominant roof character of the area.

Access
Driveways should be designed to meander and incorporate new and retained planting to partially screen development.

Application requirements
An application must be accompanied by a report that demonstrates how the application satisfactorily responds to the objectives and requirements of this schedule and the acceptable solutions to meet performance standards contained in the Port Fairy Design Guidelines 2001.

An application for subdivision should be accompanied by a plan/s that demonstrates how site layouts and or building envelopes satisfactorily respond to the requirements for subdivision.

Subdivision
Requirements
The frontage width of lots abutting the street should be consistent with the typical widths of existing lot frontages in the street.
Subdivision should avoid the creation of new crossovers.
Application requirements

An application for subdivision should be accompanied by a plan/s that demonstrates how subdivision and associated building envelopes satisfactorily respond to the requirements for subdivision.

Advertising signs

Requirements

Advertising signs should not be illuminated.

The maximum dimension of an advertising sign should be less than 0.5 metres.

Pole signs should have a maximum height of not more than 2.0 metres and be located entirely within a property boundary.

Decision guidelines

In addition to the matters listed at Clause 43.02-5, Council will give consideration to the *Port Fairy Design Guidelines (2001)* and the local policies relating to Port Fairy (Clause 22.01-3 and 22.01-4) before deciding on an application.

Reference Documents

*Port Fairy Design Guidelines Report 2001*

*Port Fairy Design Guidelines 2001*
SCHEDULE 19 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO19**.

HAMILTON ROAD ENTRANCES – PORT FAIRY DESIGN GUIDELINES CHARACTER AREA 12

1.0

**Design objectives**

To ensure development retains the area’s heritage qualities and contributes to providing an attractive entry to Port Fairy.

To respect the historic residential and commercial development of Port Fairy.

To retain and enhance the area as an attractive entry into the township by supporting the existing attractive streetscaping.

2.0

**Buildings and works**

A permit is not required to construct a building or to construct or carry out works if either:

- A permit for the development has been granted under the *Heritage Act 1995*.
- The development is exempt under section 66 of the *Heritage Act 1995*.

A permit is required for a fence unless:

- The fence is forward of the street-side setback of the building, it is 1.2 metres or less in height.
- The fence is backward of the street-side setback of the building and it is 2.0 metres or less in height.

**Requirements**

**Design guidelines height**

Building height should not be detrimental to the character of the area.

A permit should not be granted to construct a building or construct or carry out works, which exceed a Design Guidelines Height of 7 metres.

The Design Guidelines Height is the vertical distance between the apex of the building roof and a plane, representing natural ground level directly beneath the apex of the roof. The plane representing natural ground level above which, height is measured is defined by two horizontal lines in line with the average ground level beneath the front and rearmost facades. The only exception is where the ground level beneath the rearmost façade is lower than that of the front façade, in which case the plane is considered to be horizontal at the ground level beneath the front façade. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

**Façade height**

Building height should not be detrimental to the character of the area.

A permit should not be granted to construct a building or construct or carry out works, which exceed a Façade Height of 5.5 metres.

The Façade Height is the vertical distance between the natural ground level and the point where the façade joins the roof or upper storey decking. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

**Building bulk and mass**

Buildings should be articulated so that the overall bulk and mass of the building does not compromise the characteristic scale and pattern of the area.
Setbacks

Building should be setback from front, rear and side boundaries to reflect the pattern of buildings within landscaped lots.

The setback of new buildings should retain the established development pattern that provides a balance between buildings and landscape.

Carparking, garages and outbuildings

Garages, outbuildings and areas allocated for the parking of vehicles should be sited to minimise visibility from the street and be designed to be consistent with the character of the area.

Driveways should be development with a permeable surface wherever possible.

Building materials and colours

Building materials and colours should respect the character of the area.

Landscaping and fencing

Front fencing and landscaping should reflect the ‘buildings in the landscape’ character of the area and provide opportunities for passive surveillance to the street.

Site coverage

The combined site coverage of buildings and impermeable surfaces should respect the pattern of building and open space characteristics of the area.

Frontage

Buildings should provide an attractive and active edge to the street and enable passive surveillance of the street.

Roof pitch

The roof pitch of buildings should be consistent with the predominant roof character of the area.

Access

Driveways should be designed to meander and incorporate new and retained planting to partially screen development.

Application requirements

An application must be accompanied by a report that demonstrates how the application satisfactorily responds to the objectives and requirements of this schedule and the acceptable solutions to meet performance standards contained in the Port Fairy Design Guidelines 2001.

Subdivision

Requirements

The frontage width of lots abutting the street should be consistent with the typical widths of existing lot frontages in the street.

Subdivision should avoid the creation of new crossovers.

Subdivision should retain the established pattern of development of the area.

Application requirements

An application for subdivision should be accompanied by a plan/s that demonstrates how subdivision and associated building envelopes satisfactorily respond to the requirements for subdivision.
4.0 Advertising signs

Requirements
Advertising signs should not be illuminated.
The maximum dimension of an advertising sign should be less than 0.5 metres.
Pole signs should have a maximum height of not more than 2.0 metres and be located entirely within a property boundary.

5.0 Decision guidelines
In addition to the matters listed at Clause 43.02-5, Council will give consideration to the Port Fairy Design Guidelines (2001) and the local policies relating to Port Fairy (Clause 22.01-3 and 22.01-4) before deciding on an application.

Reference Documents
Port Fairy Design Guidelines Report 2001
Port Fairy Design Guidelines 2001
SCHEDULE 20 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO20.

THISTLE PLACE – PORT FAIRY DESIGN GUIDELINES CHARACTER AREA 13

1.0

Design objectives

To protect the beach and ridgelines from intrusive development.
To encourage limited low scale development which is unobtrusive and will not have a detrimental impact, visually or physically, on the beach or dunes.

2.0

Buildings and works

A permit is not required to construct a building or to construct or carry out works if either:

- A permit for the development has been granted under the Heritage Act 1995.
- The development is exempt under section 66 of the Heritage Act 1995.

A permit is required for a fence unless:

- The fence is forward of the street-side setback of the building, it is 1.2 metres or less in height.
- The fence is backward of the street-side setback of the building and it is 2.0 metres or less in height.

Requirements

Design guidelines height

Building height should not dominate the hillside or be detrimental to the integrity of the area.
A permit should not be granted to construct a building or construct or carry out works which exceed a height of 5 metres. A permit may be granted to exceed this height if the site is within the Land Subject to Inundation Overlay (Schedule 3) and requires additional height to meet the required minimum floor levels set down by the relevant authority, in which case a preferred height of 7 metres applies.

The Design Guidelines Height is the vertical distance between the apex of the building roof and a plane, representing natural ground level directly beneath the apex of the roof. The plane representing natural ground level above which, height is measured is defined by two horizontal lines in line with the average ground level beneath the front and rearmost facades. The only exception is where the ground level beneath the rearmost façade is lower than that of the front façade, in which case the plane is considered to be horizontal at the ground level beneath the front façade. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

Façade height

Building height should not dominate the hillside or be detrimental to the integrity of the area.
A permit should not be granted to construct a building or construct or carry out works, which exceed a Façade Height of 3.5 metres.

The Façade Height is the vertical distance between the natural ground level and the point where the façade joins the roof or upper storey decking. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

Building bulk and mass

Buildings should be articulated so that the overall bulk and mass of the building does not dominate the hillside.
Setbacks
Building should be setback from front, rear and side boundaries to avoid dominating the character of the area.

Carparking, garages and outbuildings
Garages, outbuildings and areas allocated for the parking of vehicles should be sited to minimise visibility from the street and be designed to be consistent with the character of the area. Driveways should be development with a permeable surface wherever possible.

Building materials and colours
Building materials and colours should respect the character of the area.

Landscaping and fencing
Front fencing and landscaping should reflect the natural and open character of the area.

Site coverage
The combined site coverage of buildings and impermeable surfaces should not overwhelm the natural qualities of the hillside.

Frontage
Buildings should be aligned to Thistle Place, provide an attractive and active edge to the area and Thistle Place and enable passive surveillance of the street.

Roof pitch and alignment
The roof pitch and roof alignment of buildings should be consistent with the predominant roof character of the area.

Application requirements
An application must be accompanied by a report that demonstrates how the application satisfactorily responds to the objectives and requirements of this schedule and the acceptable solutions to meet performance standards contained in the Port Fairy Design Guidelines 2001.

3.0
20/07/2006
C3

Subdivision
Requirements
Subdivision should make provision for shared driveways. The subdivision should not result in any perceived intensification of development on the skyline when viewed from the direction of South West Beach or the Princes Highway.

Application requirements
An application for subdivision should be accompanied by a plan/s that demonstrates how subdivision and associated building envelopes satisfactorily respond to the requirements for subdivision.

4.0
20/07/2006
C3

Advertising signs
Requirements
Advertising signs should not be illuminated. The maximum dimension of an advertising sign should be less than 0.5 metres. Pole signs should have a maximum height of not more than 2.0 metres and be located entirely within a property boundary.
Decision guidelines

In addition to the matters listed at Clause 43.02-5, Council will give consideration to the *Port Fairy Design Guidelines (2001)* and the local policies relating to Port Fairy (Clause 22.01-3 and 22.01-4) before deciding on an application.

Reference Documents

*Port Fairy Design Guidelines Report 2001*

*Port Fairy Design Guidelines 2001*

*Port Fairy West Structure Plan 2014*
SCHEDULE 21 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO21.

PERIPHERAL AREAS – PORT FAIRY DESIGN GUIDELINES CHARACTER AREA 14

1.0 Design objectives

To ensure development respects the historic scale and pattern of residential and commercial areas of Port Fairy.
To respect the historic scale and pattern of residential and commercial development of Port Fairy.
To ensure new development around the character areas provides an appropriate setting for those areas.
To encourage development which does not have a detrimental effect on the high scenic and environmental values of the area.
To protect existing native coastal vegetation and to encourage additional appropriate planting.

2.0 Buildings and works

A permit is not required to construct a building or to construct or carry out works if either:

- A permit for the development has been granted under the *Heritage Act 1995*.
- The development is exempt under section 66 of the *Heritage Act 1995*.

A permit is required for a fence unless:

- The fence is forward of the street-side setback of the building, it is 1.2 metres or less in height.
- The fence is backward of the street-side setback of the building and it is 2.0 metres or less in height.

Requirements

Design guidelines height

Building height should not overwhelm the character of the area or dominate the commercial and civic heart of Port Fairy.

A permit should not be granted to construct a building or construct or carry out works, which exceed a Design Guidelines Height of 7 metres.

The Design Guidelines Height is the vertical distance between the apex of the building roof and a plane, representing natural ground level directly beneath the apex of the roof. The plane representing natural ground level above which, height is measured is defined by two horizontal lines in line with the average ground level beneath the front and rearmost facades. The only exception is where the ground level beneath the rearmost façade is lower than that of the front façade, in which case the plane is considered to be horizontal at the ground level beneath the front façade. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

Excavation of sand dunes should be avoided to achieve the Design Guidelines Height.

Façade height

Building height should not overwhelm the character of the area or dominate the commercial and civic heart of Port Fairy.

A permit should not be granted to construct a building or construct or carry out works, which exceed a Façade Height of 3.5 metres.
The Façade Height is the vertical distance between the natural ground level and the point where the façade joins the roof or upper storey decking. Where the application is for the extension of an existing building, the calculation of height will include the footprint of the existing building and the proposed building.

The Façade Height should be 5.5 metres above the designated floor height rather than the natural ground level, if the dwelling site is affected by the Land Subject to Inundation Overlay. Excavation of sand dunes should be avoided to achieve the Façade Height.

**Setbacks**

Building should be setback from front, rear and side boundaries to retain the characteristic scale and pattern of development in the area.

**Landscaping and fencing**

Front fencing and landscaping should reflect the ‘buildings in gardens’ character of Port Fairy.

**Frontage**

Buildings should be aligned to the street and provide an attractive and active edge to the street.

**Roof pitch**

The roof pitch of buildings should be consistent with the predominant roof character of the area.

**Access**

Driveways should be designed to meander and incorporate new and retained planting to partially screen development.

**Application requirements**

An application must be accompanied by a report that demonstrates how the application satisfactorily responds to the objectives and requirements of this schedule and the acceptable solutions to meet performance standards contained in the Port Fairy Design Guidelines 2001.

### Subdivision

**Requirements**

The frontage width of lots abutting the street should be consistent with the typical widths of existing lot frontages in the street.

Subdivision should avoid the creation of new crossovers.

**Application requirements**

An application for subdivision should be accompanied by a plan/s that demonstrates how subdivision and associated building envelopes satisfactorily respond to the requirements for subdivision.

### Advertising signs

**Requirements**

Advertising signs should not be illuminated.

The maximum dimension of an advertising sign should be less than 0.5 metres.

Pole signs should have a maximum height of not more than 2.0 metres and be located entirely within a property boundary.
Application requirements
An application for subdivision should be accompanied by a plan/s that demonstrates how subdivision and associated building envelopes satisfactorily respond to the requirements for subdivision.

Decision guidelines
In addition to the matters listed at Clause 43.02-5, Council will give consideration to the Port Fairy Design Guidelines (2001) and the local policies relating to Port Fairy (Clause 22.01-3 and 22.01-4) before deciding on an application.

Reference Documents
Port Fairy Design Guidelines Report 2001
Port Fairy Design Guidelines 2001
SCHEDULE 22 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO22.

WARRNAMBOOL REGIONAL AIRPORT

1.0 Design objectives

To ensure that flight paths associated with the Warrnambool Regional Airport are protected from the encroachment of inappropriate obstacles to enable the safe and effective operation of the airport.

To ensure that all buildings and works, including subdivision, avoid creating a hazard to aircraft in the vicinity of the Warrnambool Regional Airport in order to facilitate safe aircraft operations.

2.0 Buildings and works

A permit is required to construct a fence that exceeds 1.5 metres above ground level.

3.0 Subdivision

Requirement

Subdivision of land should not create a lot that requires a dwelling to be located on land affected by DDO22 or the Airport Environments Overlay.

4.0 Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The approved Obstacle Limitation Surface plan for the airport.
- The location and height of the proposed development.
- The need to prevent the development of buildings or structures that could interfere with and cause a safety hazard to aircraft operations.
- The effect of the proposed development on the clear flight path of aircraft.
- The need for buildings to be constructed of materials that will achieve appropriate attenuation of aircraft noise.
- The need for buildings to be constructed of non-reflective materials.
SCHEDULE 23 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO23.

WARRNAMBOOL REGIONAL AIRPORT - BUILDING HEIGHT ABOVE 7.5 METRES (RL 79.0M AHD)

1.0

Design objectives

To ensure that flight paths associated with the Warrnambool Regional Airport are protected from the encroachment of inappropriate obstacles to enable the safe and effective operation of the airport.

To ensure that all buildings and works avoid creating a hazard to aircraft in the vicinity of the Warrnambool Regional Airport in order to facilitate safe aircraft operations.

2.0

Buildings and works

A permit is not required to:

- Construct a building or construct and carry out works that are less than 7.5 metres in height.
- Alter an existing building that is 7.5 metres or more in height provided the building height is not increased.

3.0

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The approved Obstacle Limitation Surface plan for the airport.
- The location and height of the proposed development.
- The need to prevent the development of buildings or structures that could interfere with and cause a safety hazard to aircraft operations.
- The effect of the proposed development, including construction materials, on the clear flight path of aircraft.
SCHEDULE 24 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO24.

PETERBOROUGH RESIDENTIAL AREA

1.0

Design objectives

To maintain the existing small scale seaside village character of Peterborough.

To encourage site coverage and provide for separation of buildings that provides space and vistas between buildings.

To maintain the traditional grid pattern of subdivision whilst encouraging new development of a respectful scale.

To discourage dense streetscapes with a suburban feel and features, including concrete kerbs, channels and garages.

To maintain the dominance of the landscape over built form and encourage views from and between dwellings to the surrounding landscape.

2.0

Buildings and works

A permit is required to construct a building or construct or carry out works unless either of the following apply:

- A permit for the development has been granted under the Heritage Act 1995.
- The development is exempt under section 66 of the Heritage Act 1995.

All buildings or works should meet the following requirements:

- A building should not exceed a maximum height of 8 metres above natural ground level.
- No significant portion of carport or garage should be constructed in front of the main built form of a dwelling.
- Landscaping should reinforce the character of Peterborough, with species selection consistent with the list in Appendix 2 of the Residential Design Guidelines, Peterborough, Victoria 2006.

Buildings or works within the area defined as Map 1: Neighbourhood Character Zone 1 should meet the following requirements:

- Site coverage of a building should not exceed 40 percent of the lot or 300 square metres, whichever is the lesser.
- The footprint of a second storey should not exceed 75 percent of that of the ground floor.
- A minimum front setback of 10 metres from the road surface or which matches the average setbacks of adjacent existing development, whichever is the greater.
- A minimum side setback of 3 metres.
- Driveways should be informal and unpaved.

Buildings or works within the area defined as Map 2: Neighbourhood Character Zone 2 should meet the following requirements:

- Site coverage of a building should not exceed 30 percent of the lot or 260 square metres, whichever is the lesser.
- The footprint of a second story should not exceed 50 percent of that of the ground floor.
- A minimum front setback of 15 metres from road surface or matches the average setbacks of adjacent existing development, whichever is the greater.
- A minimum side setback of 4 metres.
3.0 Subdivision

An application to subdivide the land should meet the following requirements:

- Map 1: Neighbourhood Character Zone 1
  - average minimum lot size should not be less than 700 square metres, except within the area of ‘Old Peterborough’ (bounded by Great Ocean Road, Irvine Street, Schomberg Street and Halladale Road) where the average minimum lot size should not be less than 1,000 square metres.

- In Map 2: Neighbourhood Character Zone 2-
  - average minimum lot size should not be less than 800 square metres.

The minimum lot size for any lot should not be less than 600 square metres in either Neighbourhood Character Zone.

4.0 Advertising signs

Advertising signs requirements are at Clause 52.05-9 Category 3 – High Amenity Areas.

5.0 Decision guidelines

Before deciding on an application the responsible authority must consider, as appropriate:

- Whether any subdivision adopts the traditional grid pattern of the street layout.

- Whether there are appropriate setbacks between buildings to provide spaces and views between and from buildings.

- Whether the siting and design of buildings, works and subdivision is consistent with the objectives and the strategies of the Residential Design Guidelines, Peterborough, Victoria 2006.

- Whether a building dominates the natural landscape.

- Whether the bulk of a building dominates the townscape.

6.0 Reference Documents

Map 1: Neighbourhood Character Zone 1 to the schedule to Clause 43.02-24
Map 2: Neighbourhood Character Zone 2 to the schedule to Clause 43.02-24
SCHEDULE 25 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO25.

PORT FAIRY HOSPITAL

1.0 Design objectives

To facilitate the future development and expansion of the Port Fairy Hospital and allied health services as essential assets for the community.

To ensure that development of the Port Fairy Hospital site maintains an appropriate residential environment for the surrounding areas.

To support the development of well-designed and functional buildings to meet the needs of the hospital.

To ensure future development protects the heritage significance of the Hospital Administration building.

2.0 Buildings and works

A permit is not required to construct a building or to construct or carry out works if:

- The buildings and works are generally in accordance with the Port Fairy Hospital Master Plan 2013 in Clause 3.0 to this Schedule; and
- The height of the building and works does not exceed RL 17.98m.
SCHEDULE 26 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO26.

MOUNT SHADWELL VIEW PROTECTION AREA

1.0 Design objectives
To protect and conserve the valued views of Mount Shadwell from intrusive development.
To maintain and strengthen the low density residential environment of the locality.
To ensure that development recognises the existing infrastructure capacity and does not generate demand for extensive upgrades of infrastructure.

2.0 Buildings and works
A permit is not required:
- To construct a single dwelling on a lot.
- To alter or extend an existing dwelling.

3.0 Subdivision
On land bound by Prentices Lane, Waggs Lane, Mortlake-Ararat Road and Mill Street, each lot should be at least 2000 square metres.
On land bound by Prentices Lane, Cairnlea Lane, Mortlake-Ararat Road and Waggs Lane, each lot should be at least 1 hectare.

4.0 Decision Guidelines
Before deciding on an application, the responsible authority must consider as appropriate:
- The effect of any proposed subdivision or development on the environment and landscape values of the area including the impact on the views of Mount Shadwell.
- The effect of any proposed subdivision or development on the existing infrastructure capacity of the area.

Reference Document
DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO with a number.

Purpose

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

To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.

To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.

Objectives

A schedule to this overlay may specify objectives to be achieved for the area affected by the overlay.

Requirement before a permit is granted

A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.

This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.

A permit granted must:

- Be generally in accordance with the development plan.
- Include any conditions or requirements specified in a schedule to this overlay.

Exemption from notice and review

If a development plan has been prepared to the satisfaction of the responsible authority, an application under any provision of this planning scheme is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Preparation of the development plan

The development plan may consist of plans or other documents and may, with the agreement of the responsible authority, be prepared and implemented in stages.

A development plan that provides for residential subdivision in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone, Township Zone, Comprehensive Development Zone and Priority Development Zone must meet the requirements of Clause 56 as specified in the zone.

The development plan must describe:

- The land to which the plan applies.
- The proposed use and development of each part of the land.
- Any other requirements specified for the plan in a schedule to this overlay.

The development plan may be amended to the satisfaction of the responsible authority.
SCHEDULE 1 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO1.

PORT FAIRY INDUSTRIAL PRECINCT DEVELOPMENT PLAN

1.0 Requirement before a permit is granted

The responsible authority can consider an application before the Port Fairy Industrial Precinct Development Plan has been prepared to:

- Construct a building or construct or carry out works associated with the use of the land for agriculture.
- Construct a building or construct or carry out works associated with an extension to an existing building not used for agriculture provided the floor area of the alteration or extension is not more than 50 square metres.
- Construct a building or construct or carry out works associated with a Minor utility installation.

2.0 Conditions and requirements for permits

All proposals to construct a building or construct or carry out works before the Port Fairy Industrial Precinct Development Plan has been prepared must be accompanied by a report demonstrating that they will not prejudice the long term future use of the land for industrial purposes.

3.0 Requirements for development plan

The Port Fairy Industrial Precinct Development Plan must be generally in accordance with the Port Fairy Industrial Park Outline Development Plan that forms part of this schedule.

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 and must include a:

**Built Environment Plan**

The Built Environment Plan must:

- Outline the proposed method of staging development works.
- Include site boundary dimensions.
- Include existing and proposed easements, if applicable.
- Delineate the drainage depression.
- Include the connection of all services to the site, including gas, water, electricity and sewerage.
- Include an internal and external road network design that meets the following:
  - All road work to be constructed with an all weather seal to a width of 7 metres.
  - Provision of the main access to the Port Fairy Industrial Precinct must be at the Port Fairy – Hamilton Road / Blackwood Road intersection and determined in consultation with VicRoads. The access road to the Wannon Water waste water facility may be considered as a secondary access point in consultation with VicRoads and Wannon Water.
  - Provision of safe and efficient vehicle movement (heavy vehicles, customer and employee vehicles) including car and truck parking. All roads, driveways, vehicle manoeuvring areas, vehicle parking areas and loading areas must be delineated and constructed with an all weather seal.

**Drainage Plan**

The Drainage Plan must:
- Provide for the retention of the drainage depression for the primary purpose of site drainage, overland flow and retardation basin. Overland flow of floodwater through the site is to remain unimpeded and be incorporated into the design of the drainage depression.

- Use Water Sensitive Urban Design principles in the management of stormwater.

- Be designed to provide for a 100 year ARI event as determined by the relevant Floodplain Management Authority.

- Ensure that erosion and siltation control during construction and after construction is managed in accordance with the measures outlined in Environment Protection Authority’s Environmental Guidelines for Major Construction Sites.

**Landscaping Plan**

The Landscaping Plan must:

- Provide details on the location, layout and planting schedule for all landscape buffers and garden areas. The landscape buffers must be at least 5 metres wide at the rear of boundary allotments.

- Provide for a tree reserve along the Port Fairy – Hamilton Road to provide a screen to rear of allotments.

- Provide for a landscaped feature at the Port Fairy – Hamilton Road entry point to the industrial precinct.

- Provide for landscaping within the drainage depression that integrates with the tree reserve.

**Cultural Heritage Plan**

The Cultural Heritage Plan must:

- Include any sites of cultural or heritage significance and the means by which they will be managed.

*Note: A Cultural Heritage Management Plan (CHMP) may be required under the Aboriginal Heritage Regulations 2007. Applicants are advised to contact Aboriginal Affairs Victoria to discuss CHMP requirements*
**SCHEDULE 2 TO THE DEVELOPMENT PLAN OVERLAY**

Shown on the planning scheme map as **DPO2**.

**MAILORS FLAT DEVELOPMENT PLAN**

**1.0**

**Requirement before a permit is granted**

A permit may be granted before a Development Plan has been prepared to the satisfaction of the responsible authority for the following:

- One dwelling on an existing lot, including outbuildings, provided it is the only dwelling on the lot.
- Agriculture and any buildings and works in association with the use of land for agricultural purposes.
- Minor extensions, additions or modifications to any existing development.
- Minor sports and recreation facility.

**2.0**

**Conditions and requirements for permits**

Where appropriate, a permit may include a condition requiring the proponent to enter into an agreement pursuant to Section 173 of the *Planning and Environment Act 1987*, containing requirements to contribute towards works that improve the capacity of drainage or road infrastructure in the area.

**3.0**

**Requirements for 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. The Development Plan must be generally in accordance with the provisions of Clause 21.09-2 including the Mailors Flat Structure Plan set out in Clause 21.09-2.1, and provide for the following to the satisfaction of the responsible authority:

- Provision for the location of new commercial, retail and community facilities within the Township Zone.
- Provision for new street links between Russells Road and Warrnambool-Caramut Road to improve connectivity through Mailors Flat.
- The creation of a new Russells Road/Warrnambool-Caramut Road intersection in place of the existing intersection.
- Provision for discouraging vehicle access through Shady Lane and promotion of Shady Lane as a pedestrian/bicycle trail.
- Provision for integrated wastewater systems for development proposals in the Township and Low Density Zones.
- Provision for an integrated drainage network.
- Provision for the staging of development to ensure that new development is concentrated in areas where infrastructure can be provided in a cost-effective manner.
- Provision for the maintenance of existing native vegetation and establishment of wildlife corridors and biolinks where possible.
SCHEDULE 3 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO3.

RESIDENTIAL DEVELOPMENT PLAN - KING STREET, KOROIT

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:

- Subdivision of land to excise an existing dwelling from a lot provided no more than one additional lot is created in the subdivision;
- Minor buildings and works associated with an existing dwelling; and
- Construction of a new dwelling.

2.0 Conditions and requirements for permits

An application for use, subdivision or to construct or carry out works (before a development plan has been approved) must be accompanied by a report demonstrating that the proposal will not prejudice the development plan requirements specified in this schedule.

3.0 Requirements for development plan

The development plan must include/address the following to the satisfaction of the responsible authority:

Urban design and character objectives

- To provide for residential development that is generally consistent with the existing residential character in the vicinity of the town centre.
- To take advantage of proximity to the town centre.
- To provide an appropriate interface to the low density residential areas to the south of King Street and the west of the Koroit-Port Fairy Road.
- To orient lots and dwellings to Koroit-Port Fairy Road and King Street.
- To minimise impacts on the residential amenity of the existing dwelling on 46 King Street.

Site analysis and context and layout plan

- A site analysis that includes details on the topography of the land, the location of existing vegetation, drainage lines, existing buildings, available infrastructure, adjoining road interfaces and any other notable features. These features should be shown for the land included within the overlay and immediately adjoining land.

Indicative Layout Plan

- An indicative layout that responds to the urban design and character objectives, and the site analysis. The layout is to show roads, public open space, approximate lot densities and sizes, the treatment of adjoining road interfaces, the staging of subdivision and other relevant matters required by this schedule.

Residential lot sizes and design

- Outward orientation of residential lots and dwellings along the interface with Koroit-Port Fairy Road with minimum lot sizes of approximately 1,500 sqm.
- Outward orientation of residential lots and dwellings along the interface with King Street with typical lot sizes of approximately 1,000 sqm.
• Internal residential lots that are typically between 600 and 1,000 sqm.

• Residential development will be limited in vertical and horizontal scale so as to be consistent with the rural village character of the town.

**Road, cycling and pedestrian links**

• Road, cycling and pedestrian links within the site, and between the site and adjacent areas, are to be informed by a suitable traffic and movement assessment and include where appropriate:
  - ‘Through roads’ rather than culs-de-sac.
  - At least one road access to each of King Street and Koroit-Port Fairy Road.
  - Residential lots that are oriented to and have direct vehicular access to the Koroit-Port Fairy Road.
  - Residential lots that are oriented to and have direct vehicular access to King Street.
  - A permeable subdivision layout that facilitates the movement of pedestrians and cyclists within the site and to outside the site.
  - Road access to the rear of 46 King Street.

**Public open space and landscaping**

• Adequate and useable public open space.

• Higher density residential development in association with public open space.

• Street tree plantings and any other landscaping treatments and/or features proposed as a response to the site analysis.

**Infrastructure and services**

• A plan or report showing:
  - The means of servicing the land, including reticulated sewerage, water and drainage.
  - The incorporation of water sensitive urban design treatments.

**46 King Street**

The future development of 46 King Street (Plan CP167811) is subject to the preparation of a separate development plan that responds to the approved development plan for the land to the immediate west. The development plan should provide for access to the rear of 44 King Street to facilitate future development of the rear of that property. The development plan is to be to the satisfaction of the responsible authority.
LAND MANAGEMENT OVERLAYS
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

## The requirement to obtain a permit does not apply to:

<table>
<thead>
<tr>
<th>Emergency works</th>
<th>Vegetation that is to be removed, destroyed or lopped:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access or to enable emergency works; or</td>
</tr>
<tr>
<td></td>
<td>- where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.</td>
</tr>
</tbody>
</table>

## Fire protection

<table>
<thead>
<tr>
<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>
</tr>
<tr>
<td>- planned burning;</td>
</tr>
<tr>
<td>- making or maintenance of a fuelbreak or fire fighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;</td>
</tr>
<tr>
<td>- making of a strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987);</td>
</tr>
<tr>
<td>- is ground fuel within 30 metres of a building and is vegetation other than native vegetation;</td>
</tr>
<tr>
<td>- in accordance with a fire prevention notice issued under either:</td>
</tr>
<tr>
<td>- Section 65 of the Forests Act 1958; or</td>
</tr>
<tr>
<td>- Section 41 of the Country Fire Authority Act 1958.</td>
</tr>
<tr>
<td>- keeping vegetation clear of, or minimising the risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the Electricity Safety Act 1998;</td>
</tr>
<tr>
<td>- 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>
</tbody>
</table>

*Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.*

<table>
<thead>
<tr>
<th>Geothermal energy exploration and extraction</th>
<th>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the Geothermal Energy Resources Act 2005.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Greenhouse gas sequestration and exploration</th>
<th>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the Greenhouse Gas Geological Sequestration Act 2008.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Land management or directions notice</th>
<th>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.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Land use conditions</th>
<th>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the Catchment and Land Protection Act 1994.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Mineral exploration and extraction</th>
<th>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:</th>
</tr>
</thead>
<tbody>
<tr>
<td>- that is low impact exploration within the meaning of Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990; or</td>
<td></td>
</tr>
<tr>
<td>- in accordance with a work plan approved under Part 3 of the Mineral Resources (Sustainable Development) Act 1990.</td>
<td></td>
</tr>
</tbody>
</table>

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*MOYNE PLANNING SCHEME*
The requirement to obtain a permit does not apply to:

**Note:** Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration.

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Noxious weeds</strong></td>
<td>Vegetation that is a noxious weed subject of a declaration under section 58 or section 58A of the Catchment and Land Protection Act 1994. This exemption does not apply to Australian Dodder (<em>Cuscuta australis</em>).</td>
</tr>
<tr>
<td><strong>Pest animal burrows</strong></td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows. In the case of native vegetation the written agreement of an officer of the department responsible for administering the <em>Flora and Fauna Guarantee Act 1988</em> is required before the vegetation can be removed, destroyed or lopped.</td>
</tr>
<tr>
<td><strong>Planted vegetation</strong></td>
<td>Vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding for Crop raising or Grazing animal production.</td>
</tr>
<tr>
<td><strong>Railways</strong></td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <em>Conservation, Forests and Lands Act 1987</em>).</td>
</tr>
</tbody>
</table>
| **Regrowth**                    | Vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established vegetation, and is:  
  - bracken (*Pteridium esculentum*); or  
  - within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation.  
  This exemption does not apply to land on which vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster. |
| **Road safety**                 | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing public road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*). |
| **Stone exploration**           | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration. The maximum extent of vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:  
  - 1 hectare of vegetation which does not include a tree.  
  - 15 trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.  
  - 5 trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.  
  This exemption does not apply to costeaining and bulk sampling activities. |
| **Stone extraction**            | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone extraction in accordance with a work plan approved under the *Mineral Resources (Sustainable Development) Act 1990* and authorised by a work authority granted under that Act. |
| **Surveying**                   | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the *Surveying Act 2004*) using hand-held tools to establish a sightline for the measurement of land. |
| **Traditional owners**          | Vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with: |
The requirement to obtain a permit does not apply to:

- a natural resources agreement under Part 6 of the *Traditional Owners Settlement Act 2010*; or
- an authorisation order made under sections 82 or 84 of the *Traditional Owner Settlement Act 2010* as those sections were in force immediately before the commencement of section 24 of the *Traditional owners Settlement Amendment Act* in 2016 (1 May 2017).

### Subdivision

A permit is required to subdivide land.

### Application requirements

An application must be accompanied by any information specified in a schedule to this overlay and information showing:

- The existing site conditions, including land gradient and the extent of any existing erosion, landslip or other land degradation.
- The extent of any proposed earthworks.
- The means proposed to stabilise disturbed areas.
- Any other application requirements specified in a schedule to this overlay.

### Exemption from notice and review

An application under this overlay is exempt from the notice requirements of sSection 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

### Decision guidelines

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

- Regional Catchment Strategy (*Catchment and Land Protection Act 1994*).
- Control of Erosion on Construction Sites, Soil Conservation Authority.
- Your Dam, an Asset or a Liability, Department of Conservation and Natural Resources.
- Any proposed measures to manage concentrated runoff and site drainage.
- Any proposed measures to minimise the extent of soil disturbance.
- Whether the removal of vegetation will increase the possibility of erosion, the susceptibility to landslip or other land degradation processes, and whether such removal is consistent with sustainable land management.
- The need to stabilise disturbed areas by engineering works or revegetation.
- Whether the land is capable of providing a building envelope which is not subject to high or severe erosion concern.
- Whether buildings or works are likely to cause erosion or landslip.
- Whether access and servicing of the site or building envelope is likely to result in erosion or landslip.
- Land Capability Report (if prepared) as developed by the Department of Environment, Land, Water and Planning.
- The need to remove, destroy or lop vegetation to 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.

MANAGEMENT OF COASTAL HAZARD

Objectives
To ensure that applications for the development of land subject to coastal erosion risk are accompanied by a coastal erosion risk assessment.
To ensure that development is designed and carried out in accordance with the recommendations of expert coastal erosion risk assessments.
To ensure that development does not increase the risk of coastal erosion hazard to life, property or adjacent property.
To encourage the rehabilitation of land affected by coastal erosion hazard.

Permit Requirements

Buildings and Works
A permit is not required to carry out works where there is no increase to an existing building height or footprint, no ground or vegetation removal disturbance and no change in stormwater runoff.

Application Requirements
An application must be accompanied by the following information, unless otherwise agreed by the responsible authority:

- A Site and Surrounds Plan and a Coastal Erosion Risk Assessment prepared by a suitable professional Specialist Coastal Engineer, and/or a Specialist Geotechnical Engineer or Specialist Engineering Geologist.

Site and Surrounds Plan
A Site and Surrounds Plan must show:

A site description, which may use a site plan (drawn to scale), photographs or any other relevant technique, that accurately describes:

- boundaries, dimensions, shape, size, orientation, slope and elevation of the site;
- relevant existing and proposed ground levels of the site, to Australian Height Datum taken by or under the direct supervision of a licensed land surveyor, and the difference in levels between the site and surrounding properties;
- location, layout, size and use of existing and proposed buildings and works including vegetation removal on the site and on surrounding properties;
- location, layout, size and purpose of any existing or proposed coastal erosion control structures on the site or surrounding properties;
- the use of surrounding properties and buildings;
- adjoining roads, internal driveways, and access tracks;
- any other notable features or characteristics of the site; and
- construction details of all buildings, works and driveways.

Coastal Erosion Risk Assessment
The coastal erosion risk assessment is to include the following matters as appropriate:
Details of the date and methodology of the coastal erosion risk assessment undertaken.

Details of the coastal erosion hazards relevant to the proposed development and to adjoining land. This includes coastal process related hazards as well as hazards associated with geotechnical properties such as erosion prone and unstable slopes.

Recommendations about measures to be taken to manage coastal erosion hazards including but not limited to:
- suitability of the land for the proposed development;
- coastal erosion hazard extent for both short term storm erosion and long term shoreline recession;
- coastal erosion hazard extent in relation to geotechnical hazards;
- susceptibility of the development to coastal erosion damage by both short term erosion and long term shoreline recession;
- susceptibility of the development to coastal erosion damage as a result of geotechnical hazards;
- potential coastal erosion risk to life, health and safety;
- effect of the development on coastal landforms including vegetation and physical coastal processes;
- whether the proposed development could be located on coastal erosion-free land or land with a lesser coastal erosion hazard;
- any other measures required to be undertaken on- or off-site to manage both short-term and long-term coastal erosion hazard; and
- any other measures to manage geotechnical related coastal erosion hazards, including proposed measures to minimize changes in subsoil water condition.

Recommendations to minimise the residual risk to life and property after the development is completed.

Waiver or reduction of application requirements
A coastal erosion risk assessment is not required if advised by the responsible authority that the information is not required.

Independent Review
The responsible authority may require an independent peer review of any application documentation at the applicant’s cost.

Decision Guidelines
Before deciding on an application, the responsible authority must consider, as appropriate:
- The risk to life, property and community infrastructure from coastal erosion hazards as a result of coastal processes and geotechnical properties.
- 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 recommendations of any coastal erosion risk assessment and application documentation.
- The recommendations of any independent review of the coastal erosion risk assessment and application documentation.
- The existing use of the land and the purpose of the proposed building or works in relation to the existing use.
• The need for on-going risk management measures.
• The comments of relevant coastal management authorities.

References
FLOODWAY OVERLAY

Shown on the planning scheme map as FO or RFO with a number (if shown).

Purpose

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

To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.

To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.

To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.

To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

Floodway objectives and statement of risk

A schedule to this overlay may contain:

- Floodway management objectives to be achieved.
- A statement of risk.

Buildings and works

A permit is required to construct a building or to construct or carry out works, including:

- A fence.
- Roadworks, if the water flow path is redirected or obstructed.
- Bicycle pathways and trails.
- Public toilets.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- Rainwater tank with a capacity of not more than 10,000 litres.
- A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
- A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.
- A non-domestic disabled access ramp.
- A dependent person’s unit.

This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- To flood mitigation works carried out by the responsible authority or floodplain management authority.
To the following works in accordance with plans prepared to the satisfaction of the responsible authority:

- The laying of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.
- The erection of telephone or power lines provided they do not involve the construction of towers or poles.

- To post and wire and post and rail fencing.

**Subdivision**

A permit is required to subdivide land. A permit may only be granted to subdivide land if the following apply:

- The subdivision does not create any new lots, which are entirely within this overlay. This does not apply if the subdivision creates a lot, which by agreement between the owner and the relevant floodplain management authority, is to be transferred to an authority for a public purpose.
- The subdivision is the resubdivision of existing lots and the number of lots is not increased, unless a local floodplain development plan incorporated into this scheme specifically provides otherwise.

**Application requirements**

**Local floodplain development plan**

If a local floodplain development plan has been developed for the area and has been incorporated into this scheme, an application must be consistent with the plan.

**Flood risk report**

If a local floodplain development plan for the area has not been incorporated into this scheme, an application must be accompanied by a flood risk report to the satisfaction of the responsible authority, which must consider the following, where applicable:

- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:
  - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
  - The flood warning time available.
  - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
- The effects of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.
- An application must be accompanied by any information specified in a schedule to this overlay.

**Exemption from notice and review**

An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

**Referral of applications**

An application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority.

**Decision guidelines**

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

- The local floodplain development plan or flood risk report.
- Any comments of the relevant floodplain management authority.
- The Victorian River Health Strategy (2002) and any relevant regional river health strategy and associated wetland plan.
- Any other matters specified in a schedule to this overlay.
SCHEDULE 1 TO THE FLOODWAY OVERLAY

Shown on the planning scheme map as FOI or RFO.

1.0 Permit requirement

None specified.
SCHEDULE 2 TO THE FLOODWAY OVERLAY

Shown on the planning scheme map as FO2.

1.0

Permit requirement

A permit is not required to construct a building or to construct or carry out works:

- A replacement building where:
  - the floor level is finished at least 600 mm above the 100-year ARI flood level, or a higher level set by the responsible authority and;
  - the footprint of the replacement building(s) is the same or less than the original building.

- A pergola, veranda, decking, open sided garage or carport, where the finished floor level will be no higher than 150mm above natural surface.

- An in-ground swimming pool associated with an existing dwelling where any associated overburden (spoil) is removed from floodplain. Any associated pool fencing must comply with the Glenelg Hopkins CMA Guidelines for Fencing within the floodplain;

- A deck or veranda associated with an existing dwelling that does not impede the flow of floodwaters and has a floor area no greater than 20m2;

- An upper storey extension to an existing building within the existing building footprint;

- Road works or works to any other access way (public or private), including construction of driveways, vehicle crossovers, footpaths or bicycle paths if there is no change to existing surface levels or if the relevant floodplain management authority has advised in writing that the impact on flood storage will be negligible and the flow path will not be obstructed.

- Landscaping works provided the natural surface level is not altered by more than 150mm.

- A rainwater tank associated with an existing dwelling, provided that the footprint of all rainwater tanks associated with the dwelling does not exceed 20m2.

- An outdoor recreation facility; excluding any buildings or structures that alter water movement across the floodplain and/or impact flood storage capacity; and works that alter the topography of the land.

- A sporting surface finished at existing natural surface level

- Any fencing that complies with the Glenelg Hopkins CMA Guidelines for Fencing in flood prone areas.

- A sportsground, racecourse or recreation area (with no permanent grandstand or raised viewing area), pathways, trails or playground with finished levels constructed at natural ground level, open picnic shelter, picnic table, drinking tap, rubbish bin, barbecue and works associated with underground infrastructure.

- An agricultural shed or hay shed that is open on all sides

- A pump shed with a floor area no larger than 20 m2.

- An outdoor advertising sign/structure that is attached to the wall of a building.

- An outdoor sign that is affixed so that its edge faces into the direction of flood water flow.

- An outdoor sign that is 1 metre square or less in area.

- A mast, antenna, lighting or telecommunications tower

- Works associated with roads, roadsides or any other access ways (public or private) carried out by a public authority that have received written consent from the floodplain management authority;
- Earthworks in accordance with a whole farm plan approved by the responsible authority and floodplain management authority;
- Works associated with vine or horticultural trellises or watering systems; and
- Routine and maintenance works that do not affect the height, length or location of a levee, embankment or road.

### Decision Guidelines

In addition to the Decision Guidelines in Clause 44.03-6, before deciding on an application, the responsible authority must consider the Port Fairy Local Floodplain Development Plan 2013, which has been incorporated at Clause 81 of this scheme.
LAND SUBJECT TO INUNDATION OVERLAY

Shown on the planning scheme map as LSIO with a number (if shown).

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.
To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.
To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).
To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

Land subject to inundation objectives and statement of risk

A schedule to this overlay may contain:

- Land subject to inundation management objectives to be achieved.
- A statement of risk.

Buildings and works

A permit is required to construct a building or to construct or carry out works, including:

- A fence.
- Roadworks, if the water flow path is redirected or obstructed.
- Bicycle pathways and trails.
- Public toilets.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- Rainwater tank with a capacity of not more than 10,000 litres.
- A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
- A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.
- A non-domestic disabled access ramp.
- A dependent person’s unit.

This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- To flood mitigation works carried out by the responsible authority or floodplain management authority.
- To the following works in accordance with plans prepared to the satisfaction of the responsible authority:
  - The laying of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.
  - The erection of telephone or power lines provided they do not involve the construction of towers or poles.
- To post and wire and post and rail fencing.

**Subdivision**

A permit is required to subdivide land.

**Application requirements**

An application must be accompanied by any information specified in a schedule to this overlay.

**Local floodplain development plan**

If a local floodplain development plan has been developed for the area and has been incorporated into this scheme, an application must be consistent with the plan.

**Exemption from notice and review**

An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

**Referral of applications**

An application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority.

**Decision guidelines**

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

- Any local floodplain development plan.
- Any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:
  - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
- The flood warning time available.
- The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.

- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.

- The effect of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.

- Any other matters specified in a schedule to this overlay.
SCHEDULE 1 TO THE LAND SUBJECT TO INUNDATION OVERLAY

Shown on the planning scheme map as LSIO1.

1.0

Permit requirement

None specified.
1.0 Permit requirement

A permit is not required to construct a building or to construct or carry out works:

- New buildings and works if appropriately detailed information is submitted to the satisfaction of the responsible authority showing that:
  - the floor level is finished at least 600 mm above the 100-year ARI flood level, or a higher level set by the responsible authority and
  - access to the dwelling site from a main road that has a 100 year ARI flood depth not more than 0.5 metres.

- A non-habitable building (other than industrial or commercial) with a floor area less than 20m².

- An extension to a non-habitable building (other than industrial or commercial), provided that the total ground floor area of the extension is less than 20m².

- An extension to an existing habitable building of less than 20m², provided that the proposed floor level is at least 600mm above the 100 year ARI flood level.

- A pergola, carport or in-ground swimming pool associated with an existing dwelling.

- A deck or veranda associated with an existing dwelling that does not impede the flow of floodwaters and has a floor area no greater than 20m².

- A rainwater tank associated with an existing dwelling, provided that the footprint of all rainwater tanks associated with the dwelling do not exceed 20m².

- An upper storey extension to an existing building within the existing building footprint.

- A pump shed.

- An agricultural shed with open sides.

- An outdoor recreation facility; excluding any buildings or structures that alter water movement across the floodplain and/or impact flood storage capacity; and works that alter the topography of the land.

- Road works or works to any other access way (public or private), including construction of driveways, vehicle crossovers, footpaths or bicycle paths if there is no change to existing surface levels or if the relevant floodplain management authority has advised in writing that the impact on flood storage will be negligible and the flow path will not be obstructed.

- An in-ground swimming pool associated with an existing dwelling where any associated overburden (spoil) is removed from floodplain. Any associated pool fencing must comply with the Glenelg Hopkins CMA Guidelines for Fencing within the floodplain.

- A sporting surface finished at existing natural surface level.

- Any fencing that complies with the Glenelg Hopkins CMA Guidelines for Fencing in flood prone areas.

- A mast, antenna, power pole, light pole, or telecommunication tower.

- An outdoor advertising sign/structure provided it does not alter flood flows or floodplain storage capacity.

- Works ancillary to an existing building (including landscaping) that do not alter the surface profile by more than 150 mm.

- Works associated with roads, roadsides or any other access way (public or private) that do not alter the existing surface level.
- Works associated with roads, roadsides or any other access ways (public or private) carried out by a public authority that have received written consent from the floodplain management authority.

- Earthworks in accordance with a whole farm plan approved by the responsible authority and floodplain management authority.

- Works associated with vine or horticultural trellises or watering systems.

- Routine and maintenance works that do not affect the height, length or location of a levee, embankment or road.

### Decision Guidelines

In addition to the Decision Guidelines in Clause 44.04-6, before deciding on an application, the responsible authority must consider the Port Fairy Local Floodplain Development Plan 2013, which has been incorporated at Clause 81 of this scheme.
SCHEDULE 3 TO THE LAND SUBJECT TO INUNDATION OVERLAY

Shown on the planning scheme map as LSIO3.

1.0 Permit Requirement

A permit is not required to construct a building or construct or carry out works for:

- New buildings and works if appropriately detailed information is submitted to the satisfaction of the responsible authority showing that:
  - the floor level is finished at 600mm above the applicable 100 year ARI flood level, or a higher level set by the responsible authority

- A non-habitable building (other than industrial or commercial) with a floor area less than 20m².

- An extension to a non-habitable building (other than industrial or commercial), provided that the total ground floor area of the extension is less than 20m².

- An extension to an existing habitable building, provided the proposed floor level is at or above the highest point of the existing floor level, the gross floor area of the extension does not exceed 20m² and no changes are required to the existing effluent disposal system.

- A pergola or carport associated with an existing dwelling.

- A deck or verandah associated with an existing dwelling that does not impede the flow of floodwaters and has a floor area no greater than 20m².

- A rainwater tank associated with an existing dwelling provided that the footprint of all rainwater tanks associated with the dwelling do not exceed 20m².

- An upper storey extension to an existing building within the existing building footprint.

- An agricultural shed with open sides.

- Road works or works to any other access way (public or private), including construction of driveways, vehicle crossovers, footpaths and bicycle paths, if there is no change to existing surface levels or if the relevant floodplain management authority has advised in writing that the impact on flood storage will be negligible and the flow path will not be obstructed.

- An in ground swimming pool associated with an existing dwelling where any overburden (spoil) is removed from the floodplain. Any associated pool fencing must comply with the Glenelg Hopkins CMA Guidelines for Fencing within the floodplain.

- A sporting surface finished at existing natural ground level.

- Any fencing (including pool fencing) that complies with the Glenelg Hopkins CMA Guidelines for Fencing in flood prone areas.

- A mast, antenna, power pole, light pole or telecommunications tower.

- A non-domestic disabled access ramp.

- An outdoor advertising sign/structure, provided that it does not alter flows or floodplain storage capacity.

- Works ancillary to an existing building (including landscaping) that do not alter the surface profile by more than 150mm.

- Earthworks associated with the construction of a dam, provided no fill is imported to the site and no embankment is above existing natural surface level.

- Works associated with vine or horticultural trellises or watering systems.

- Routine and maintenance works that do not affect the height, length or location of a levee, embankment or road.
Referral of Applications

Referral of an application to the relevant floodplain management authority pursuant to Section 55 of the Planning and Environment Act 1987 is not mandatory if the application is accompanied by the relevant floodplain management authority’s written approval.

Applicants may acquire a flood advice letter from the floodplain management authority and attach it to their application. Such a letter must reflect the best available flood information for the site of the development.

Prior to determination of an application, councils statutory planning unit must verify, through correspondence with the floodplain management authority, that a flood advice letter reflects the best available flood information.
44.06
31/07/2018
VC148

**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.

44.06-1
19/09/2017
VC132

**Bushfire management objectives and application of schedules**

A schedule to this overlay must contain a statement of the bushfire management objectives to be achieved for the area affected by the schedule and when the requirements within it apply.

44.06-2
08/08/2019
VC159

**Permit requirement**

**Subdivision**

A permit is required to subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.

**Buildings and works**

A permit is required to construct a building or construct or carry out works associated with the following uses:

- Accommodation (including a Dependent person’s unit)
- Education centre
- Hospital
- Industry
- Leisure and recreation
- Office
- Place of assembly
- Retail premises
- Service station
- Timber production
- Warehouse

This does not apply to any of the following:

- If a schedule to this overlay specifically states that a permit is not required.
- A building or works consistent with an agreement under Section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of Clause 44.06-5.
- An alteration or extension to an existing building used for a dwelling or a dependent person’s unit that is less than 50 percent of the gross floor area of the existing building.
- An alteration or extension to an existing building (excluding a dwelling and a dependent person’s unit) that is less than 10 percent of the gross floor area of the existing building.
A building or works with a floor area of less than 100 square metres not used for accommodation and ancillary to a dwelling.

A building or works associated with Timber production provided the buildings or works are not within 150 metres of Accommodation or land zoned for residential or rural residential purposes.

**Application requirements**

Unless a schedule to this overlay specifies different requirements, an application must be accompanied by:

- A **bushfire hazard site assessment** including a plan that describes the bushfire hazard within 150 metres of the proposed development. The description of the hazard must be prepared in accordance with Sections 2.2.3 to 2.2.5 of AS3959:2009 Construction of buildings in bushfire prone areas (Standards Australia) excluding paragraph (a) of section 2.2.3.2. Photographs or other techniques may be used to assist in describing the bushfire hazard.

- A **bushfire hazard landscape assessment** including a plan that describes the bushfire hazard of the general locality more than 150 metres from the site. Photographs or other techniques may be used to assist in describing the bushfire hazard. This requirement does not apply to a dwelling that includes all of the approved measures specified in Clause 53.02-3.

- A **bushfire management statement** describing how the proposed development responds to the requirements in this clause and Clause 53.02. If the application proposes an alternative measure, the bushfire management statement must explain how the alternative measure meets the relevant objective.

If in the opinion of the responsible authority any part of these requirements is not relevant to the assessment of an application, the responsible authority may waive, vary or reduce the requirement.

**Requirements of Clause 53.02**

An application must meet the requirements of Clause 53.02 unless the application meets all of the requirements specified in a schedule to this overlay.

A schedule to this overlay may specify substitute approved measures, additional alternative measures and additional or substitute decision guidelines for the purposes of Clause 53.02.

**Mandatory condition**

**Subdivision**

A permit which creates a lot for a single dwelling on land zoned for residential or rural residential purposes must include the following condition:

“Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:

- State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the [*insert name of applicable planning scheme] Planning Scheme.
- Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.
- State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.”
This does not apply:

- If a schedule to this overlay specifies that a Section 173 Agreement is not required.
- Where the relevant fire authority states in writing the preparation of an agreement under Section 173 of the Act is not required for the subdivision.
- For the subdivision of the land into lots each containing an existing dwelling or car parking space.

A permit to subdivide land must include any condition specified in a schedule to this overlay.

**Buildings and works**

A permit to construct a building or construct or carry out works must include the following condition:

> “The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.”

A permit allowing a dwelling to be constructed to the next lower bushfire attack level in accordance with AM1.2 in Clause 53.02-3 must include the following condition:

> “Before the development starts, the owner must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 to provide for the following:

- A dwelling constructed in accordance with planning permit [*insert planning permit reference] must not be occupied until a private bushfire shelter (a Class10c building within the meaning of the Building Regulations 2006) is:
  - Constructed on the same land as the dwelling.
  - Available for use by the occupants of the dwelling at all times.
  - Maintained in accordance with the requirements of the building permit issued for that private bushfire shelter.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.”

A permit to construct a building or construct or carry out works must include any condition specified in a schedule to this overlay.

**Referral of applications**

An application must be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03, unless a schedule to this overlay specifies otherwise.

**Notice and review**

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act, unless a schedule to this overlay specifies otherwise.

A schedule to this overlay may specify that notice be given to any person or body in accordance with section 52(1)(c) of the Act.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 53.02 and Clause 65, the responsible authority must consider, as appropriate:
• The Municipal Planning Strategy and the Planning Policy Framework.
• Any other matters specified in a schedule to this overlay.

Transitional arrangements
The requirements of Clause 44.06 Bushfire Management Overlay do not apply to a single dwelling, or a dependent person's unit, when a permit under the *Building Act 1993* was issued before the commencement of Amendment GC13, if:

• vegetation is managed to accord with the bushfire attack level assessment undertaken at the time the building permit was issued; and

• a static water supply of:
  - 2500 litres on lots of 500 square metres or less
  - 5000 litres on lots of more than 500 square metres, is provided to the satisfaction of the responsible authority.

• no permit was required for such development under Clause 44.06 before the commencement of Amendment GC13.
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 of 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

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AIRPORT ENVIRONS OVERLAY

Shown on the planning scheme map as **AEO** with a number.

**Purpose**

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

To identify areas which are or will be subject to high levels of aircraft noise, including areas where the use of land for uses sensitive to aircraft noise will need to be restricted.

To ensure that land use and development are compatible with the operation of airports in accordance with the appropriate airport strategy or master plan and with safe air navigation for aircraft approaching and departing the airfield.

To assist in shielding people from the impact of aircraft noise by requiring appropriate noise attenuation measures in new dwellings and other noise sensitive buildings.

To limit the number of people residing in the area or likely to be subject to significant levels of aircraft noise.

**Use of land**

Any requirement in a schedule to this overlay must be met.

**Construction of buildings**

Any new building must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021-2015, Acoustics - Aircraft Noise Intrusion - Building Siting and Construction, issued by Standards Australia Limited.

*Note: In Section 3 of Australian Standard AS 2021-2015, Table 3.3 refers to both building types and activities within those buildings. Each building type listed has its ordinary meaning and should not be interpreted as defined in this scheme.*

**Subdivision**

A permit is required to subdivide land.

An application to subdivide land must be referred to the airport owner under Section 55 of the Act unless in the opinion of the responsible authority the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the airport owner.

**Exemption from notice and review**

An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

**Decision guidelines**

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

- Whether the proposal will result in an increase in the number of dwellings and people affected by aircraft noise.
- Whether the proposal is compatible with the present and future operation of the airport in accordance with the appropriate airport strategy or master plan.
- Whether the design of the building incorporates appropriate noise attenuation measures.
- The views of the airport owner.
SCHEDULE 2 TO THE AIRPORT ENVIRONS OVERLAY

Shown on the planning scheme map as AEO2.

Requirements

An application to use land for the following must be referred to the airport owner under Section 55 of the Act unless, in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the airport owner:

- Accommodation.
- Art and craft centre.
- Bar.
- Display home centre.
- Education Centre.
- Hospital.
- Hotel.
- Office.
- Place of assembly.
- Research and development centre.
- Research centre.
- Restricted recreation facility.
ENVIRONMENTAL AUDIT OVERLAY

Shown on the planning scheme map as EAO.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.

Requirement

Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
- An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.
PARTICULAR PROVISIONS

This section sets out Particular Provisions which apply to the matters specified.
51.01 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>
<tbody>
<tr>
<td>Land at Survey Lane and Rocks Road, Killarney</td>
<td>Site Specific Provisions Applying to Land at Survey Lane and Rocks Road, Killarney, 12 August 1999.</td>
</tr>
<tr>
<td>All of the land depicted/hatched in Maps 1, 2, 3 &amp; 4 to the Schedule to Clause 51.01. Hamilton-Port Fairy Road at its intersection with Riordans Road, Orford and Volume 09073 Folio 292, Lot 1 TP 222921C. Riordans Road between Hamilton-Port Fairy Road and Old Dunmore Road, Orford.</td>
<td>Shaw River Power Station, Orford, October 2010.</td>
</tr>
<tr>
<td>Volume 09933 Folio 939, Lot 2 on PS218923A. The intersection of Tarrone North Road and Woolsthorpe-Heywood Road. Tarrone North Road from the intersection of Tarrone Lane to Woolsthorpe Road. Woolsthorpe-Heywood Road between Penshurst-Warrnambool Road and Hamilton-Port Fairy Road.</td>
<td>Tarrone Power Station, December 2011.</td>
</tr>
</tbody>
</table>
MAP 2 TO THE SCHEDULE TO CLAUSE 51.01

WATER SUPPLY PIPELINES ALIGNMENT

LEGEND

- Water supply pipelines construction area
  (nominal width: 16 metres)

Prepared by: Coffey Natural Systems
PROVISIONS THAT REQUIRE, ENABLE OR EXEMPT A PERMIT
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.
### SCHEDULE TO CLAUSE 52.02

#### Under Section 23 of the Subdivision Act 1988

<table>
<thead>
<tr>
<th>Land</th>
<th>Easement or restriction</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>None specified</td>
<td>None</td>
</tr>
</tbody>
</table>

#### Under Section 24A of the Subdivision Act 1988

<table>
<thead>
<tr>
<th>Land</th>
<th>Person</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>None specified</td>
<td>None</td>
</tr>
</tbody>
</table>

#### Under Section 36 of the Subdivision Act 1988

<table>
<thead>
<tr>
<th>Land</th>
<th>Easement or right of way</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>None specified</td>
<td>None</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).

52.03-8
31/01/2020
VC170

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.
SIGNSG

Purpose
To regulate the development of land for signs and associated structures.
To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
To ensure signs do not contribute to excessive visual clutter or visual disorder.
To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

Application
This clause applies to the development of land for signs.

Requirements

Sign categories
Clauses 52.05-11 to 52.05-14 specify categories of sign control. The zone provisions specify which category of sign control applies to the zone.
Each category is divided into three sections.
If a sign can be interpreted in more than one way, the most restrictive requirement must be met.

Section 1
A sign in Section 1 of the category may be constructed or put up for display without a permit, but all the conditions opposite the sign must be met. If the conditions are not met, the sign is in Section 2.
Some overlays require a permit for Section 1 signs.

Section 2
A permit is required to construct or put up for display a sign in Section 2.
This does not apply to a sign specified in Clause 52.05-10.
All the conditions opposite the sign must be met. If the conditions are not met, the sign is prohibited.

Section 3
A sign in Section 3 is prohibited and must not be constructed or put up for display.

VicSmart applications
Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct or put up for display a sign in an industrial zone, commercial zone, Special Use Zone, Comprehensive Development Zone, Docklands Zone, Priority Development Zone or Activity Centre Zone if:</td>
<td>Clause 59.09</td>
</tr>
<tr>
<td>The sign is not within 30 metres of land (not a road) which is in a residential zone.</td>
<td></td>
</tr>
</tbody>
</table>
Information requirements and decision guidelines

Class of application

- The sign is not a pole sign, a sky sign, a reflective sign, internally illuminated sign, floodlit sign, electronic sign or animated sign.
- The display area of the sign does not exceed 10 square metres.

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.

Expire of permits

A permit for a sign other than a major promotion sign expires on the date specified in the permit. If no date is specified, the expiry date is 15 years from the date of issue of the permit.

Existing signs

A sign that was lawfully displayed on the approval date or that was being constructed or put up for display on that date may be displayed or continue to be displayed and may be repaired and maintained.

The content of a lawfully displayed sign may be renewed or replaced. However, a permit is required if:

- The display area is to be increased.
- The renewal or replacement would result in a different type of sign.

A major promotion sign displayed in accordance with a permit granted between 19 September 1995 and 18 September 1997 may continue to be displayed:

- until 31 December 2008; or
- where a permit application seeking permission to display the sign is lodged before 31 December 2008, until the permit application is finally determined.

Application requirements

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

Site context

- A site context report, using a site plan, photographs or other methods to accurately describe:
  - The location of the proposed sign on the site or building and distance from property boundaries.
  - The location and size of existing signage on the site including details of any signs to be retained or removed.
  - The location and form of existing signage on abutting properties and in the locality.
  - The location of closest traffic control signs.
  - Identification of any view lines or vistas that could be affected by the proposed sign.
Sign details
- The location, dimensions, height above ground level and extent of projection of the proposed sign.
- The height, width, depth of the total sign structure including method of support and any associated structures such as safety devices and service platforms.
- Details of associated on-site works.
- Details of any form of illumination, including details of baffles and the times at which the sign would be illuminated.
- The colour, lettering style and materials of the proposed sign.
- The size of the display (total display area, including all sides of a multi-sided sign).
- The location of any logo box and proportion of display area occupied by such a logo box.
- For animated or electronic signs, a report addressing the decision guidelines at Clause 52.05-8 relating to road safety.
- Any landscaping details.

Signs with a display area of 18 square metres or more
- For a sign with a display area of 18 square metres or more:
  - A description of the existing character of the area including built form and landscapes.
  - The location of any other signs over 18 square metres, or scrolling, electronic or animated signs within 200 metres of the site.
  - Any existing identifiable advertising theme in the area.
  - Photo montages or a streetscape perspective of the proposed sign.
  - Level of illumination including:
    - Lux levels for any sign on or within 60 metres of a Road Zone or a residential zone or public land zone.
    - The dwell and change time for any non-static images.
  - The relationship to any significant or prominent views and vistas.

Exemption from notice and review
An application for a sign is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act provided the sign:
- Is to be constructed or displayed on land specified in the schedule to this clause.
- Meets any condition specified in the schedule to this clause.

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

All signs
- The character of the area including:
  - The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.
The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.

The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.

The consistency with any identifiable outdoor advertising theme in the area.

Impacts on views and vistas:
- The potential to obscure or compromise important views from the public realm.
- The potential to dominate the skyline.
- The potential to impact on the quality of significant public views.
- The potential to impede views to existing signs.

The relationship to the streetscape, setting or landscape:
- The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.
- The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.
- The ability to screen unsightly built or other elements.
- The ability to reduce the number of signs by rationalising or simplifying signs.
- The ability to include landscaping to reduce the visual impact of parts of the sign structure.

The relationship to the site and building:
- The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.
- The extent to which the sign displays innovation relative to the host site and host building.
- The extent to which the sign requires the removal of vegetation or includes new landscaping.

The impact of structures associated with the sign:
- The extent to which associated structures integrate with the sign.
- The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.

The impact of any illumination:
- The impact of glare and illumination on the safety of pedestrians and vehicles.
- The impact of illumination on the amenity of nearby residents and the amenity of the area.
- The potential to control illumination temporarily or in terms of intensity.

The impact of any logo box associated with the sign:
- The extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign.
- The suitability of the size of the logo box in relation to its identification purpose and the size of the sign.

The need for identification and the opportunities for adequate identification on the site or locality.

The impact on road safety. A sign is a safety hazard if the sign:
- Obstructs a driver’s line of sight at an intersection, curve or point of egress from an adjacent property.
- Obstructs a driver’s view of a traffic control device, or is likely to create a confusing or dominating background that may reduce the clarity or effectiveness of a traffic control device.
- Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.
- Is at a location where particular concentration is required, such as a high pedestrian volume intersection.
- Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.
- Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.
- Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.
- Is within 100 metres of a rural railway crossing.
- Has insufficient clearance from vehicles on the carriageway.
- Could mislead drivers or be mistaken as an instruction to drivers.

**Major promotion signs**

- The effect of the proposed major promotion sign on:
  - Significant streetscapes, buildings and skylines.
  - The visual appearance of a significant view corridor, viewline, gateway location or landmark site identified in a framework plan or local policy.
  - Residential areas and heritage places.
  - Open space and waterways.

- When determining the effect of a proposed major promotion sign, the following locational principles must be taken into account:
  - Major promotion signs are encouraged in commercial and industrial locations in a manner that complements or enhances the character of the area.
  - Major promotion signs are discouraged along forest and tourist roads, scenic routes or landscaped sections of freeways.
  - Major promotion signs are discouraged within open space reserves or corridors and around waterways.
  - Major promotion signs are discouraged where they will form a dominant visual element from residential areas, within a heritage place or where they will obstruct significant viewlines.
  - In areas with a strong built form character, major promotion signs are encouraged only where they are not a dominant element in the streetscape and except for transparent feature signs (such as neon signs), are discouraged from being erected on the roof of a building.
**Mandatory conditions**

**All signs**

A permit for a sign that includes an expiry date must include a condition that provides that on expiry of the permit the sign and structures built specifically to support and illuminate it must be removed.

**Major promotion signs**

A permit for a major promotion sign must include conditions that specify:

- That the sign must not:
  - Dazzle or distract drivers due to its colouring.
  - Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles.
  - Be able to be mistaken as an instruction to drivers.

- An expiry date that is 15 years from the date the permit is issued unless otherwise specified in this clause. This does not apply to a permit for major promotion sign for a special event or temporary building shrouding.

A permit for a major promotion sign may specify an expiry date other than 15 years, but the date must not be less than 10 years or more than 25 years from the date the permit is issued. Before deciding to alter the specified expiry date of 15 years, the responsible authority must consider, as appropriate:

- The purpose of the sign.
- The existing or desired character of the area.
- The Municipal Planning Strategy and the Planning Policy Framework in terms of the extent to which the proposed sign is consistent with any relevant policy direction and the extent to which the area may be expected to change over time.
- The extent to which the signage is physically and visually integrated into the architecture of the building.

**Signs not requiring a permit**

Despite any provision in a zone, overlay, or other particular provision of this scheme, a permit is not required to construct or put up for display any of the following signs:

- A sign identifying the functions or property of a government department, public authority or municipal council, but not a promotion sign displayed at the direction of any of these bodies.
- A sign controlling traffic on a public road, railway, tramway, water or in the air, provided it is displayed at the direction of a government department, public authority or municipal council.
- A sign at a hospital that gives direction to emergency facilities.
- A sign in a road reserve that gives direction or guidance about a tourist attraction, service or facility of interest to road users. The sign must be displayed to the satisfaction of the road authority.
- A sign required by statute or regulation, provided it is strictly in accordance with the requirement.
- A sign at a railway station or bus terminal that provides information or direction for people using the station or terminal.
- A sign on a showground, on a motor racing track or on a major sports and recreation facility, provided the sign’s display cannot be seen from nearby land.
A sign with a display area not exceeding 1 square metre to each premises that provides information about a place of worship. It must not be an animated or internally illuminated sign.

A sign inside a building that cannot generally be seen outside.

A sign with a display area not exceeding 2 square metres concerning construction work on the land. Only one sign may be displayed, it must not be an animated or internally illuminated sign and it must be removed when the work is completed.

A sign with a display area not exceeding 5 square metres publicising a local educational, cultural, political, religious, social or recreational event not held for commercial purposes. Only one sign may be displayed on the land, it must not be an animated or internally illuminated sign and it must not be displayed longer than 14 days after the event is held or 3 months, whichever is sooner. A sign publicising a local political event may include information about a candidate for an election.

A sign publicising a special event on the land or in the building on which it is displayed, provided no more than 8 signs are displayed in a calendar year and the total number of days the signs are displayed does not exceed 28 in that calendar year. The sign must be removed when the event is finished.

A sign with a display area not exceeding 2 square metres publicising the sale of goods or livestock on the land or in the building on which it is displayed, provided the land or building is not normally used for that purpose. Only one sign may be displayed, it must not be an animated or internally illuminated sign and it must not be displayed longer than 3 months without a permit.

A sign with an display area not exceeding 10 square metres publicising the sale or letting of the property on which it is displayed. Only one sign may be displayed, it must not be an animated sign and it must not be displayed longer than 7 days after the sale date. A permit may be granted for:

- The display area to exceed 10 square metres if the sign concerns more than 20 lots.
- The sign to be displayed on land excised from the subdivision and transferred to the municipal council.
- The sign to be displayed longer than 7 days after the sale date.

No permit is required to fly the Australian flag or to display the flag on a building, painted or otherwise represented, provided it is correctly dimensioned and coloured in accordance with the Flags Act 1953.

### Category 1 - Commercial areas

Minimum limitation

#### Purpose

To provide for identification and promotion signs and signs that add vitality and colour to commercial areas.

#### Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast sign</td>
<td>The total display area of all signs to each premises must not exceed 8 sqm. This does not include a sign with a display area not exceeding 1.5 sqm that is below a verandah or, if no verandah, that is less than 3.7 m above pavement level.</td>
</tr>
<tr>
<td>Business identification sign</td>
<td></td>
</tr>
<tr>
<td>Home based business sign</td>
<td></td>
</tr>
<tr>
<td>Promotion sign</td>
<td></td>
</tr>
</tbody>
</table>

52.05-11

31/07/2018

VC148
### Sign

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direction sign</td>
<td>None specified</td>
</tr>
<tr>
<td>Internally illuminated sign</td>
<td>The total display area to each premises must not exceed 1.5 sqm.</td>
</tr>
<tr>
<td></td>
<td>No part of the sign may be above a verandah or, if no verandah, more than 3.7 m above pavement level.</td>
</tr>
<tr>
<td></td>
<td>The sign must be more than 30 m from a residential zone or pedestrian or traffic lights.</td>
</tr>
</tbody>
</table>

### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any sign not in Section 1</td>
<td>None specified</td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
<td>None specified</td>
</tr>
</tbody>
</table>

### Category 2 - Office and industrial

**Low limitation**

**Purpose**

To provide for adequate identification signs and signs that are appropriate to office and industrial areas.

### Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast sign</td>
<td>The total display area of all signs to each premises must not exceed 8 sqm. This does not include a direction sign.</td>
</tr>
<tr>
<td>Business identification sign</td>
<td></td>
</tr>
<tr>
<td>Home based business sign</td>
<td></td>
</tr>
<tr>
<td>Pole sign</td>
<td></td>
</tr>
<tr>
<td>Direction sign</td>
<td>Only one to each premises.</td>
</tr>
<tr>
<td>Internally illuminated sign</td>
<td>The display area must not exceed 1.5 sqm. The sign must be more than 30 m from a residential zone or pedestrian or traffic lights.</td>
</tr>
</tbody>
</table>

### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any sign not in Section 1</td>
<td>None specified</td>
</tr>
</tbody>
</table>
### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
<td>None specified</td>
</tr>
</tbody>
</table>

### Category 3 - High amenity areas

Medium limitation

**Purpose**

To ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.

**Section 1 - Permit not required**

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast sign</td>
<td>Only one to each premises.</td>
</tr>
<tr>
<td>Home based business sign</td>
<td>The display area must not exceed 0.2 sqm.</td>
</tr>
<tr>
<td>Direction sign</td>
<td>None specified</td>
</tr>
</tbody>
</table>

**Section 2 - Permit required**

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Above-verandah sign</td>
<td>None specified</td>
</tr>
<tr>
<td>Business identification sign</td>
<td></td>
</tr>
<tr>
<td>Electronic sign</td>
<td>The display area must not exceed 3 sqm.</td>
</tr>
<tr>
<td>Floodlit sign</td>
<td>None specified</td>
</tr>
<tr>
<td>High-wall sign</td>
<td>Must be a business logo or street number.</td>
</tr>
<tr>
<td>Internally illuminated sign</td>
<td>None specified</td>
</tr>
<tr>
<td>Pole sign</td>
<td></td>
</tr>
<tr>
<td>Promotion sign</td>
<td>The display area must not exceed 3 sqm.</td>
</tr>
<tr>
<td>Reflective sign</td>
<td>None specified</td>
</tr>
</tbody>
</table>

**Section 3 - Prohibited**

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any sign not in Sections 1 or 2</td>
<td>None specified</td>
</tr>
</tbody>
</table>

### Category 4 - Sensitive areas

Maximum limitation

**Purpose**

To provide for unobtrusive signs in areas requiring strong amenity control.
## Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast sign</td>
<td>Only one to each premises.</td>
</tr>
<tr>
<td>Home based business sign</td>
<td>The display area must not exceed 0.2 sqm.</td>
</tr>
<tr>
<td>Direction sign</td>
<td>None specified</td>
</tr>
</tbody>
</table>

## Section 2 - Permit required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business identification sign</td>
<td>The total display area to each premises must not exceed 3 sqm.</td>
</tr>
<tr>
<td>Floodlit sign</td>
<td>None specified</td>
</tr>
</tbody>
</table>

## Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any sign not in Sections 1 or 2</td>
<td>None specified</td>
</tr>
</tbody>
</table>
## SCHEDULE TO CLAUSE 52.05 ADVERTISING SIGNS

<table>
<thead>
<tr>
<th>Land</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>
CAR PARKING

Purpose
To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
To support sustainable transport alternatives to the motor car.
To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
To ensure that car parking does not adversely affect the amenity of the locality.
To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Scope
Clause 52.06 applies to:

- a new use; or
- an increase in the floor area or site area of an existing use; or
- an increase to an existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.

Clause 52.06 does not apply to:

- the extension of one dwelling on a lot in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone; or
- the construction and use of one dwelling on a lot in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone unless the zone or a schedule to the zone specifies that a permit is required to construct or extend one dwelling on a lot.

Provision of car parking spaces
Before:

- a new use commences; or
- the floor area or site area of an existing use is increased; or
- an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use,

the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority in one or more of the following ways:

- on the land; or
- in accordance with a permit issued under Clause 52.06-3; or
- in accordance with a financial contribution requirement specified in a schedule to the Parking Overlay.

If a schedule to the Parking Overlay specifies a maximum parking provision, the maximum provision must not be exceeded except in accordance with a permit issued under Clause 52.06-3.

Permit requirement
A permit is required to:
- Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.

- Provide some or all of the car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay on another site.

- Provide more than the maximum parking provision specified in a schedule to the Parking Overlay.

A permit is not required if a schedule to the Parking Overlay specifies that a permit is not required under this clause.

A permit is not required to reduce the number of car parking spaces required for a new use of land if the following requirements are met:

- The number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for the new use is less than or equal to the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for the existing use of the land.

- The number of car parking spaces currently provided in connection with the existing use is not reduced after the new use commences.

A permit is not required to reduce the required number of car parking spaces for a new use of an existing building if the following requirements are met:

- The building is in the Commercial 1 Zone, Commercial 2 Zone, Commercial 3 Zone or Activity Centre Zone.

- The gross floor area of the building is not increased.

- The reduction does not exceed 10 car parking spaces.

- The building is not in a Parking Overlay with a schedule that allows a financial contribution to be paid in lieu of the provision of the required car parking spaces for the use.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause to reduce the required number of car parking spaces by no more than 10 car parking spaces is a class of VicSmart application and must be assessed against Clause 59.10.

**Exemption from notice and review**

An application under Clause 52.06-3 is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if:

- the application is only for a permit under Clause 52.06-3; or

- the application is also for a permit under another provision of the planning scheme and in respect of all other permissions sought, the application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

**Number of car parking spaces required under Table 1**

Table 1 of this clause sets out the car parking requirement that applies to a use listed in the Table. A car parking requirement in Table 1 may be calculated as either:

- a number of car parking spaces; or

- a percentage of the total site area that must be set aside for car parking.
A car parking requirement in Table 1 is calculated by multiplying the figure in Column A or Column B (whichever applies) by the measure (for example square metres, number of patrons or number of bedrooms) in Column C.

Column A applies unless Column B applies.

Column B applies if:

- any part of the land is identified as being within the Principal Public Transport Network Area as shown on the *Principal Public Transport Network Area Maps* (State Government of Victoria, August 2018); or
- a schedule to the Parking Overlay or another provision of the planning scheme specifies that Column B applies.

Where an existing use is increased by the measure specified in Column C of Table 1 for that use, the car parking requirement only applies to the increase, provided the existing number of car parking spaces currently being provided in connection with the existing use is not reduced.

If in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number.

Where the car parking requirement specified in Table 1 is calculated as a percentage of the total site area, the area to be provided for car parking includes an accessway that directly abuts any car parking spaces, but does not include any accessway or portion of an accessway that does not directly abut any car parking spaces.

The car parking requirement specified in Table 1 includes disabled car parking spaces. The proportion of spaces to be allocated as disabled spaces must be in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia.

The car parking requirement specified for a use listed in Table 1 does not apply if:

- a car parking requirement for the use is specified under another provision of the planning scheme; or
- a schedule to the Parking Overlay specifies the number of car parking spaces required for the use.

**Table 1: Car parking requirement**

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate Column A</th>
<th>Rate Column B</th>
<th>Car Parking Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement parlour</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Art &amp; craft centre</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Bar</td>
<td>0.4</td>
<td>3.5</td>
<td>To each patron permitted</td>
</tr>
<tr>
<td></td>
<td></td>
<td>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></td>
<td>To each dwelling for five or fewer contiguous dwellings, plus</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>3.5</td>
<td>To each additional contiguous dwelling</td>
</tr>
<tr>
<td>Dwelling</td>
<td>1</td>
<td>1</td>
<td>To each one or two bedroom dwelling, plus</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>2</td>
<td>To each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms) plus</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>0</td>
<td>For visitors to every 5 dwellings for developments of 5 or more dwellings</td>
</tr>
<tr>
<td>Education centre other than listed in this table</td>
<td>0.4</td>
<td>0.3</td>
<td>To each student that is part of the maximum number of students on the site at any time</td>
</tr>
<tr>
<td>Food and drink premises other than listed in this table</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Freezing and cool storage,</td>
<td>1.5</td>
<td>1</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Fuel depot</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Funeral Parlour</td>
<td>0.3</td>
<td>0.3</td>
<td>To each patron permitted</td>
</tr>
<tr>
<td>Gambling premises other than listed in this table</td>
<td>0.4</td>
<td></td>
<td>To each patron permitted</td>
</tr>
<tr>
<td></td>
<td>3.5</td>
<td></td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Golf course</td>
<td>4</td>
<td>4</td>
<td>To each hole plus 50 per cent of the relevant requirement of any ancillary uses.</td>
</tr>
<tr>
<td>Home based business</td>
<td>1</td>
<td>0</td>
<td>To each employee not a resident of the dwelling</td>
</tr>
<tr>
<td>Hotel</td>
<td>0.4</td>
<td></td>
<td>To each patron permitted</td>
</tr>
<tr>
<td></td>
<td>3.5</td>
<td></td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Industry other than listed in this table</td>
<td>2.9</td>
<td>1</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Landscape gardening supplies</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Mail centre</td>
<td>3.5</td>
<td>3</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Manufacturing sales</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Market</td>
<td>8</td>
<td>3.5</td>
<td>To each 100 sq m of site area</td>
</tr>
<tr>
<td>Materials recycling</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Medical centre</td>
<td>5</td>
<td></td>
<td>To the first person providing health services plus</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td></td>
<td>To every other person providing health services</td>
</tr>
<tr>
<td></td>
<td>3.5</td>
<td></td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Milk depot</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Use</td>
<td>Rate Column A</td>
<td>Rate Column B</td>
<td>Car Parking Measure</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>---------------</td>
<td>---------------</td>
<td>--------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>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>Motor repairs</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>Residential village</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>Retirement village</td>
<td>1</td>
<td>1</td>
<td>To each one or two bedroom dwelling plus</td>
</tr>
<tr>
<td>Retirement village</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>Retirement village</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>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.

52.06-8
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Requirement for a car parking plan

Plans must be prepared to the satisfaction of the responsible authority before any of the following occurs:

- a new use commences; or
- the floor area or site area of an existing use is increased; or
- an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.

The plans must show, as appropriate:

- All car parking spaces that are proposed to be provided (whether on the land or on other land).
- Access lanes, driveways and associated works.
- Allocation of car parking spaces to different uses or tenancies, if applicable.
- Any landscaping and water sensitive urban design treatments.
- Finished levels, if required by the responsible authority.
• Any other matter specified in a schedule to the Parking Overlay.

Plans must be provided to the responsible authority under Clause 52.06-8 wherever Clause 52.06 applies, whether or not a permit application is being made under Clause 52.06-3 or any other provision of the planning scheme.

Where an application is being made for a permit under Clause 52.06-3 or another provision of the planning scheme, the information required under Clause 52.06-8 may be included in other plans submitted with the application.

Clause 52.06-8 does not apply where no car parking spaces are proposed to be provided.

Design standards for car parking

Plans prepared in accordance with Clause 52.06-8 must meet the design standards of Clause 52.06-9, unless the responsible authority agrees otherwise.

Design standards 1, 3, 6 and 7 do not apply to an application to construct one dwelling on a lot.

Design standard 1 – Accessways

Accessways must:

• Be at least 3 metres wide.
• Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide.
• Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre.
• Provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres.
• If the accessway serves four or more car spaces or connects to a road in a Road Zone, the accessway must be designed so that cars can exit the site in a forward direction.
• Provide a passing area at the entrance at least 6.1 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Road Zone.
• Have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.

If an accessway to four or more car parking spaces is from land in a Road Zone, the access to the car spaces must be at least 6 metres from the road carriageway.

If entry to the car space is from a road, the width of the accessway may include the road.

Design standard 2 – Car parking spaces

Car parking spaces and accessways must have the minimum dimensions as outlined in Table 2.

Table 2: Minimum dimensions of car parking spaces and accessways

<table>
<thead>
<tr>
<th>Angle of car parking spaces to access way</th>
<th>Accessway width</th>
<th>Car space width</th>
<th>Car space length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parallel</td>
<td>3.6 m</td>
<td>2.3 m</td>
<td>6.7 m</td>
</tr>
<tr>
<td>45°</td>
<td>3.5 m</td>
<td>2.6 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td>Angle of car parking spaces to access way</td>
<td>Accessway width</td>
<td>Car space width</td>
<td>Car space length</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>-----------------</td>
<td>----------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>60°</td>
<td>4.9 m</td>
<td>2.6 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td>90°</td>
<td>6.4 m</td>
<td>2.6 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td></td>
<td>5.8 m</td>
<td>2.8 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td></td>
<td>5.2 m</td>
<td>3.0 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td></td>
<td>4.8 m</td>
<td>3.2 m</td>
<td>4.9 m</td>
</tr>
</tbody>
</table>

Note to Table 2: Some dimensions in Table 2 vary from those shown in the Australian Standard AS2890.1-2004 (off street). The dimensions shown in Table 2 allocate more space to aisle widths and less to marked spaces to provide improved operation and access. The dimensions in Table 2 are to be used in preference to the Australian Standard AS2890.1-2004 (off street) except for disabled spaces which must achieve Australian Standard AS2890.6-2009 (disabled).

A wall, fence, column, tree, tree guard or any other structure that abuts a car space must not encroach into the area marked ‘clearance required’ on Diagram 1, other than:

- A column, tree or tree guard, which may project into a space if it is within the area marked ‘tree or column permitted’ on Diagram 1.
- A structure, which may project into the space if it is at least 2.1 metres above the space.

Diagram 1 Clearance to car parking spaces

Car spaces in garages or carports must be at least 6 metres long and 3.5 metres wide for a single space and 5.5 metres wide for a double space measured inside the garage or carport.

Where parking spaces are provided in tandem (one space behind the other) an additional 500 mm in length must be provided between each space.

Where two or more car parking spaces are provided for a dwelling, at least one space must be under cover.

Disabled car parking spaces must be designed in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia. Disabled car parking spaces may encroach into an accessway width specified in Table 2 by 500mm.
Design standard 3: Gradients

Accessway grades must not be steeper than 1:10 (10 per cent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design must have regard to the wheelbase of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the car park; and the slope and configuration of the vehicle crossover at the site frontage. This does not apply to accessways serving three dwellings or less.

Ramps (except within 5 metres of the frontage) must have the maximum grades as outlined in Table 3 and be designed for vehicles travelling in a forward direction.

Table 3: Ramp gradients

<table>
<thead>
<tr>
<th>Type of car park</th>
<th>Length of ramp</th>
<th>Maximum grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public car parks</td>
<td>20 metres or less</td>
<td>1:5 (20%)</td>
</tr>
<tr>
<td></td>
<td>longer than 20 metres</td>
<td>1:6 (16.7%)</td>
</tr>
<tr>
<td>Private or residential car parks</td>
<td>20 metres or less</td>
<td>1:4 (25%)</td>
</tr>
<tr>
<td></td>
<td>longer than 20 metres</td>
<td>1:5 (20%)</td>
</tr>
</tbody>
</table>

Where the difference in grade between two sections of ramp or floor is greater that 1:8 (12.5 per cent) for a summit grade change, or greater than 1:6.7 (15 per cent) for a sag grade change, the ramp must include a transition section of at least 2 metres to prevent vehicles scraping or bottoming.

Plans must include an assessment of grade changes of greater than 1:5.6 (18 per cent) or less than 3 metres apart for clearances, to the satisfaction of the responsible authority.

Design standard 4: Mechanical parking

Mechanical parking may be used to meet the car parking requirement provided:

- At least 25 per cent of the mechanical car parking spaces can accommodate a vehicle height of at least 1.8 metres.
- Car parking spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation.
- The design and operation is to the satisfaction of the responsible authority.

Design standard 5: Urban design

Ground level car parking, garage doors and accessways must not visually dominate public space. Car parking within buildings (including visible portions of partly submerged basements) must be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.

Design of car parks must take into account their use as entry points to the site.

Design of new internal streets in developments must maximise on street parking opportunities.

Design standard 6: Safety

Car parking must be well lit and clearly signed.

The design of car parks must maximise natural surveillance and pedestrian visibility from adjacent buildings.

Pedestrian access to car parking areas from the street must be convenient.

Pedestrian routes through car parking areas and building entries and other destination points must be clearly marked and separated from traffic in high activity parking areas.
Design standard 7: Landscaping

The layout of car parking areas must provide for water sensitive urban design treatment and landscaping.

Landscaping and trees must be planted to provide shade and shelter, soften the appearance of ground level car parking and aid in the clear identification of pedestrian paths.

Ground level car parking spaces must include trees planted with flush grilles. Spacing of trees must be determined having regard to the expected size of the selected species at maturity.

Decision guidelines

Before deciding that a plan prepared under Clause 52.06-8 is satisfactory the responsible authority must consider, as appropriate:

- The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.
- The ease and safety with which vehicles access and circulate within the parking area.
- The provision for pedestrian movement within and around the parking area.
- The provision of parking facilities for cyclists and disabled people.
- The protection and enhancement of the streetscape.
- The provisions of landscaping for screening and shade.
- The measures proposed to enhance the security of people using the parking area particularly at night.
- The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.
- The workability and allocation of spaces of any mechanical parking arrangement.
- The design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters.
- The type and size of vehicle likely to use the parking area.
- Whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation.
- The need for the required car parking spaces to adjoin the premises used by the occupier/s, if the land is used by more than one occupier.
- Whether the layout of car spaces and accessways are consistent with Australian Standards AS2890.1-2004 (off street) and AS2890.6-2009 (disabled).
- The relevant standards of Clauses 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 for residential developments with accessways longer than 60 metres or serving 16 or more dwellings.
- Any other matter specified in a schedule to the Parking Overlay.

Construction of car parking

Where a plan is required under Clause 52.06-8, the car parking spaces, access lanes, driveways and associated works and landscaping shown on the plan must be:

- constructed and available for use in accordance with the plan approved by the responsible authority; and
- formed to such levels and drained so that they can be used in accordance with the plan; and
- treated with an all-weather seal or some other durable surface; and
- line-marked or provided with some other adequate means of showing the car parking spaces, before any of the following occurs:
  - the new use commences; or
  - the floor area or site area of the existing use is increased; or
  - the existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.
[NO CONTENT]
EARTH AND ENERGY RESOURCES INDUSTRY

Purpose

To encourage land to be used and developed for exploration and extraction of earth and energy resources in accordance with acceptable environmental standards.

To ensure that 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>
</tr>
</thead>
<tbody>
<tr>
<td>Extractive industry</td>
</tr>
<tr>
<td>Geothermal energy exploration</td>
</tr>
<tr>
<td>Geothermal energy extraction</td>
</tr>
<tr>
<td>Mineral exploration</td>
</tr>
<tr>
<td>Mining</td>
</tr>
<tr>
<td>Petroleum exploration</td>
</tr>
<tr>
<td>Petroleum production</td>
</tr>
<tr>
<td>Stone exploration</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.
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 do not live in the dwelling may work in the home based business at any one time.
- The net floor area used in conducting the business including the storage of any materials or goods must not exceed 100 square metres or one-third of the net floor area of the dwelling, whichever is the lesser. The net floor area includes out-buildings and works normal to a dwelling.
- The business must not impose a load on any utility greater than normally required for domestic use.
- The business must not adversely affect the amenity of the neighbourhood in any way including:
  - The appearance of any building, works or materials used.
  - The parking of motor vehicles.
  - The transporting of materials or goods to or from the dwelling.
  - The hours of operation.
  - Electrical interference.
  - The storage of chemicals, gasses or other hazardous materials.
  - Emissions from the site.
- No motor vehicle may be adjusted, modified, serviced or repaired for gain.
- Only one commercial vehicle (a commercial goods vehicle, commercial passenger vehicle or tow truck within the meaning of the Transport Act 1983), not exceeding 2 tonnes capacity and with or without a trailer registered to a resident of the dwelling may be present at any time. The vehicle must not be fuelled or repaired on the site.
- No goods other than goods manufactured or serviced in the home based business may be offered for sale. This requirement does not apply to goods offered for sale online.
- Materials used or goods manufactured, serviced or repaired in the home based business must be stored within a building.
- No goods manufactured, serviced or repaired may be displayed so that they are visible from outside the site.
- Any goods offered for sale online must not be collected from the dwelling.

Permit requirement

Despite the requirements of Clause 52.11-1, a permit may be granted for a home occupation:

- Which allows no more than three people who do not live in the dwelling to work in the occupation at any one time; or
- Which has a floor area not exceeding 200 square metres or one-third of the net floor area of the dwelling, whichever is the lesser.
- Which allows no more than one additional commercial vehicle (a commercial goods vehicle, commercial passenger vehicle or tow truck within the meaning of the *Transport Act 1983*), not exceeding two tonnes capacity and with or without a trailer registered to a resident of the dwelling, to be present at any time.

**Decision guidelines**

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

- Whether there is a need for additional parking or loading facilities.
- The effect of any vehicle parking, storage or washing facilities on the amenity and character of the street.
- Whether the site is suitable for the particular home based business and is compatible with the surrounding use and development.
- Whether there is a need for landscaping to screen any outbuildings or car parking or loading areas or any other area relating to the home based business.
**BUSHFIRE PROTECTION: EXEMPTIONS**

**Exemption to create defendable space around buildings used for accommodation**

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

- The removal, destruction or lopping of any vegetation within 10 metres of an existing building used for accommodation that was:
  - constructed before 10 September 2009; or
  - approved by a permit issued under this scheme before 10 September 2009; or
  - approved by a building permit issued under the *Building Act 1993* before 10 September 2009; or
  - constructed to replace a dwelling or dependent persons unit that was damaged or destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009.

This does not apply to land covered by the Banyule, Bayside, Boroondara, Brimbank, Darebin, Glen Eira, Greater Dandenong, Hobsons Bay, Kingston, Knox, Maribyrnong, Maroondah, Melbourne, Monash, Moonee Valley, Moreland, Port of Melbourne, Port Phillip, Stonnington, Whitehorse and Yarra planning schemes unless the land is included in a Bushfire Management Overlay or is specified in a schedule to this clause.

- The removal, destruction or lopping of any vegetation, except trees, within 30 metres of an existing building used for accommodation that was:
  - constructed before 10 September 2009; or
  - approved by a permit issued under this scheme before 10 September 2009; or
  - approved by a building permit issued under the *Building Act 1993* before 10 September 2009; or
  - constructed to replace a dwelling or dependent persons unit that was damaged or destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009.

This does not apply to land covered by the Banyule, Bayside, Boroondara, Brimbank, Darebin, Glen Eira, Greater Dandenong, Hobsons Bay, Kingston, Knox, Maribyrnong, Maroondah, Melbourne, Monash, Moonee Valley, Moreland, Port of Melbourne, Port Phillip, Stonnington, Whitehorse and Yarra planning schemes unless the land is specified in a schedule to this clause.

- The removal, destruction or lopping of any vegetation, except trees, within 50 metres of an existing building used for accommodation where land is within the Bushfire Management Overlay and where the existing building was:
  - constructed before 10 September 2009 or lawfully erected before 18 November 2011 without the need for a planning permit; or
  - approved by a permit issued under this scheme before 10 September 2009 and erected before 18 November 2011; or
  - approved by a building permit issued under the *Building Act 1993* before 10 September 2009 and erected before 18 November 2011; or
  - constructed to replace a dwelling or dependent persons unit that was damaged or destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009.
**Exemption for vegetation removal along a fenceline**

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

- The removal, destruction or lopping of any vegetation for a combined maximum width of 4 metres either side of an existing fence on a boundary between properties in different ownership that was constructed before 10 September 2009.

This does not apply to land covered by the Banyule, Bayside, Boroondara, Brimbank, Darebin, Glen Eira, Greater Dandenong, Hobsons Bay, Kingston, Knox, Maribyrnong, Maroondah, Melbourne, Monash, Moonee Valley, Moreland, Port of Melbourne, Port Phillip, Stonnington, Whitehorse and Yarra planning schemes unless the land is included in a Bushfire Management Overlay.

**Exemption for buildings and works associated with a community fire refuge**

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works does not apply to modifying an existing building to create a community fire refuge in accordance with Ministerial Direction No. 4, Construction Requirements for a Community Fire Refuge (1 August 2012).

**Exemption for buildings and works associated with a private bushfire shelter**

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works does not apply to buildings and works associated with a private bushfire shelter (a Class 10c building within the meaning of the Building Regulations 2006), provided the total area of all buildings and works does not exceed 30 square metres.

This clause does not apply to land in the Urban Floodway Zone, Erosion Management Overlay, Floodway Overlay, Land Subject to Inundation Overlay, Special Building Overlay or Heritage Overlay.

**Exemption to create defendable space for a dwelling approved under Clause 44.06 of this planning scheme**

Any requirement of a planning permit, including any condition, which has the effect of prohibiting the removal, destruction or lopping of vegetation, or any requirement of this planning scheme to obtain a planning permit, or any provision of this planning scheme that prohibits the removal, destruction or lopping of vegetation or requires the removal, destruction or lopping of vegetation to be carried out in a particular manner, does not apply to the removal, destruction or lopping of vegetation to construct a dwelling and create its defendable space if all of the following requirements are met:

- Land is in the Bushfire Management Overlay.
- Land is in the General Residential Zone, Residential Growth Zone, Neighbourhood Residential Zone, Urban Growth Zone, Low Density Residential Zone, Township Zone, Rural Living Zone, Farming Zone or Rural Activity Zone.
- The removal, destruction or lopping of vegetation:
  - Does not exceed the distance specified in Table 1 to Clause 53.02-3 of this planning scheme, based on the bushfire attack level determined by a relevant building surveyor in deciding an application for a building permit under the Building Act 1993 for a dwelling or alteration or extension to the dwelling; or
- Is required to be undertaken by a condition in a planning permit issued after 31 July 2014 under Clause 44.06 of this scheme for a dwelling or an alteration or extension to the dwelling.
Exemptions for vegetation removal

<table>
<thead>
<tr>
<th>Land</th>
<th>None specified</th>
</tr>
</thead>
</table>

MOYNE PLANNING SCHEME
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 31 March 2020 unless in accordance with the requirements of this scheme.

A building must not be used after 31 March 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>Emergency services</td>
</tr>
<tr>
<td>Agriculture</td>
</tr>
<tr>
<td>Public land management</td>
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<tr>
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<td>General</td>
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</tbody>
</table>

Application requirements

An application to use or develop land for a heliport or a helicopter landing site must be accompanied by the following information, as appropriate:

- A site plan, including:
  - Site boundaries and dimensions.
  - The current land use.
  - The existing siting and layout of buildings and works.
  - The proposed siting and layout of buildings and works.
  - Existing vegetation and proposed vegetation removal.
Vehicle and pedestrian access.

An application to use land for a heliport or a helicopter landing site must be accompanied by the following information:

- A location plan, including:
  - The siting and use of buildings on adjacent properties.
  - The direction and distance to any building used for a sensitive use (accommodation, child care centre, education centre and hospital) that is not associated with the helicopter operation and is located within 500 metres of the proposed heliport or helicopter landing site.

- A written report which:
  - Demonstrates a suitable separation distance between the landing point of a heliport or helicopter landing site and any building used for a sensitive use that is not associated with the helicopter operation by either:
    - Locating the proposed heliport or helicopter landing site at least 150 metres for helicopters of less than 2 tonnes all-up weight, or 250 metres for helicopters of less than 15 tonnes all-up weight, or
    - Providing an acoustic report by a suitably qualified consultant.
  - Includes details of the proposed frequency of flight movements.
  - Includes the proposed hours of operation.

### Decision guidelines

Before deciding on an application to use land for a heliport or a helicopter landing site, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Whether the proposal achieves a suitable separation distance from a nearby sensitive use, having regard to the Noise Control Guidelines (Environment Protection Authority, 2008).
- The effect of the proposal on nearby sensitive uses in terms of the proposed frequency of flight movements and hours of operation.
NATIVE VEGETATION PRECINCT PLAN

Purpose

To provide for the protection, management and removal of native vegetation through the use of a native vegetation precinct plan incorporated into this scheme.

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

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

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

Application

This clause applies to land if a native vegetation precinct plan corresponding to that land is incorporated into this scheme and listed in the schedule to this clause.

Native vegetation precinct plans

A native vegetation precinct plan is a plan relating to native vegetation within a defined area which is incorporated into this scheme and listed in the schedule to this clause.

A native vegetation precinct plan may form part of a more general strategic or precinct structure plan.

A native vegetation precinct plan must include the information and provide for the matters set out in section 10.1 of the Guidelines.

Permit requirement

A permit is required to remove, destroy or lop any native vegetation, including dead native vegetation. This does not apply:

- If the removal, destruction or lopping of native vegetation is in accordance with a native vegetation precinct plan incorporated into this scheme. Any conditions or requirements specified in the plan must be met.
- To the removal, destruction or lopping of native vegetation specified in the table to Clause 52.16-8, unless a native vegetation precinct plan specifies otherwise.

Application requirements

An application to remove, destroy or lop native vegetation must comply with the application requirements specified in the Guidelines.

Decision guidelines

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

If a permit is required to remove, destroy or lop native vegetation, the biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset in accordance with the Guidelines. The conditions on the permit for the removal, destruction or lopping of native vegetation must specify the offset requirement and timing to secure the offset.

Transitional provisions

The requirements of this clause in force immediately before the commencement of Amendment VC138 continue to apply to an application for:

- A permit lodged before that date.
- An amendment to a permit if:
  - the original permit application was lodged before that date; or
  - the original permit application was one that benefited from the following transitional provision.
- A permit lodged within 12 months after that date, if the Secretary to the Department of Environment, Land Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987) has stated in writing that a report about the proposed removal, destruction or lopping of native vegetation has been generated by the Department of Environment, Land, Water and Planning’s native vegetation information systems within 12 months before that date.

Table of exemptions

The requirement to obtain a permit does not apply to:

<table>
<thead>
<tr>
<th>Conservation work</th>
<th>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of conservation work:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- which provides an overall improvement for biodiversity; and</td>
</tr>
<tr>
<td></td>
<td>- with written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Crown land</th>
<th>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to manage Crown land:</th>
</tr>
</thead>
<tbody>
<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>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Emergency works</th>
<th>Native vegetation that is to be removed, destroyed or lopped:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- in an emergency by or on behalf of a public authority or municipal council to create an emergency access 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>

| 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.

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.

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.

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.

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.

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.

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.
<table>
<thead>
<tr>
<th>The requirement to obtain a permit does not apply to:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Railways</strong></td>
</tr>
</tbody>
</table>
| **Regrowth** | Native vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established native vegetation, and is:  
  - bracken (*Pteridium esculentum*); or  
  - within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation.  
This exemption does not apply to land where native vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster. |
| **Road safety** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987). |
| **Stone exploration** | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.  
The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:  
  - 1 hectare of native vegetation which does not include a tree.  
  - 15 native trees with trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.  
  - 5 native trees with trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.  
This exemption does not apply to costeining 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 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). |
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

The requirement to obtain a permit does not apply to:

<table>
<thead>
<tr>
<th>Conservation work</th>
<th>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of conservation work:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- which provides an overall improvement for biodiversity; and</td>
</tr>
<tr>
<td></td>
<td>- with written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Crown land</th>
<th>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to manage Crown land:</th>
</tr>
</thead>
<tbody>
<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>
</tbody>
</table>

| Dead native vegetation | Native vegetation that is dead. 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. |

<table>
<thead>
<tr>
<th>Emergency works</th>
<th>Native vegetation that is to be removed, destroyed, or lopped:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access 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>
<tbody>
<tr>
<td>Regrowth</td>
<td>Native vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established native vegetation, and is:</td>
</tr>
<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 costeasing 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*).

Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable the construction or maintenance of a vehicle access across a road reserve from a property boundary to a public road.

This exemption only applies to properties which share a common boundary with the road reserve, and the total width of clearing must not exceed 6 metres.

This exemption does not apply where there is a practical opportunity to site the accessway to avoid the removal, destruction or lopping of native vegetation.

In this exemption, roadside and public road have the same meanings as in section 3 of the *Road Management Act 2004*.

Note: Under the Road Management Act 2004 the written consent of the coordinating road authority is required to conduct any works, including removing a tree or other vegetation, in, on, under or over a road.

Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal or destruction of a weed listed in the schedule to Clause 52.17.

The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:

- 1 hectare of native vegetation which does not include a tree.
- 15 native trees with a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level.
# SCHEDULE TO CLAUSE 52.17

## 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>Volume 06776 Folio 125 Crown Allotment 4A and Volume 10305 Folio 499 Crown Allotment 4B Section 18 Parish of Kapong</td>
<td>All native vegetation</td>
</tr>
</tbody>
</table>

## Scheduled weed

<table>
<thead>
<tr>
<th>Area</th>
<th>Description of weed</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>

## Utility installation code of practice

<table>
<thead>
<tr>
<th>Name of code of practice</th>
<th>None specified</th>
</tr>
</thead>
</table>
TELECOMMUNICATIONS FACILITY

Purpose

To ensure that telecommunications infrastructure and services are provided in an efficient and cost effective manner to meet community needs.

To facilitate an effective statewide telecommunications network in a manner consistent with orderly and proper planning.

To encourage the provision of telecommunications facilities with minimal impact on the amenity of the area.

Permit requirement

A permit is required to construct a building or construct or carry out works for a Telecommunications facility. This does not apply to buildings and works for:

- A low-impact facility as described in the Telecommunications (Low-impact) Facilities Determination 1997 (Cth).
- The inspection and maintenance of a Telecommunications facility as defined in the Telecommunications Act 1997 (Cth).
- A facility authorised by a Facilities Installation Permit issued under the Telecommunications Act 1997 (Cth).
- A temporary defence facility.
- The connection of a building, structure, caravan or mobile home to a Telecommunications line forming part of a Telecommunications network.
- A Telecommunications facility that complies with the requirements of section 5 of A Code of Practice for Telecommunications Facilities in Victoria, July 2004.
- An activity authorised under clause 6(2) of Division 3 of Schedule 3 of the Telecommunications Act 1997 (Cth).
- An activity carried out by a body listed in sections 46 to 51 (inclusive) of the Telecommunications Act 1997 (Cth) pursuant to legislation applying to that body.

Land in public ownership

An application affecting land in a public land zone must be accompanied by written confirmation from the public land manager that the public land manager consents generally or conditionally:

- To the application being made; or
- To the application being made and to the proposed development.

This requirement does not apply if the applicant is the public land manager.

Exemption from notice and review

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act unless:

- The Telecommunications facility is a radio communications dish greater than 1.2 metres in diameter; or
- The Telecommunications facility is a Telecommunications tower (other than a low-impact facility described in the Telecommunications (Low-impact Facilities) Determination 1997 (Cth)); or
The land is located in an Environmental Significance Overlay, a Vegetation Protection Overlay, a Significant Landscape Overlay, a Heritage Overlay, a Design and Development Overlay or an Erosion Management Overlay; or

The land is public land not in a public land zone and the responsible authority is not the public land manager.

An application under any provision of this scheme to use or develop land for a Telecommunications facility is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the Telecommunications facility is funded, or partly funded, by:

- The Commonwealth through the Mobile Black Spot Program; or
- The State of Victoria.

**Application requirements**

An application must be accompanied by the following information as appropriate to the proposal and the location:

- A site analysis and design response explaining how the proposed facility addresses the principles for the design, siting, construction and operation of telecommunications facilities and the requirements in *A Code of Practice for Telecommunications Facilities in Victoria, July 2004*.
- Site boundaries and dimensions.
- The purpose and location of all buildings and works required in the construction of the facility.
- The location of all existing buildings and works to be retained and demolished.
- The location of all proposed buildings and works including dimensions, elevations, materials, colours and finishes.
- The location and use of all buildings on adjoining properties.
- The location of all adjoining streets and access ways.
- Australian Height Datum levels.
- Natural drainage lines, watercourses, coastal dunes, beach systems and wetlands.
- Proposals for the rehabilitation of the land on which development is to occur.
- Roads and parking areas.
- Materials, landscaping, external lighting, colour and reflectivity.

**Decision guidelines**

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

- The principles for the design, siting, construction and operation of a Telecommunications facility set out in *A Code of Practice for Telecommunications Facilities in Victoria, July 2004*.
- The effect of the proposal on adjacent land.

- If the Telecommunications facility is located in an Environmental Significance Overlay, a Vegetation Protection Overlay, a Significant Landscape Overlay, a Heritage Overlay, a Design and Development Overlay or an Erosion Management Overlay, the decision guidelines in those overlays and the schedules to those overlays.
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.
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**

1. **Permit not required**

<table>
<thead>
<tr>
<th>Land</th>
<th>Type of licence</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>

2. **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>
52.28  
31/07/2018  
VC148

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.
52.28-7

**Venues for gaming machines**
A schedule to this clause may specify guidelines relating to venues for gaming machines.

52.28-8

**Application requirements**
An application must be accompanied by any information specified in a schedule to this overlay.

52.28-9

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

- The compatibility of the proposal with adjoining and nearby land uses.
- The capability of the site to accommodate the proposal.
- Whether the gaming premises provides a full range of hotel facilities or services to patrons or a full range of club facilities or services to members and patrons.
- Any other matters specified in the schedule to this clause.
SCHEDULE TO CLAUSE 52.28 GAMING

1.0

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>None specified</td>
<td></td>
</tr>
</tbody>
</table>

2.0

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]
WIND ENERGY FACILITY

Purpose
To facilitate the establishment and expansion of wind energy facilities, in appropriate locations, with minimal impact on the amenity of the area.

Application
This clause applies to land used and developed or proposed to be used and developed for a Wind energy facility.

Use and development of land
A permit is required to use and develop land for a Wind energy facility.

The use and development of land for a Wind energy facility is prohibited at a location listed in the table to this clause unless the condition opposite the location specified in the table is met.

Table to Clause 52.32-2

<table>
<thead>
<tr>
<th>Location</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>On land where any turbine (measured from the centre of the tower at ground level) that forms part of the facility is located within one kilometre of an existing dwelling. This does not apply to a Wind energy facility that is located on land in a residential zone, an industrial zone, a commercial zone or a special purpose zone.</td>
<td>Must meet the requirements of clause 52.32-3.</td>
</tr>
<tr>
<td>Land described in a schedule to the National Parks Act 1975</td>
<td>Must be principally used to supply electricity to a facility used in conjunction with conservation, recreation, administration or accommodation use of the land.</td>
</tr>
<tr>
<td>Land declared a Ramsar wetland as defined under section 17 of the Environment Protection and Biodiversity Conservation Act 1999 (Cwth)</td>
<td></td>
</tr>
<tr>
<td>Land listed in a schedule to Clause 52.32-2</td>
<td>Must be on land in a residential zone, industrial zone, commercial zone or special purpose zone and must be integrated as part of the development of the land.</td>
</tr>
</tbody>
</table>

Turbine within one kilometre of a dwelling
An application that includes a proposed turbine within one kilometre of an existing dwelling must be accompanied by:

- A plan showing all dwellings within one kilometre of a proposed turbine (measured from the centre of the tower at ground level).
- Evidence of the written consent of any owner as at the date of that application of an existing dwelling located within one kilometre of a proposed turbine (measured from the centre of the tower at ground level) that forms part of a Wind energy facility. This does not apply to an application to amend such a permit under section 72 or section 97I of the Act unless the amendment of the permit would:
  - increase the number of turbines; or
- change the location of a turbine so that the centre of the tower (at ground level) is located closer to an existing dwelling (within one kilometre of a permitted turbine) than the centre of the tower (at ground level) of the closest permitted turbine to that dwelling.

This does not apply to a Wind energy facility that is located on land in a residential zone, an industrial zone, a commercial zone or a special purpose zone.

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.
- An environmental audit report of the pre-construction (predictive) noise assessment report prepared under Part IXD, Section 53V of the *Environment Protection Act 1970* by an environmental auditor appointed under Part IXD of the *Environment Protection Act 1970*. The environmental audit report must verify that the acoustic assessment undertaken for the purpose
of the pre-construction (predictive) noise assessment report has been conducted in accordance with the New Zealand Standard NZS6808:2010, Acoustics – Wind Farm Noise.

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:
• increase the number of turbines; or
• change the location of a turbine so that the centre of the tower (at ground level) is located closer
to an existing dwelling (within one kilometre of a permitted turbine) than the centre of the
tower (at ground level) of the closest permitted turbine to that dwelling.

**Application to amend a permit under section 97I of the Act**

An application to amend a referred wind energy facility permit made under section 97I of the Act
is wholly exempt from the requirements of section 97E(1) of the Act if the application does not seek to:
• increase the total number of turbines; or
• increase the maximum height of any turbine; or
• change the location of a turbine so that the centre of the tower (at ground level) is located closer
to an existing dwelling (within one kilometre of a permitted turbine) than the centre of the
tower (at ground level) of the closest permitted turbine to that dwelling.

The requirements of section 97E(1) of the Act are modified so as to require referral of objections
and submissions to an advisory committee established under section 151 of the Act if an application
to amend a referred wind energy facility permit made under section 97I of the Act does not seek to:
• increase the total number of turbines by more than 15%; or
• increase the maximum height of any turbine by more than 20%; or
• change the location of a turbine so that the centre of the tower (at ground level) is located closer
to an existing dwelling (within one kilometre of a permitted turbine) than the centre of the
tower (at ground level) of the closest permitted turbine to that dwelling.
### Wind energy facility prohibition

<table>
<thead>
<tr>
<th>Land where a Wind energy facility is prohibited</th>
</tr>
</thead>
<tbody>
<tr>
<td>All land within five kilometres of the high water mark of the coast east of the urban area of Warrnambool.</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>
<th>All</th>
</tr>
</thead>
</table>

MOYNE PLANNING SCHEME
BICYCLE FACILITIES

Purpose
To encourage cycling as a mode of transport.
To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

Provision of bicycle facilities
A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.
Where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use.

Permit requirement
A permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6.

Exemption from notice and review
An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

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

- Whether the proposed number, location and design of bicycle facilities meets the purpose of this clause.
- The location of the proposed land use and the distance a cyclist would need to travel to reach the land.
- The users of the land and their opportunities for bicycle travel.
- Whether showers and change rooms provided on the land for users other than cyclists are available to cyclists.
- The opportunities for sharing of bicycle facilities by multiple uses, either because of variation of bicycle parking demand over time or because of efficiencies gained from the consolidation of shared bicycle facilities.
- Any relevant bicycle parking strategy or equivalent.

Required bicycle facilities
Tables 1, 2 and 3 to this clause set out the number and type of bicycle facilities required. Bicycle facilities are required if the use is listed in column 1 of the table. The number of bicycle facilities required for a use is the sum of columns 2 and 3 of the tables.
If in calculating the number of bicycle facilities the result is not a whole number, the required number of bicycle facilities is the nearest whole number. If the fraction is one-half, the requirement is the next whole number.
A bicycle space for an employee or resident must be provided either in a bicycle locker or at a bicycle rail in a lockable compound.
A bicycle space for a visitor, shopper or student must be provided at a bicycle rail.

### Table 1 to Clause 52.34-5 Bicycle spaces

<table>
<thead>
<tr>
<th>Use</th>
<th>Employee/Resident</th>
<th>Visitor/Shopper/Student</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement parlour</td>
<td>None</td>
<td>2 plus 1 to each 50 sq m of net floor area</td>
</tr>
<tr>
<td>Convenience restaurant</td>
<td>1 to each 25 sq m of floor area available to the public</td>
<td>2</td>
</tr>
<tr>
<td>Dwelling</td>
<td>In developments of four or more storeys, 1 to each 5 dwellings</td>
<td>In developments of four or more storeys, 1 to each 10 dwellings</td>
</tr>
<tr>
<td>Education centre (excluding Child care centre) other than specified in this table</td>
<td>1 to each 20 employees</td>
<td>1 to each 20 full-time students</td>
</tr>
<tr>
<td>Hospital</td>
<td>1 to each 15 beds</td>
<td>1 to each 30 beds</td>
</tr>
<tr>
<td>Hotel</td>
<td>1 to each 25 sq m of bar floor area available to the public, plus 1 to each 100 sq m of lounge floor area available to the public</td>
<td>1 to each 25 sq m of bar floor area available to the public, plus 1 to each 100 sq m of lounge floor area available to the public</td>
</tr>
<tr>
<td>Industry other than specified in this table</td>
<td>1 to each 1000 sq m of net floor area</td>
<td>None</td>
</tr>
<tr>
<td>Library</td>
<td>1 to each 500 sq m of net floor area</td>
<td>4 plus 2 to each 200 sq m of net floor area</td>
</tr>
<tr>
<td>Major sports and recreation facility</td>
<td>1 to each 1500 spectator places</td>
<td>1 to each 250 spectator places</td>
</tr>
<tr>
<td>Market</td>
<td>1 to each 50 stalls</td>
<td>1 to each 10 stalls</td>
</tr>
<tr>
<td>Medical centre</td>
<td>1 to each 8 practitioners</td>
<td>1 to each 4 practitioners</td>
</tr>
<tr>
<td>Minor sports and recreation facility</td>
<td>1 per 4 employees</td>
<td>1 to each 200 sq m of net floor area</td>
</tr>
<tr>
<td>Motel</td>
<td>1 to each 40 rooms</td>
<td>None</td>
</tr>
<tr>
<td>Office other than specified in this table</td>
<td>1 to each 300 sq m of net floor area if the net floor area exceeds 1000 sq m</td>
<td>1 to each 1000 sq m of net floor area if the net floor area exceeds 1000 sq m</td>
</tr>
<tr>
<td>Place of assembly other than specified in this table</td>
<td>1 to each 1500 sq m of net floor area</td>
<td>2 plus 1 to each 1500 sq m of net floor area</td>
</tr>
<tr>
<td>Primary school</td>
<td>1 to each 20 employees</td>
<td>1 to each 5 pupils over year 4</td>
</tr>
<tr>
<td>Residential building other than specified in this table</td>
<td>In developments of four or more storeys, 1 to each 10 lodging rooms</td>
<td>In developments of four or more storeys, 1 to each 10 lodging rooms</td>
</tr>
<tr>
<td>Restaurant</td>
<td>1 to each 100 sq m of floor area available to the public</td>
<td>2 plus 1 to each 200 sq m of floor area available to the public if the floor area available to the public exceeds 400 sq m.</td>
</tr>
<tr>
<td>Retail premises other than specified in this table</td>
<td>1 to each 300 sq m of leasable floor area</td>
<td>1 to each 500 sq m of leasable floor area</td>
</tr>
<tr>
<td>Secondary school</td>
<td>1 to each 20 employees</td>
<td>1 to each 5 pupils</td>
</tr>
<tr>
<td>Service industry</td>
<td>1 to each 800 sq m of net floor area</td>
<td>None</td>
</tr>
<tr>
<td>Shop</td>
<td>1 to each 600 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres</td>
<td>1 to each 500 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres</td>
</tr>
</tbody>
</table>
Table 2 to Clause 52.34-5 Showers

<table>
<thead>
<tr>
<th>USE</th>
<th>Employee/Resident</th>
<th>Visitor/Shopper/Student</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use listed in Table 1</td>
<td>If 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.</td>
<td>None</td>
</tr>
</tbody>
</table>

Table 3 to Clause 52.34-5 – Change rooms

<table>
<thead>
<tr>
<th>USE</th>
<th>Employee/Resident</th>
<th>Visitor/Shopper/Student</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use listed in Table 1</td>
<td>1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room.</td>
<td>None</td>
</tr>
</tbody>
</table>

Design of bicycle spaces

Bicycle spaces should:

- Provide a space for a bicycle of minimum dimensions of 1.7 metres in length, 1.2 metres in height and 0.7 metres in width at the handlebars.
- Be located to allow a bicycle to be ridden to within 30 metres of the bicycle parking space.
- Be located to provide convenient access from surrounding bicycle routes and main building entrances.
- Not interfere with reasonable access to doorways, loading areas, access covers, furniture, services and infrastructure.
- Not cause a hazard.
- Be adequately lit during periods of use.

Bicycle rails

A bicycle rail must:

- Be securely fixed to a wall or to the floor or ground.
- Be in a highly visible location for bicycle security (when not in a compound).
- Be of a shape that allows a cyclist to easily lock the bicycle frame and wheels.
- Be located to allow easy access to park, lock and remove the bicycle.

Bicycle compounds and lockers

A bicycle compound or a bicycle locker must:

- Be located to provide convenient access to other bicycle facilities including showers and change rooms.
- Be fully enclosed.
- Be able to be locked.
- If outside, provide weather protection for the bicycle.

A bicycle locker must provide a bicycle parking space for at least one bicycle.

A bicycle compound must:
- Include wall or floor rails for bicycle parking.
- Provide an internal access path of at least 1.5 metres in width.

**Bicycle signage**

If bicycle facilities are required by this clause, bicycle signage that directs the cyclists to the bicycle facilities must be provided to the satisfaction of the responsible authority.

Bicycle signage should:

- Be at least 0.3 metres wide and 0.45 metres high.
- Display a white bicycle on a blue background on the top half of the sign.
- Display information about the direction of facilities on the bottom half of the sign.
PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988.

Exemption from public open space requirement specified in the scheme

A subdivision is exempt from a public open space requirement specified in this scheme if:

- It is one of the following classes of subdivision:
  - Class 1: The subdivision of a building used for residential purposes provided each lot contains part of the building. The building must have been constructed or used for residential purposes immediately before 30 October 1989 or a planning permit must have been issued for the building to be constructed or used for residential purposes immediately before that date.
  - Class 2: The subdivision of a commercial or industrial building provided each lot contains part of the building.

- It is for the purpose of excising land to be transferred to a public authority, council or a Minister for a utility installation.

- It subdivides land into two lots and the council considers it unlikely that each lot will be further subdivided.

Exemption from public open space requirement under section 18(8)(a) of the Subdivision Act 1988

For the purposes of section 18(8)(a) of the Subdivision Act 1988, the following classes of subdivision are exempt from the public open space requirement:

- Class 1: The subdivision of a building used for residential purposes provided each lot contains part of the building. The building must have been constructed or used for residential purposes immediately before 30 October 1989 or a planning permit must have been issued for the building to be constructed or used for residential purposes immediately before that date.

- Class 2: The subdivision of a commercial or industrial building provided each lot contains part of the building.

Note: Check section 18A of the Subdivision Act 1988 for other requirements that apply to a public open space requirement specified in the planning scheme.
### SCHEDULE TO CLAUSE 53.01 PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION

#### Subdivision and public open space contribution

<table>
<thead>
<tr>
<th>Type or location of subdivision</th>
<th>Amount of contribution for public open space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>5% of the net developable area of land.</td>
</tr>
<tr>
<td>Rural residential</td>
<td>1% of the net developable area of land</td>
</tr>
</tbody>
</table>
BUSHFIRE PLANNING

Purpose

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

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

To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.

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

To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.

Application

This clause applies to an application under Clause 44.06 - Bushfire Management Overlay, unless the application meets all of the requirements specified in a schedule to Clause 44.06.

Clause 53.02-3 applies to an application to construct a single dwelling or construct or carry out works associated with a single dwelling if all of the following requirements are met:

- The land is zoned Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Urban Growth Zone, Low Density Residential Zone, Township Zone or Rural Living Zone.
- There is only one dwelling on the lot.
- The application meets all of the approved measures contained in Clause 53.02-3.

Clause 53.02-4 applies to all other applications.

Operation

The provisions of this clause contain:

- Objectives. An objective describes the outcome that must be achieved in a completed development.

- Approved measures (AM). An approved measure meets the objective.

- Alternative measures (AltM). An alternative measure may be considered where the responsible authority is satisfied that the objective can be met. The responsible authority may consider other unspecified alternative measures.

- Decision guidelines. The decision guidelines set out the matters that the responsible authority must consider before deciding on an application, including whether any proposed alternative measure is appropriate.

A schedule to Clause 44.06 may specify substitute approved measures, additional alternative measures and additional or substitute decision guidelines.

A substitute approved measure specified in a schedule to Clause 44.06 substitutes the applicable approved measure contained in this clause.

Dwellings in existing settlements – Bushfire protection objective

To specify bushfire design and construction measures for a single dwelling or alteration and extension to an existing dwelling that reduces the risk to life and property to an acceptable level.
Approved measures

<table>
<thead>
<tr>
<th>Measure</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM 1.1</td>
<td>A building is sited to ensure the site best achieves the following:</td>
</tr>
<tr>
<td></td>
<td>• The maximum separation distance between the building and the bushfire hazard.</td>
</tr>
<tr>
<td></td>
<td>• The building is in close proximity to a public road.</td>
</tr>
<tr>
<td></td>
<td>• Access can be provided to the building for emergency service vehicles.</td>
</tr>
<tr>
<td>AM 1.2</td>
<td>A building provides the defendable space in accordance with Table 1 Columns A, B, C, D or E and Table 6 to Clause 53.02-5. Adjoining land may be included as defendable space where there is a reasonable assurance that the land will remain or continue to be managed in that condition as part of the defendable space.</td>
</tr>
<tr>
<td></td>
<td>A building is constructed to the bushfire attack level:</td>
</tr>
<tr>
<td></td>
<td>• That corresponds to the defendable space provided in accordance with Table 1 to Clause 53.02-5, or</td>
</tr>
<tr>
<td></td>
<td>• The next lower bushfire attack level that corresponds to the defendable space provided in accordance with Table 1 to Clause 53.02-5 where all of the following apply:</td>
</tr>
<tr>
<td></td>
<td>• A private bushfire shelter (a Class 10c building within the meaning of the Building Regulations 2006) is constructed on the same land as the dwelling.</td>
</tr>
<tr>
<td></td>
<td>• A minimum bushfire attack level of BAL12.5 is provided in all circumstances.</td>
</tr>
<tr>
<td>AM 1.3</td>
<td>A building is provided with:</td>
</tr>
<tr>
<td></td>
<td>• A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 53.02-5. The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.</td>
</tr>
<tr>
<td></td>
<td>• Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.</td>
</tr>
</tbody>
</table>

53.02-3.1 Decision guidelines

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

- The bushfire hazard site assessment and the bushfire management statement submitted with the application.
- Whether all of the approved measures have been incorporated into the application.

53.02-4 Bushfire protection objectives

53.02-4.1 Landscape, siting and design objectives

Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.

Development is sited to minimise the risk from bushfire.

Development is sited to provide safe access for vehicles, including emergency vehicles.

Building design minimises vulnerability to bushfire attack.
Approved measures

<table>
<thead>
<tr>
<th>Measure</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM 2.1</td>
<td>The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.</td>
</tr>
</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.

### 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>
<tbody>
<tr>
<td><strong>AM 4.1</strong></td>
<td>A building used for a dwelling (including an extension or alteration to a dwelling), a dependent person’s unit, industry, office or retail premises is provided with:</td>
</tr>
<tr>
<td></td>
<td>- A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 53.02-5.</td>
</tr>
<tr>
<td></td>
<td>- Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.</td>
</tr>
</tbody>
</table>

The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.

| **AM 4.2** | A building used for accommodation (other than a dwelling or dependent person’s unit), child care centre, education centre, hospital, leisure and recreation or place of assembly is provided with: |
### Measure | Requirement
--- | ---
- | A static water supply for fire fighting and property protection purposes of 10,000 litres per 1,500 square metres of floor space up to 40,000 litres.
- | Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.
- | An integrated approach to risk management that ensures the water supply and access arrangements will be effective based on the characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency.

The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.

### 53.02-4.4 Subdivision objectives
To provide lots that are capable of being developed in accordance with the objectives of Clause 53.02.

To specify at the subdivision stage bushfire protection measures to develop a lot with a single dwelling on land zoned for residential or rural residential purposes.

<table>
<thead>
<tr>
<th>Measure</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AM 5.1</strong></td>
<td>An application to subdivide land, other than where AM 5.2 applies, demonstrates that each proposed lot is capable of meeting:</td>
</tr>
<tr>
<td></td>
<td>- The defendable space in accordance with Table 2 Columns A, B or C and Table 6 to Clause 53.02-5.</td>
</tr>
<tr>
<td></td>
<td>- The approved measures in Clause 53.02-4.1 and Clause 53.02-4.3.</td>
</tr>
<tr>
<td><strong>AM 5.2</strong></td>
<td>An application to subdivide land zoned for residential or rural residential purposes must be accompanied by a plan that shows:</td>
</tr>
<tr>
<td></td>
<td>- Each lot satisfies the approved measure in AM 2.1.</td>
</tr>
<tr>
<td></td>
<td>- A building envelope for a single dwelling on each lot that complies with AM 2.2 and provides defendable space in accordance with:</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>- Defendable space wholly contained within the boundaries of the proposed subdivision.</td>
</tr>
<tr>
<td></td>
<td>- 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.</td>
</tr>
<tr>
<td></td>
<td>- Vegetation management requirements in accordance with Table 6 to implement and maintain the defendable space required under this approved measure.</td>
</tr>
<tr>
<td></td>
<td>- Water supply and vehicle access that complies with AM 4.1.</td>
</tr>
<tr>
<td><strong>AM 5.3</strong></td>
<td>An application to subdivide land to create 10 or more lots provides a perimeter road adjoining the hazardous vegetation to support fire fighting.</td>
</tr>
</tbody>
</table>
Requirement Measure

A subdivision manages the bushfire risk to future development from existing or proposed landscaping, public open space and communal areas.

Alternative measure

Measure  Requirement

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>Vegetation Type</th>
<th>Defendable space distance from building facade (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Column A</td>
</tr>
<tr>
<td>Mallee/ Mulga</td>
<td>26</td>
</tr>
<tr>
<td>Rainforest</td>
<td>45</td>
</tr>
<tr>
<td>Grassland</td>
<td>28</td>
</tr>
<tr>
<td>Downslope</td>
<td></td>
</tr>
<tr>
<td>&gt;15 to 20</td>
<td></td>
</tr>
<tr>
<td>degrees</td>
<td></td>
</tr>
<tr>
<td>Forest</td>
<td>98</td>
</tr>
<tr>
<td>Woodland</td>
<td>73</td>
</tr>
<tr>
<td>Scrub</td>
<td>43</td>
</tr>
<tr>
<td>Shrubland</td>
<td>31</td>
</tr>
<tr>
<td>Mallee/ Mulga</td>
<td>29</td>
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<tr>
<td>Rainforest</td>
<td>56</td>
</tr>
<tr>
<td>Grassland</td>
<td>32</td>
</tr>
</tbody>
</table>

**BAL 12.5** | **BAL19** | **BAL29** | **BAL40** | **BALFZ**

<table>
<thead>
<tr>
<th>Slope</th>
<th>Vegetation</th>
<th>Defendable space distance from building facade (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>All upslopes and flat land (0 degrees)</td>
<td>Forest</td>
<td>48</td>
</tr>
<tr>
<td></td>
<td>Woodland</td>
<td>33</td>
</tr>
</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</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>
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<td>Grassland</td>
<td>19</td>
</tr>
<tr>
<td>Downslope &gt;0 to 5 degrees</td>
<td>Forest</td>
<td>57</td>
</tr>
<tr>
<td></td>
<td>Woodland</td>
<td>41</td>
</tr>
<tr>
<td></td>
<td>Scrub</td>
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<tr>
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<td>Woodland</td>
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</tr>
<tr>
<td></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>Defendable space distance from building facade (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Upslope and flat land (0 degrees)</td>
</tr>
<tr>
<td></td>
<td>&gt;0-5</td>
</tr>
<tr>
<td>Forest</td>
<td>60</td>
</tr>
<tr>
<td>Woodland</td>
<td>40</td>
</tr>
<tr>
<td>Shrubland</td>
<td>25</td>
</tr>
<tr>
<td>Scrub</td>
<td>35</td>
</tr>
<tr>
<td>Mallee/Mulga</td>
<td>23</td>
</tr>
<tr>
<td>Rainforest</td>
<td>30</td>
</tr>
</tbody>
</table>
### Vegetation class

<table>
<thead>
<tr>
<th>Vegetation class</th>
<th>Defendable space distance from building facade (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Upslope and flat land (0 degrees)</td>
</tr>
<tr>
<td></td>
<td>&gt;0-5</td>
</tr>
<tr>
<td>Grassland</td>
<td>35</td>
</tr>
</tbody>
</table>

### Table 4 Water supply requirements

**Capacity, fittings and access**

<table>
<thead>
<tr>
<th>Lot sizes (square meters)</th>
<th>Hydrant available</th>
<th>Capacity (litres)</th>
<th>Fire authority fittings and access required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 500</td>
<td>Not applicable</td>
<td>2,500</td>
<td>No</td>
</tr>
<tr>
<td>500-1,000</td>
<td>Yes</td>
<td>5,000</td>
<td>No</td>
</tr>
<tr>
<td>500-1,000</td>
<td>No</td>
<td>10,000</td>
<td>Yes</td>
</tr>
<tr>
<td>1,001 and above</td>
<td>Not applicable</td>
<td>10,000</td>
<td>Yes</td>
</tr>
</tbody>
</table>

*Note 1: A hydrant is available if it is located within 120 metres of the rear of the building.*

### Fire authority requirements

Unless otherwise agreed in writing by the relevant fire authority, the water supply must:

- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use.

Where a 10,000 litre water supply is required, fire authority fittings and access must be provided as follows:

- Be readily identifiable from the building or appropriate identification signs to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).

### Table 5 Vehicle access design and construction

Vehicle access (or part thereof) of a length specified in Column A implements the design and construction requirements specified in Column B.

<table>
<thead>
<tr>
<th>Column A</th>
<th>Column B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Length of access is less than 30 metres</td>
<td>There are no design and construction requirements if fire authority access to the water supply is not required under AM4.1.</td>
</tr>
</tbody>
</table>
### Column A | Column B
--- | ---
**Length of access is less than 30 metres** | Where fire authority access to the water supply is required under AM4.1 fire authority vehicles should be able to get within 4 metres of the water supply outlet.

**Length of access is greater than 30 metres** | The following design and construction requirements apply:
- All-weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

**Length of access is greater than 100 metres** | A turning area for fire fighting vehicles must be provided close to the building by one of the following:
- A turning circle with a minimum radius of eight metres.
- A driveway encircling the dwelling.
- The provision of other vehicle turning heads – such as a T or Y head – which meet the specification of Austroad Design for an 8.8 metre Service Vehicle.

**Length of access is greater than 200 metres** | - Passing bays must be provided at least every 200 metres.
- Passing bays must be a minimum of 20 metres long with a minimum trafficable width of 6 metres.

---

**Note 1:** The length of access should be measured from a public road to either the building or the water supply outlet, whichever is longer.

### Table 6 Vegetation management requirement

**Vegetation management requirement**

Defendable space is provided and is managed in accordance with the following requirements:
- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
Vegetation management requirement

- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Unless specified in a schedule or otherwise agreed in writing to the satisfaction of the relevant fire authority.

Table 7 Outbuilding construction requirement

Building construction condition

The proposed outbuilding is separated from the adjacent building by a wall that extends to the underside of a non-combustible roof covering and:

- has a FRL of not less than 60/60/60 for loadbearing walls and -/60/60 for non-load bearing walls when tested from the attached structure side, or
- is of masonry, earth wall or masonry-veneer construction with the masonry leaf of not less than 90 millimetres in thickness.

Any openings in the wall shall be protected in accordance with the following:

i. Doorways – by FLR -/60/30 self-closing fire doors
ii. Windows – by FRL -/60/- fire windows permanently fixed in the closed position
iii. Other openings – by construction with a FRL of not less than -/60/-

Note: Control and construction joints, subfloor vents, weepholes and penetrations for pipes and conduits need not comply with item iii.

Note 1: These conditions are required for some non habitable outbuildings ancillary to a dwelling that do not require referral to the relevant fire authority. Applications for non habitable outbuildings can also use the bushfire protection measures in Clause 53.02 however referral to the relevant fire authority will be required.
BROTHELS

Purpose
To provide consistent planning controls for the establishment and expansion of brothels throughout Victoria coordinated with the provisions of the Sex Work Act 1994.

Permit requirement
A permit for a brothel must include a condition that specifies that the use or development must not commence until a licence is granted under the Sex Work Act 1994.

Decision guidelines
Responsible authorities should consider the matters set out in section 73 of the Sex Work Act 1994 before deciding an application to use or develop land for a brothel.

Responsible authorities should refuse a permit to use or develop land for a brothel in accordance with the restrictions contained in section 74 of the Sex Work Act 1994, unless section 76(2) of Sex Work Act 1994 applies.

If the effect of:

- A request to amend a permit in accordance with section 87 or section 87A of the Planning and Environment Act 1987, or
- An application to amend a permit in accordance with Part 4 Division 1A of the Planning and Environment Act 1987, or
- A request to amend plans, drawings or other documents under a permit in accordance with:
  - Section 216 of the Planning and Environment Act 1987, or
  - Any condition in a planning permit which allows such an amendment

is to expand or extend the use or development of a brothel, the application or request should be determined as if it were an application for a permit for use or development of land for the purposes of the operation of a brothel in accordance with Part 4 of the Sex Work Act 1994.
CONVENIENCE RESTAURANT AND TAKE-AWAY FOOD PREMISES

Application

These requirements only apply to land in a residential zone.

Decision guidelines

Before deciding on an application to use land for a convenience restaurant or take-away food premises or to construct a building or construct or carry out works associated with a convenience restaurant or take-away food premises, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Any policy in this scheme relating to convenience restaurants or take-away food premises.
- Whether the location is appropriate for a convenience restaurant or take-away food premises having regard to:
  - Amenity of the neighbourhood.
  - Proximity of the land to non-residential uses and zones.
  - Effect of the use on heritage and environment features.
  - Capacity of the land to contain significant off-site effects.
  - Access to land in a Road Zone.
  - The suitability of the land for a residential use.
- The effect on the amenity or character of the street or neighbourhood having regard to:
  - Massing and proportions of any building.
  - Ground floor height above ground level.
  - Ceiling heights.
  - Roof form and pitch.
  - Facade articulation.
  - Window and door proportions.
  - Building features including verandas, towers, eaves, parapets and decorative elements.
  - Building materials, patterns textures and colours.
- Whether the site layout and the design of buildings, noise attenuation measures, landscaping, car parking, vehicle access lanes, loading bays, rubbish bins, plant and equipment, lights, signs, drive through facilities and playgrounds are designed to prevent significant loss of amenity to adjoining land due to noise, emission of noise, emission of light or glare, loss of privacy, litter or odour.
- Whether any special measure may be necessary to protect the amenity of adjoining land in residential use, including buffer planting, noise attenuation measures and litter collection arrangements.
- The adequacy of traffic measures to:
  - Provide safe pedestrian movement.
  - Achieve safe, efficient vehicle movement on site and access to and egress from the land.
  - Avoid disruption to traffic flow on land in a Road Zone.
  - Prevent inappropriate use of local residential streets.
- The adequacy of car parking, loading and drive through queuing spacing to accommodate customers at peak periods and employee requirements on the land.
FREewayservicecentre

Purpose

To ensure that freeway service centres are appropriately designed and located.

To ensure that access to a freeway service centre from a freeway is designed to the requirements of the Roads Corporation.

To ensure that freeway service centres with access to a rural freeway provide only essential services and facilities which encourage drivers to stop and take an effective break at appropriate intervals in the interests of driver safety.

To ensure that any new freeway service centre meets an identifiable need to provide essential services and facilities along a freeway where those services and facilities are not readily available.

To ensure that the use of land for a freeway service centre does not adversely affect the amenity of surrounding land uses.

Requirements to be met

Facilities and services

A freeway service centre must provide only essential services and facilities. These essential services and facilities must be available at all times. Essential services and facilities that a freeway service centre must include are:

- Designated parking areas.
- Undercover fuel sales area for petrol, diesel and LPG.
- An area of not more than 240 square metres for the sale of food, drinks and other convenience goods.
- An indoor sit-down eating area.
- A safe play area for children.
- Public toilets.
- A public telephone.

A freeway service centre with access to a rural freeway must also provide local and regional tourist information.

A freeway service centre must not include:

- Mechanical repairs (other than the emergency repair of vehicles).
- Retail facilities of more than 240 square metres.
- Video hire.
- Post office services or facilities.
- Entertainment facilities, amusement machines or gaming machines.
- The sale, distribution or consumption of alcohol unless associated with a residential hotel/motel.
- Car or truck wash facilities.

A freeway service centre with access to a rural freeway must not include overnight accommodation (other than for a caretaker or site manager).

Access to freeway service centres

No vehicular access between a freeway service centre with access to a metropolitan freeway and the local road network may be permitted.
An application to use or develop land for a freeway service centre must be referred to the Roads Corporation in accordance with section 55 of the Act.

A permit must not be granted for a freeway service centre until approval for access to the freeway has been given by the Roads Corporation.

In accordance with section 62(1)(a) of the Act, a permit granted for a freeway service centre must include the condition:

“This permit will expire if one of the following circumstances applies:

- The development is not commenced within two years of the date of this permit.
- The development is not completed within four years of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.”

Metropolitan freeway service centre adjoining a residential zone

If the site for a freeway service centre with access to a metropolitan freeway adjoins a residential zone:

- A landscape buffer at least 3 metres wide must be provided on the site along the common boundary and must be planted and maintained to the satisfaction of the responsible authority.
- Except for the landscape buffer strip, all of the site not occupied by buildings must be sealed to prevent dust.
- External lights must be directed away from the residential zone to prevent light spill and glare.

Decision guidelines

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

LIVE MUSIC AND ENTERTAINMENT NOISE

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

Application
This clause applies to an application required under any zone of this scheme to use land for, or to construct a building or construct or carry out works associated with:
- a live music entertainment venue.
- a noise sensitive residential use that is within 50 metres of a live music entertainment venue.
This clause does not apply to:
- the extension of an existing dwelling.
- a noise sensitive residential use that is in an area specified in clause 1.0 of the schedule to this clause.

Meaning of terms
In this clause:
- **live music entertainment venue** means:
  - a food and drink premises, nightclub, function centre or residential hotel that includes live music entertainment
  - a rehearsal studio
  - any other venue used for the performance of music and specified in clause 2.0 of the schedule to this clause, subject to any specified condition or limitation.
- **noise sensitive residential use** means a community care accommodation, dependent person's unit, dwelling, residential aged care facility, residential village, retirement village or rooming house.

Requirements to be met
A live music entertainment venue must be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue.
A noise sensitive residential use must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any:
- indoor live music entertainment venue to below the noise limits specified in State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N2).
- outdoor live music entertainment venue to below 45dB(A), assessed as an L_{eq} over 15 minutes.
For the purpose of assessing whether the above noise standards are met, the noise measurement point may be located inside a habitable room of a noise sensitive residential use with windows and doors closed (Schedule B1 of SEPP N2 does not apply).
A permit may be granted to reduce or waive these requirements if the responsible authority is satisfied that an alternative measure meets the purpose of this clause.

### Application requirements

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

- A site analysis, including plans detailing:
  - the existing and proposed layout of the use, buildings or works, including all external windows and doors
  - the location of any doors, windows and open space areas of existing properties in close proximity to the site.

- If the application is associated with a noise sensitive residential use:
  - the location of any live music entertainment venues within 50 metres of the site
  - the days and hours of operation of identified venues.

- If the application is associated with a live music entertainment venue:
  - the location of any noise sensitive residential uses within 50 metres of the site
  - the days and hours of operation of that venue
  - the times during which live music will be performed.

- Details of existing and proposed acoustic attenuation measures.

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

### Decision guidelines

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

- the extent to which the siting, layout, design and construction minimise the potential for noise impacts.

- whether existing or proposed noise sensitive residential uses will be satisfactorily protected from unreasonable live music and entertainment noise.

- whether the proposal adversely affects any existing uses.
SCHEDULE TO CLAUSE 53.06 LIVE MUSIC AND ENTERTAINMENT NOISE

1.0 Areas to which Clause 53.06 does not apply

<table>
<thead>
<tr>
<th>Name of area</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>

2.0 Other venues to which Clause 53.06 applies

<table>
<thead>
<tr>
<th>Name of venue</th>
<th>Address</th>
<th>Condition or limitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SHIPPING CONTAINER STORAGE

Application

This clause applies to all land except land which is in a Special Use Zone established for the purpose of port and port-related activities, or is in a Port Zone.

Decision guidelines

Before deciding on an application to use land for shipping container storage, or construct a building or carry out works associated with shipping container storage, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Whether the location is appropriate for shipping container storage having regard to:
  - The zoning of the land.
  - Amenity of the neighbourhood.
  - Proximity of the land to residential uses and zones or other sensitive uses.
  - Access to a road in a Road Zone.
  - Access to rail facilities.
  - Capacity and suitability of the road network to accommodate the type and volume of vehicle traffic generated by the use.
  - Capacity of the site to accommodate the proposed use.

- The effect on the environment and the amenity and character of the neighbourhood having regard to:
  - Existing and planned use of land in the neighbourhood.
  - Location, height and setback of shipping container stacks, particularly near road boundaries.
  - Location of facilities for the cleaning, repair, servicing, painting or fumigation of shipping containers.
  - Hours of operation.
  - Design, construction and maintenance of external storage and vehicle movement areas.
  - Treatment and disposal of wastewater.

- Whether the site layout and the design of buildings, landscaping, vehicle access lanes, loading bays, wash bays, lighting and fencing are designed to avoid or minimise any significant off-site impacts due to the emission of noise, light, glare, dust, fumes or drainage.

- Whether any special measure may be necessary to protect the environment and the amenity of nearby sensitive uses, including noise attenuation measures, dust minimisation measures and waste storage arrangements.

- The need for landscaping and fencing to screen or soften the appearance of shipping container storage areas, particularly near road boundaries.

- The adequacy and effect of the landscaping on the appearance of the site, taking into account the streetscape character, the size of the site, and the height, mass and scale of shipping container stacks on the site.

- The adequacy of traffic measures to:
  - Achieve safe, efficient vehicle movement on site and access to and egress from the land.
  - Prevent inappropriate use of local residential streets.
- The adequacy of truck parking, loading and truck queuing spacing to accommodate truck movements at peak periods and employee requirements on the land.
CATTLE FEEDLOT

Purpose

To facilitate the establishment and expansion of cattle feedlots in Victoria in a manner which is consistent with orderly and proper planning and the protection of the environment.

Requirements to be met

All use and development of cattle feedlots must comply with the Victorian Code for Cattle Feedlots - August 1995.

The Code must be complied with to the satisfaction of the responsible authority.
POULTRY FARM

Purpose
To facilitate the establishment and expansion of poultry farms, including broiler farms, in a manner that is consistent with orderly and proper planning and the protection of the environment.

Application
This clause applies to permit applications to use land or construct a building or construct or carry out works for a poultry farm, including to increase the farm capacity of an existing poultry farm.

Permit not required – Outdoor range area for existing broiler farm
Any requirement of this scheme relating to the use of land or to the construction of a building or the construction or carrying out of works does not apply to the use and development of land for an outdoor range area in association with an existing broiler farm provided the following requirements are met:

- There are no more than 150,000 chickens permitted on the land at any time.
- The number of chickens on the land is not increased.

This exemption does not apply to the requirements of any overlay that applies to the land.

Requirement – Broiler farm
An application to use land or construct a building or construct or carry out works for a broiler farm must comply with the Victorian Code for Broiler Farms 2009 (plus 2018 amendments).

This requirement does not apply if:

- There are no more than 10,000 chickens permitted on the land at any time; or
- The number of chickens on the land is not increased.

Exemption from notice and review
The following applications are exempt from the notice requirements of section 52 (1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act:

- An application to use land or construct a building or construct or carry out works for a new broiler farm, or to increase the farm capacity of an existing broiler farm, if the application meets the requirements of a “Class A Broiler Farm”, as specified in the Victorian Code for Broiler Farms 2009 (plus 2018 amendments).

- An application to use land or construct a building or construct or carry out works for a poultry farm for the production of chicken meat or chicken eggs, if the application meets the following requirements:
  - The number of chickens does not exceed 5,000 for egg production or 10,000 for meat production.
  - The outdoor stocking density does not exceed 1,500 chickens per hectare.
  - A Nutrient Management Plan demonstrates chickens are kept outdoors on paddocks with:
    - A minimum of 50% ground cover; and
    - Mobile housing and feeding infrastructure that is relocated at least every two weeks.
  - An area used as a poultry range, including associated buildings and works, meets the setback requirements specified in Table 1.
### Table 1 Minimum setbacks

<table>
<thead>
<tr>
<th>Chicken numbers</th>
<th>Minimum distance to a building used for a sensitive use (accommodation, child care centre, education centre and hospital)</th>
<th>Minimum distance to land in a residential zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,000 chickens or less</td>
<td>50 metres</td>
<td>200 metres</td>
</tr>
<tr>
<td>More than 1,000 chickens</td>
<td>100 metres</td>
<td>400 metres</td>
</tr>
</tbody>
</table>

### Notice of an application

Notice of an application to use or develop land to establish a new broiler farm, or to increase the farm capacity of an existing broiler farm, that meets the requirements of a Special Class Broiler Farm or Farm Cluster as specified in the *Victorian Code for Broiler Farms 2009 (plus 2018 amendments)*, must be given under Section 52(1)(c) of the Act to the person or body specified as a person or body to be notified in Clause 66.05.

### Decision guidelines

Before deciding on an application to use land or construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The purpose of the relevant zone.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The need to protect amenity of existing uses on adjoining land.
- The impact of the use of the land on the surrounding area, including from the emission of noise, light, vibration, odour, dust, or waste products.
- The impact of the proposal on any wetlands, waterways or water bodies.
- The likely environmental impact on the natural physical features and biodiversity of the land, including consideration of any Nutrient Management Plan submitted with the application.
- Whether the development will support and enhance agricultural production.
- The requirements of the *Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines* (June 2018).
USES WITH ADVERSE AMENITY POTENTIAL

Purpose

To define those types of industries and warehouses which if not appropriately designed and located may cause offence or unacceptable risk to the neighbourhood.

Threshold Distance

The threshold distance referred to in the table to this clause is the minimum distance from any part of the land of the proposed use or buildings and works to land (not a road) in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

NOTE 1 of the table: The threshold distance is variable, dependent on the processes to be used and the materials to be processed or stored.

NOTE 2 of the table: An assessment of risk to the safety of people located off the land may be required.

Table to Clause 53.10-1

<table>
<thead>
<tr>
<th>Type of Production, Use Or Storage (Purpose)</th>
<th>Threshold Distance (metres)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic Metal Products</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Production of non-ferrous metals as:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- aluminium by electrolysis</td>
<td>2,000</td>
<td></td>
</tr>
<tr>
<td>- other non-ferrous metals in amounts:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- up to 100 tonnes a year</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>- between 100 &amp; 2,000 tonnes a year</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>- exceeding 2,000 tonnes a year</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>Works producing iron or steel products in amounts:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- up to 1,000,000 tonnes a year</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>- exceeding 1,000,000 tonnes a year</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>Chemical, Petroleum &amp; Coal Products</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ammunition, explosives and fireworks production:</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Biocides production and storage:</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>Briquette production:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Chemical Fertiliser production:</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Chemical products other than those listed within this group:</td>
<td>300</td>
<td>Note 2</td>
</tr>
<tr>
<td>Cosmetics and toilet preparations production:</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Type of Production, Use Or Storage (Purpose)</td>
<td>Threshold Distance (metres)</td>
<td>Notes</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>-----------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Formaldehyde production:</td>
<td>300</td>
<td>Note 2</td>
</tr>
<tr>
<td>Industrial gases production:</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Inks production:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Inorganic industrial chemicals production other than those listed within this group:</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Organic industrial chemicals production other than those listed within this group:</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Other petroleum or coal production:</td>
<td>500</td>
<td>Note 2</td>
</tr>
<tr>
<td>Paints and inks:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• manufacture</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>• blending and mixing only</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Petroleum refinery:</td>
<td>2,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Pharmaceutical and veterinary production:</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>Polyester resins production</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Soap and other detergents production:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Synthetic resins &amp; rubber production other than those listed within this group:</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
</tbody>
</table>

**Fabricated Metal Products**

| Abrasive blast cleaning:                    |                             | Note 1|
| Boiler makers                               | 100                         |       |
| Structural or sheet metal production:       | 500                         |       |

Works producing iron or steel products in amounts:

- up to 1,000,000 tonnes per year: 100
- exceeding 1,000,000 tonnes per year: 1,000

**Food, Beverages & Tobacco**

<p>| Abattoir:                                   | 500                         |       |
| Bakery (other than one ancillary to a shop): | 100                         |       |</p>
<table>
<thead>
<tr>
<th>Type of Production, Use Or Storage (Purpose)</th>
<th>Threshold Distance (metres)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flour mill:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Food or beverage production other than those listed within this group:</td>
<td>Note 1</td>
<td></td>
</tr>
<tr>
<td>Freezing and cool storage</td>
<td>150</td>
<td></td>
</tr>
<tr>
<td>Maltworks:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Manufacture of milk products:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Milk depot</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Poultry processing works</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Production of vegetable oils and fats using solvents:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Seafood processor:</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>Smallgoods production</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Tobacco and cigarette production:</td>
<td>500</td>
<td></td>
</tr>
</tbody>
</table>

**Miscellaneous Manufacturing**

<table>
<thead>
<tr>
<th>Type of Production, Use Or Storage (Purpose)</th>
<th>Threshold Distance (metres)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fibreglass production:</td>
<td>200</td>
<td></td>
</tr>
<tr>
<td>Leather and artificial leather goods production:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Leather tanning and dressing:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Printing and coating works with heated curing ovens:</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>Rendering and casings works:</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>Rubber production, using either organic solvents or carbon black:</td>
<td>300</td>
<td>Note 2</td>
</tr>
</tbody>
</table>

**Non-metallic Mineral Products**

<table>
<thead>
<tr>
<th>Type of Production, Use Or Storage (Purpose)</th>
<th>Threshold Distance (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bitumen batching plant:</td>
<td>500</td>
</tr>
<tr>
<td>Cement production in amounts:</td>
<td></td>
</tr>
<tr>
<td>• up to 5,000 tonnes a year</td>
<td>300</td>
</tr>
<tr>
<td>• between 5,000 &amp; 150,000 tonnes a year</td>
<td>500</td>
</tr>
<tr>
<td>• exceeding 150,000 tonnes a year</td>
<td>1,000</td>
</tr>
<tr>
<td>Type of Production, Use Or Storage (Purpose)</td>
<td>Threshold Distance (metres)</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>Clay bricks, tiles and pipe refractories, with a design production rate exceeding 10,000 tonnes a year:</td>
<td>200</td>
</tr>
<tr>
<td>Concrete article or stone article production:</td>
<td>100</td>
</tr>
<tr>
<td>Concrete batching plant:</td>
<td>300</td>
</tr>
<tr>
<td>Glass and glass production including glass wool:</td>
<td>500</td>
</tr>
<tr>
<td>Plaster or plaster articles production:</td>
<td>100</td>
</tr>
<tr>
<td>Rock wool manufacture:</td>
<td>500</td>
</tr>
<tr>
<td><strong>Other Premises</strong></td>
<td></td>
</tr>
<tr>
<td>Panel beating:</td>
<td>100</td>
</tr>
<tr>
<td>Rural industry handling, processing or packing agricultural produce:</td>
<td>300</td>
</tr>
<tr>
<td><strong>Paper &amp; 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 &amp; rags</td>
<td>200</td>
</tr>
<tr>
<td>• by other methods than above</td>
<td></td>
</tr>
<tr>
<td><strong>Recreation, Personal &amp; 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>Recycling and Resource Recovery</strong></td>
<td></td>
</tr>
<tr>
<td>Advanced resource recovery technology facility</td>
<td></td>
</tr>
<tr>
<td>Combustion, treatment or bio-reaction of waste to produce energy</td>
<td></td>
</tr>
<tr>
<td>Commercial and Industrial materials recycling</td>
<td></td>
</tr>
<tr>
<td>Type of Production, Use Or Storage (Purpose)</td>
<td>Threshold Distance (metres)</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>Composting and other organic materials recycling.</td>
<td>Note 1</td>
</tr>
<tr>
<td>Construction and demolition materials recycling</td>
<td>Note 1</td>
</tr>
<tr>
<td>Other resource recovery or recycling operations</td>
<td>Note 1</td>
</tr>
<tr>
<td>Refuse and used material storage, sorting and recovery in a transfer station:</td>
<td></td>
</tr>
<tr>
<td>Accepting organic wastes</td>
<td>Note 1</td>
</tr>
<tr>
<td>Other</td>
<td>100</td>
</tr>
<tr>
<td>Sanitary and garbage disposal in landfill</td>
<td>Note 1</td>
</tr>
<tr>
<td>Soil conditioning or blending</td>
<td>Note 1</td>
</tr>
<tr>
<td>Used metals treatment or processing</td>
<td>Note 1</td>
</tr>
<tr>
<td>Used paper and cardboard treatment or processing</td>
<td></td>
</tr>
<tr>
<td>Used plastics treatment or processing</td>
<td>Note 1</td>
</tr>
<tr>
<td><strong>Textiles</strong></td>
<td></td>
</tr>
<tr>
<td>Carpet backing with latex:</td>
<td>300</td>
</tr>
<tr>
<td>Dyeing or finishing of cotton, linen and woollen yarns and textiles:</td>
<td>300</td>
</tr>
<tr>
<td>Production of artificial fibres &amp; textiles:</td>
<td></td>
</tr>
<tr>
<td>cellulose nitrate or viscose fibre, cellophane or artificial rubber</td>
<td>1,000</td>
</tr>
<tr>
<td>other synthetic fibres and textiles</td>
<td>500</td>
</tr>
<tr>
<td>Rope, cordage and twine production:</td>
<td>100</td>
</tr>
<tr>
<td>Treatment or production of textiles:</td>
<td></td>
</tr>
<tr>
<td>using carbon disulphide</td>
<td>500</td>
</tr>
<tr>
<td>using other substances</td>
<td></td>
</tr>
<tr>
<td>Wool scouring:</td>
<td>200</td>
</tr>
<tr>
<td><strong>Transport and Storage</strong></td>
<td></td>
</tr>
<tr>
<td>Depot for refuse collection vehicles</td>
<td>100</td>
</tr>
<tr>
<td>Type of Production, Use Or Storage (Purpose)</td>
<td>Threshold Distance (metres)</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Grain elevators:</td>
<td>300</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>300</td>
</tr>
<tr>
<td>Temporary storage of industrial wastes:</td>
<td>300</td>
</tr>
<tr>
<td>Treatment of aqueous waste:</td>
<td>200</td>
</tr>
<tr>
<td>Waste incinerator for:</td>
<td></td>
</tr>
<tr>
<td>Woodwaste</td>
<td>300</td>
</tr>
<tr>
<td>Plastic or rubber waste</td>
<td>200</td>
</tr>
<tr>
<td>Chemical, biomedical or organic waste</td>
<td></td>
</tr>
</tbody>
</table>

**Wood, Wood Products & Furniture**

| Charcoal production:                     |                             |       |
| by the retort process                    | 500                         |       |
| other than by the retort process         | 1,000                       |       |
| Joinery:                                 | 100                         |       |
| Sawmill:                                 | 500                         |       |
| Wood preservation plant:                 | 100                         |       |
| Wood-fibre or wood-chip products:        | 1,500                       |       |
TIMBER PRODUCTION

Timber production on Crown land

Any requirement of this scheme which:

- requires timber production to be conducted in a particular way
- requires that a permit be obtained to use or develop land for timber production or to carry out timber production in a particular way
- requires that some aspect of timber production be carried out to the satisfaction of the responsible authority

does not apply to timber production on unalienated land of the Crown managed and controlled by the Minister responsible for administering the Forests Act 1958 and the Sustainable Forests (Timber) Act 2004, or the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forest and Lands Act 1987), whether or not occupied under a licence or other right. All requirements of this scheme apply to Crown land which has been leased.

Timber production to comply with the Code of Practice for Timber Production

All timber production activities (except agroforestry (the simultaneous and substantial production of forest and other agricultural products from the same land unit), windbreaks and commercial plantations of 5 hectares or less) must comply with the Code of Practice for Timber Production (Department of Environment and Primary Industries, 2014). In accordance with Section 6(4A) of the Planning and Environment Act 1987, this applies whether the use of land for timber production is commenced before or after the coming into effect of this requirement.

The Code must be complied with to the satisfaction of the responsible authority.

A permit may require that matters required by the Code must be done to the satisfaction of the responsible authority or a Minister, public authority or referral authority, and may require the responsible authority to seek comments from any other person or authority before making a decision.

Road repairs

After a Timber Harvesting Plan is lodged with the responsible authority under the Code and before the commencement of harvesting operations, the responsible authority, in consultation with the forest owner or manager, must establish the condition of any roads which are proposed to be used as a cartage route.

The forest owner or manager must advise the responsible authority when harvesting operations are complete. After receiving this advice, the responsible authority, in consultation with the forest owner or manager, must establish the condition of any roads which were used as a cartage route.

It is the responsibility of the forest owner or manager to restore any roads which were used as a cartage route to the same condition that they were in before the commencement of harvesting operations to the extent of any damage caused as a result of the harvesting operations.

The cartage of timber associated with harvesting operations is extraordinary traffic for the purpose of Section 112 of the Road Management Act 2004.

Decision guidelines

Before deciding on an application to use or develop land for timber production, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- The need to encourage plantation establishment and timber production in locations where it is of significance to national, state and regional economies, and in areas affected by salinity and other forms of land degradation.
The role of native forest and plantations in:
- Protecting water quality.
- Conserving flora and fauna.
- Preventing land degradation, including soil erosion, salinisation and water logging.
- Preventing adverse effects on groundwater recharge.

- The preservation of and impact on the natural environment, cultural heritage and visual amenity.
- Whether it is appropriate to require environmental protection standards greater than those in the Code.
RACING DOG HUSBANDRY

Purpose
To ensure the use and development of land for racing dog husbandry is consistent with orderly and proper planning.

Requirement
An application to use land, or construct a building or construct or carry out works, for racing dog husbandry under a provision of a rural zone must comply with Planning requirements for racing dog keeping and training (Department of Environment, Land, Water and Planning, August 2017). This requirement does not apply to an application to construct a building or construct or carry out works associated with a use that is a Section 1 use in the Table of uses of the zone.

Exemption from notice and review
An application to which the requirement in Clause 53.12-1 applies is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the approved measures specified in Planning requirements for racing dog keeping and training (Department of Environment, Land, Water and Planning, August 2017) are met.
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
31/07/2018
VC148

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.

53.14-1
31/07/2018
VC148

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.

53.14-2
31/07/2018
VC148

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.

53.14-3
31/07/2018
VC148

Decision Guidelines
Before deciding on an application, in addition to the Decision Guidelines of Clause 65, the responsible authority must consider:

- The contribution of the proposal to achieving resource recovery targets established by the Victorian Government.
- The impact of the proposal on the amenity of the surrounding area.
- The Statewide Waste and Resource Recovery Infrastructure Plan (Sustainability Victoria, 2015).
Relevant guidelines applicable to the application including the guideline for *Designing, Constructing and Operating Composting Facilities* (Environmental Protection Authority, 2015), the *Guide to Best Practice for Organics Recovery* (Sustainability Victoria, 2009) and the *Guide to Best Practice at Resource Recovery Centres* (Sustainability Victoria, 2009).
STATEMENT OF UNDERLYING PROVISIONS

Purpose
To specify the planning scheme provisions which would have applied to land reserved for a public purpose pursuant to section 6(2)(i) of the Planning and Environment Act 1987 if the land had not been reserved for that purpose.

Application
In relation to any land identified in the schedule to this clause, the provisions of the planning scheme which would have applied to that land if it had not been reserved for a public purpose are the provisions which are contained in the relevant incorporated document, also identified in the schedule to this clause.

The incorporated document may contain some or all of the provisions which would have applied to the relevant land under this scheme if the land had not been reserved for a public purpose.

The incorporated document may also contain a statement or explanation of the strategic basis for those provisions. Alternatively, the incorporated document may make reference to a separate document, not forming part of the incorporated document, which contains a statement or explanation of the strategic basis for those provisions.
**SCHEDULE TO CLAUSE 53.15 STATEMENT OF UNDERLYING PROVISIONS**

Incorporated statement

<table>
<thead>
<tr>
<th>Land</th>
<th>Incorporated Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td>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>
<tr>
<td>Pig Class</td>
<td>Mass Range (kg)</td>
<td>Age Range (weeks)</td>
<td>SPU Factor</td>
</tr>
<tr>
<td>------------------</td>
<td>-----------------</td>
<td>------------------</td>
<td>------------</td>
</tr>
<tr>
<td>Heavy Finisher</td>
<td>100 – 130</td>
<td>24 -30</td>
<td>1.8</td>
</tr>
</tbody>
</table>

Note: Adapted from the National Environmental Guidelines for Piggeries 2010

### 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>
<tr>
<td>Development context</td>
<td>Minimum setback from front street (metres)</td>
<td>Minimum setback from a side street (metres)</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------------------------------------</td>
<td>-------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td>
<td>allotment facing the side street or 4 metres, whichever is the lesser.</td>
</tr>
<tr>
<td></td>
<td>Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</td>
<td></td>
</tr>
</tbody>
</table>

**Side and rear setbacks**

A new building not on or within 200mm of a boundary should be set back from side or rear boundaries by 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Screens, sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.
Walls on boundaries
A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary for a length of more than:

- 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
- Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports; whichever is the greater.

A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

Daylight to existing windows
Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.
Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

North-facing windows

If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.
Overshadowing open space

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

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.

### 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.

### Stormwater management objectives for subdivision

To minimise damage to properties and inconvenience to the public from stormwater.

To ensure that the street operates adequately during major storm events and provides for public safety.

To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.

To encourage stormwater management that maximises the retention and reuse of stormwater.

To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.

### Standard W1

The stormwater management system should be:
- Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.
- Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed.
- Designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).
- Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.
- Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.

For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:
- Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.
- Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.
For storm events greater than 20% AEP and up to and including 1% AEP standard:

- Provision must be made for the safe and effective passage of stormwater flows.
- All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.
- Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria $d_a \times V_{ave} < 0.35 \, m^2/s$ (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.

### 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 verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

Table A1 Street setback

<table>
<thead>
<tr>
<th>Development context</th>
<th>Minimum setback from front street (Metres)</th>
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<td>The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.</td>
<td>The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.</td>
<td>6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>The site is on a corner.</td>
<td>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</td>
<td>The same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</td>
</tr>
<tr>
<td></td>
<td>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td>
<td></td>
</tr>
</tbody>
</table>

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.
- The visual impact of the building when viewed from the street and from adjoining properties.
- The value of retaining vegetation within the front setback.
Building height objective
To ensure that the height of buildings respects the existing or preferred neighbourhood character.

Standard A4
The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.
If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.
Changes of building height between existing buildings and new buildings should be graduated.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any maximum building height specified in the zone, a schedule to the zone or an overlay applying to the land.
- The design response.
- The effect of the slope of the site on the height of the building.
- The relationship between the proposed building height and the height of existing adjacent buildings.
- The visual impact of the building when viewed from the street and from adjoining properties.

Site coverage objective
To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

Standard A5
The site area covered by buildings should not exceed:
- The maximum site coverage specified in a schedule to the zone, or
- If no maximum site coverage is specified in a schedule to the zone, 60 per cent.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The existing site coverage and any constraints imposed by existing development or the features of the site.
- The site coverage of adjacent properties.
- The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood.

Permeability objectives
To reduce the impact of increased stormwater run-off on the drainage system.
To facilitate on-site stormwater infiltration.
Standard A6

The site area covered by pervious surfaces should be at least:

- The minimum area specified in a schedule to the zone; or
- If no minimum area is specified in a schedule to the zone, 20 per cent of the site.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The existing site coverage and any constraints imposed by existing development.
- The capacity of the drainage network to accommodate additional stormwater.
- The capacity of the site to absorb run-off.
- The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.

Energy efficiency protection objectives

To achieve and protect energy efficient dwellings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

Standard A7

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy 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 facility on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy facility on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy 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.
Diagram A3 North-facing windows

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- Existing sunlight to the north-facing habitable room window of the existing dwelling.
- The impact on the amenity of existing dwellings.

Overshadowing open space objective
To ensure buildings do not unreasonably overshadow existing secluded private open space.

Standard A14
Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of existing dwellings.
- Existing sunlight penetration to the secluded private open space of the existing dwelling.
- The time of day that sunlight is available to the secluded private open space of the existing dwelling.
- The effect of a reduction in sunlight on the existing use of the secluded private open space.

**Overlooking objective**

To limit views into existing secluded private open space and habitable room windows.

**Standard A15**

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or
- Have sill heights of at least 1.7 metres above floor level, or
- Have obscure glazing in any part of the window below 1.7 metres above floor level, or
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

**Diagram A4 Overlooking open space**

![Diagram A4 Overlooking open space](image)

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of the secluded private open space or habitable room window.
- The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings.
- The internal daylight to and amenity of the proposed dwelling.
ON-SITE AMENITY AND FACILITIES

Daylight to new windows objective
To allow adequate daylight into new habitable room windows.

Standard A16
A window in a habitable room should be located to face:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A verandah provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether there are other windows in the habitable room which have access to daylight.

Private open space objective
To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard A17
A dwelling should have private open space of an area and dimensions specified in a schedule to the zone.

If no area or dimensions is specified in a schedule to the zone, a dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability of the private open space, including its size and accessibility.
- The availability of and access to public open space.
- The orientation of the lot to the street and the sun.

Solar access to open space objective
To allow solar access into the secluded private open space of a new dwelling.

Standard A18
The private open space should be located on the north side of the dwelling, if practicable.
The southern boundary of secluded private open space should be set back from any wall on the north of the space at least \((2 + 0.9h)\) metres, where ‘h’ is the height of the wall.
Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of the secluded private open space based on the sunlight it will receive.
DETAILED DESIGN

Design detail objective
To encourage design detail that respects the existing or preferred neighbourhood character.

Standard A19
The design of buildings, including:
- Facade articulation and detailing,
- Window and door proportions,
- Roof form, and
- Verandahs, eaves and parapets,
should respect the existing or preferred neighbourhood character.

Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting.
- Whether the design is innovative and of a high architectural standard.

Front fences objective
To encourage front fence design that respects the existing or preferred neighbourhood character.

Standard A20
The design of front fences should complement the design of the dwelling and any front fences on adjoining properties.

A front fence within 3 metres of a street should not exceed:
- The maximum height specified in a schedule to the zone, or
- If no maximum height is specified in a schedule to the zone, the maximum height specified in Table A2.

Table A2 Maximum front fence height

<table>
<thead>
<tr>
<th>Street context</th>
<th>Maximum front fence height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Streets in a Road Zone, Category 1</td>
<td>2 metres</td>
</tr>
<tr>
<td>Other streets</td>
<td>1.5 metres</td>
</tr>
</tbody>
</table>

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The setback, height and appearance of front fences on adjacent properties.
- The extent to which slope and retaining walls reduce the effective height of the front fence.
- Whether the fence is needed to minimise noise intrusion.
TWO OR MORE DWELLINGS ON A LOT AND RESIDENTIAL BUILDINGS

Purpose
To implement the Municipal Planning Strategy and the Planning Policy Framework.
To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.
To encourage residential development that provides reasonable standards of amenity for existing and new residents.
To encourage residential development that is responsive to the site and the neighbourhood.

Application
Provisions in this clause apply to an application to:
- Construct a dwelling if there is at least one dwelling existing on the lot,
- Construct two or more dwellings on a lot,
- Extend a dwelling if there are two or more dwellings on the lot,
- Construct or extend a dwelling on common property, or
- Construct or extend a residential building,
in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone.

The provisions of this clause apply to an application specified above, in the manner set out in the following table.

<table>
<thead>
<tr>
<th>Application type</th>
<th>Applicable clauses</th>
</tr>
</thead>
<tbody>
<tr>
<td>To construct or extend a dwelling (other than a dwelling in or forming part of an apartment development), or To construct or extend a residential building.</td>
<td>All of Clause 55 except Clause 55.07-1 to 55.07-15 (inclusive).</td>
</tr>
<tr>
<td>To construct or extend an apartment development, or To construct or extend a dwelling in or forming part of an apartment development.</td>
<td>All of Clause 55 except Clause 55.03-5, Clause 55.03-6, Clause 55.04-8, Clause 55.05-1, Clause 55.05-2 and Clause 55.05-6.</td>
</tr>
</tbody>
</table>

These provisions do not apply to an application to construct or extend a development of five or more storeys, excluding a basement or to construct or extend a dwelling in a development of five or more storeys, excluding a basement.

Operation
The provisions of this clause contain:
- Objectives. An objective describes the desired outcome to be achieved in the completed development.
- Standards. A standard contains the requirements to meet the objective.
  A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.
- Decision guidelines. The decision guidelines set out the matters that the responsible authority must consider before deciding if an application meets the objectives.

Requirements
A development:
Must meet all of the objectives of this clause that apply to the application.

Should meet all of the standards of this clause that apply to the application.

For all of the provisions of Clause 55 other than Clause 55.07 (Apartment developments):

- If a zone or a schedule to a zone specifies a requirement of a standard different from a requirement set out in this clause, the requirement in the zone or a schedule to the zone applies.

- If the land is included in a Neighbourhood Character Overlay and a schedule to the overlay specifies a requirement of a standard different from a requirement set out in this clause or a requirement in the zone or a schedule to the zone, the requirement in the schedule to the overlay applies.

- If the land is included in an overlay, other than a Neighbourhood Character Overlay, and a schedule to the overlay specifies a requirement different from a requirement of a standard set out in this clause or a requirement of a standard set out in the zone or a schedule to the zone, the requirement in the overlay applies.

The requirements of a standard set out in Clause 55.07 (Apartment developments) apply to the exclusion of any different requirement specified in a zone, a schedule to a zone, or a schedule to an overlay.

Transitional provisions

Clause 55.03-4 of this planning scheme, as in force immediately before the approval date of Amendment VC154, continues to apply to:

- An application for a planning permit lodged before that date.

- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.
NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

An application must be accompanied by:

- A neighbourhood and site description.
- A design response.

Neighbourhood and site description

The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately describe:

- In relation to the neighbourhood:
  - The pattern of development of the neighbourhood.
  - The built form, scale and character of surrounding development including front fencing.
  - Architectural and roof styles.
  - Any other notable features or characteristics of the neighbourhood.

- In relation to the site:
  - Site shape, size, orientation and easements.
  - Levels of the site and the difference in levels between the site and surrounding properties.
  - The location of existing buildings on the site and on surrounding properties, including the location and height of walls built to the boundary of the site.
  - The use of surrounding buildings.
  - The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres.
  - Solar access to the site and to surrounding properties.
  - Location of significant trees existing on the site and any significant trees removed from the site 12 months prior to the application being made, where known.
  - Any contaminated soils and filled areas, where known.
  - Views to and from the site.
  - Street frontage features such as poles, street trees and kerb crossovers.
  - The location of local shops, public transport services and public open spaces within walking distance.
  - Any other notable features or characteristics of the site.

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

Satisfactory neighbourhood and site description

If the responsible authority decides that the neighbourhood and site description is not satisfactory, it may require more information from the applicant under Section 54 of the Act.

The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 55.01-1 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.
**Design response**

The design response must explain how the proposed design:

- Derives from and responds to the neighbourhood and site description.
- Meets the objectives of Clause 55.
- Responds to any neighbourhood character features for the area identified in a local planning policy or a Neighbourhood Character Overlay.

The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.
NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE

Neighbourhood character objectives
To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

To ensure that development responds to the features of the site and the surrounding area.

Standard B1
The design response must be appropriate to the neighbourhood and the site.

The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The neighbourhood and site description.
- The design response.

Residential policy objectives
To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.

Standard B2
An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.

Dwelling diversity objective
To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

Standard B3
Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:

- Dwellings with a different number of bedrooms.

- At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.

Infrastructure objectives
To ensure development is provided with appropriate utility services and infrastructure.
To ensure development does not unreasonably overload the capacity of utility services and infrastructure.

**Standard B4**

Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.

Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The capacity of the existing infrastructure.
- In the absence of reticulated sewerage, the capacity of the development to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
- If the drainage system has little or no spare capacity, the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.

**Integration with the street objective**

To integrate the layout of development with the street.

**Standard B5**

Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.

Development should be oriented to front existing and proposed streets.

High fencing in front of dwellings should be avoided if practicable.

Development next to existing public open space should be laid out to complement the open space.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
SITE LAYOUT AND BUILDING MASSING

Street setback objective
To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

Standard B6
Walls of buildings should be set back from streets:
- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, the distance specified in Table B1.

Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

Table B1 Street setback

<table>
<thead>
<tr>
<th>Development context</th>
<th>Minimum setback from front street (metres)</th>
<th>Minimum setback from a side street (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</td>
<td>The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.</td>
<td>The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.</td>
<td>6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>The site is on a corner.</td>
<td>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</td>
<td>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.</td>
</tr>
<tr>
<td></td>
<td>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td>
<td>Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</td>
</tr>
</tbody>
</table>

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.
- The visual impact of the building when viewed from the street and from adjoining properties.
- The value of retaining vegetation within the front setback.

### 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 facility on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy facility on an adjoining lot.

Open space objective
To integrate the layout of development with any public and communal open space provided in or adjacent to the development.

Standard B11
If any public or communal open space is provided on site, it should:

- Be substantially fronted by dwellings, where appropriate.
- Provide outlook for as many dwellings as practicable.
- Be designed to protect any natural features on the site.
- Be accessible and useable.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant plan or policy for open space in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.

Safety objective
To ensure the layout of development provides for the safety and security of residents and property.

Standard B12
Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.

Planting which creates unsafe spaces along streets and accessways should be avoided.

Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.

Private spaces within developments should be protected from inappropriate use as public thoroughfares.

Decision guideline
Before deciding on an application, the responsible authority must consider the design response.

Landscaping objectives
To encourage development that respects the landscape character of the neighbourhood.
To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.

To provide appropriate landscaping.

To encourage the retention of mature vegetation on the site.

**Standard B13**

The landscape layout and design should:

- Protect any predominant landscape features of the neighbourhood.
- Take into account the soil type and drainage patterns of the site.
- Allow for intended vegetation growth and structural protection of buildings.
- In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.
- Provide a safe, attractive and functional environment for residents.

Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.

Development should meet any additional landscape requirements specified in a schedule to the zone.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any relevant plan or policy for landscape design in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The location and size of gardens and the predominant plant types in the neighbourhood.
- The health of any trees to be removed.
- Whether a tree was removed to gain a development advantage.

**Access objective**

To ensure the number and design of vehicle crossovers respects the neighbourhood character.

**Standard B14**

The width of accessways or car spaces should not exceed:

- 33 per cent of the street frontage, or
- if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.

No more than one single-width crossover should be provided for each dwelling fronting a street.

The location of crossovers should maximise the retention of on-street car parking spaces.

The number of access points to a road in a Road Zone should be minimised.

Developments must provide for access for service, emergency and delivery vehicles.
**Decision guidelines**
Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the neighbourhood character.
- The reduction of on-street car parking spaces.
- The effect on any significant vegetation on the site and footpath.

**Parking location objectives**
To provide convenient parking for resident and visitor vehicles.
To protect residents from vehicular noise within developments.

**Standard B15**
Car parking facilities should:

- Be reasonably close and convenient to dwellings and residential buildings.
- Be secure.
- Be well ventilated if enclosed.

Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

**Decision guideline**
Before deciding on an application, the responsible authority must consider the design response.
AMENITY IMPACTS

Side and rear setbacks objective
To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Standard B17
A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

Diagram B1 Side and rear setbacks

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.

Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary.

Whether the wall abuts a side or rear lane.

**Walls on boundaries objective**

To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

**Standard B18**

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:

- For a length of more than the distance specified in a schedule to the zone; or
- If no distance is specified in a schedule to the zone, for a length of more than:
  - 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
  - Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports whichever is the greater.

A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The extent to which walls on boundaries are part of the neighbourhood character.
- The impact on the amenity of existing dwellings.
- The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property.
- The orientation of the boundary that the wall is being built on.
- The width of the lot.
- The extent to which the slope and retaining walls or fences reduce the effective height of the wall.
- Whether the wall abuts a side or rear lane.
- The need to increase the wall height to screen a box gutter.

**Daylight to existing windows objective**

To allow adequate daylight into existing habitable room windows.
Standard B19

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

Diagram B2 Daylight to existing windows

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows.
- The impact on the amenity of existing dwellings.

North-facing windows objective

To allow adequate solar access to existing north-facing habitable room windows.

Standard B20

If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.
Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- Existing sunlight to the north-facing habitable room window of the existing dwelling.
- The impact on the amenity of existing dwellings.

Overshadowing open space objective
To ensure buildings do not significantly overshadow existing secluded private open space.

Standard B21
Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of existing dwellings.
- Existing sunlight penetration to the secluded private open space of the existing dwelling.
- The time of day that sunlight will be available to the secluded private open space of the existing dwelling.
- The effect of a reduction in sunlight on the existing use of the existing secluded private open space.

**Overlooking objective**

To limit views into existing secluded private open space and habitable room windows.

**Standard B22**

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.
- Have sill heights of at least 1.7 metres above floor level.
- Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

**Diagram B4 Overlooking open space**

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:
The design response.

The impact on the amenity of the secluded private open space or habitable room window.

The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings.

The internal daylight to and amenity of the proposed dwelling or residential building.

Internal views objective
To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.

Standard B23
Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.

Decision guideline
Before deciding on an application, the responsible authority must consider the design response.

Noise impacts objectives
To contain noise sources in developments that may affect existing dwellings.

To protect residents from external noise.

Standard B24
Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.

Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.

Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.

Decision guideline
Before deciding on an application, the responsible authority must consider the design response.
ON-SITE AMENITY AND FACILITIES

Accessibility objective
To encourage the consideration of the needs of people with limited mobility in the design of developments.

Standard B25
The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.

Dwelling entry objective
To provide each dwelling or residential building with its own sense of identity.

Standard B26
Entries to dwellings and residential buildings should:

- Be visible and easily identifiable from streets and other public areas.
- Provide shelter, a sense of personal address and a transitional space around the entry.

Daylight to new windows objective
To allow adequate daylight into new habitable room windows.

Standard B27
A window in a habitable room should be located to face:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A verandah provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether there are other windows in the habitable room which have access to daylight.

Private open space objective
To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard B28
A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.

If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of:

- An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or
- A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or
- A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.

The balcony requirements in Clause 55.05-4 do not apply to an apartment development.

**Decision guidelines**
Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability of the private open space, including its size and accessibility.
- The availability of and access to public or communal open space.
- The orientation of the lot to the street and the sun.

**Solar access to open space objective**
To allow solar access into the secluded private open space of new dwellings and residential buildings.

**Standard B29**
The private open space should be located on the north side of the dwelling or residential building, if appropriate.

The southern boundary of secluded private open space should be set back from any wall on the north of the space at least \((2 + 0.9h)\) metres, where ‘h’ is the height of the wall.

**Diagram B5 Solar access to open space**

**Decision guidelines**
Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of the secluded private open space based on the sunlight it will receive.

**Storage objective**
To provide adequate storage facilities for each dwelling.
Standard B30

Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.
**DETAILED DESIGN**

**Design detail objective**

To encourage design detail that respects the existing or preferred neighbourhood character.

**Standard B31**

The design of buildings, including:

- Facade articulation and detailing,
- Window and door proportions,
- Roof form, and
- Verandahs, eaves and parapets,

should respect the existing or preferred neighbourhood character.

Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting.
- Whether the design is innovative and of a high architectural standard.

**Front fences objective**

To encourage front fence design that respects the existing or preferred neighbourhood character.

**Standard B32**

The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.

A front fence within 3 metres of a street should not exceed:

- The maximum height specified in a schedule to the zone, or
- If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3.

<table>
<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 rooftop gardens and improve on-site storm water infiltration.
- Maximise deep soil areas for planting of canopy trees.
- Integrate planting and water management.

Developments should provide the deep soil areas and canopy trees specified in Table B5.

If the development cannot provide the deep soil areas and canopy trees specified in Table B5, an equivalent canopy cover should be achieved by providing either:

- Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.
- Vegetated planters, green roofs or green facades.

**Table B5 Deep soil areas and canopy trees**

<table>
<thead>
<tr>
<th>Site area</th>
<th>Deep soil areas</th>
<th>Minimum tree provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>750 - 1000 square metres</td>
<td>5% of site area (minimum dimension of 3 metres)</td>
<td>1 small tree (6-8 metres) per 30 square metres of deep soil</td>
</tr>
<tr>
<td>1001 - 1500 square metres</td>
<td>7.5% of site area (minimum dimension of 3 metres)</td>
<td>1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil</td>
</tr>
<tr>
<td>1501 - 2500 square metres</td>
<td>10% of site area (minimum dimension of 6 metres)</td>
<td>1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil</td>
</tr>
<tr>
<td>&gt;2500 square metres</td>
<td>15% of site area (minimum dimension of 6 metres)</td>
<td>1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil</td>
</tr>
</tbody>
</table>

*Note: Where an existing canopy tree over 8 metres can be retained on a lot greater than 1000 square metres without damage during the construction period, the minimum deep soil requirement is 7% of the site area.*
Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant plan or policy for environmental sustainability in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The suitability of the proposed location and soil volume for canopy trees.
- The ongoing management of landscaping within a development.
- The soil type and drainage patterns of the site.

Integrated water and stormwater management objectives
To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.

To facilitate stormwater collection, utilisation and infiltration within the development.

To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

Standard B39
Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.

Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.

The stormwater management system should be:

- Designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).
- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant water and stormwater management objective, policy or statement set out in this scheme.
- The design response.
- Whether the development has utilised alternative water sources and/or incorporated water sensitive urban design.
- Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.
- The capacity of the drainage network to accommodate additional stormwater.
- Whether the stormwater treatment areas can be effectively maintained.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

Noise impacts objectives
To contain noise sources in developments that may affect existing dwellings.

To protect residents from external and internal noise sources.
**Standard B40**

Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.

The layout of new dwellings and buildings should minimise noise transmission within the site.

Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area specified in Table B6 should be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

**Table B6 Noise influence area**

<table>
<thead>
<tr>
<th>Noise source</th>
<th>Noise influence area</th>
</tr>
</thead>
<tbody>
<tr>
<td><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: A slide door, or A door that opens outwards, or A door that opens inwards and has readily removable hinges.</td>
<td>Either: A slide door, or A door that opens outwards, or A door that opens inwards and has readily removable hinges.</td>
</tr>
<tr>
<td>Circulation area</td>
<td>A clear circulation area that is: A minimum area of 1.2 metres by 1.2 metres.</td>
<td>A clear circulation area that is: 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 can include a shower area.</td>
<td>The circulation area can include a shower area.</td>
</tr>
<tr>
<td>Path to circulation area</td>
<td>A clear path with a minimum width of 900mm from the door opening to the circulation area.</td>
<td>Not applicable.</td>
</tr>
<tr>
<td>Shower</td>
<td>A hobless (step-free) shower.</td>
<td>A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.</td>
</tr>
<tr>
<td>Toilet</td>
<td>A toilet located in the corner of the room.</td>
<td>A toilet located closest to the door opening and clear of the circulation area.</td>
</tr>
</tbody>
</table>

Building entry and circulation objectives

To provide each dwelling and building with its own sense of identity.
To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.
To ensure internal communal areas provide adequate access to daylight and natural ventilation.

Standard B42

Entries to dwellings and buildings should:
- Be visible and easily identifiable.
- Provide shelter, a sense of personal address and a transitional space around the entry.

The layout and design of buildings should:
- Clearly distinguish entrances to residential and non-residential areas.
- Provide windows to building entrances and lift areas.
- Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
- Provide common areas and corridors that:
  - Include at least one source of natural light and natural ventilation.
  - Avoid obstruction from building services.
  - Maintain clear sight lines.

**Decision guidelines**
Before deciding on an application, the responsible authority must consider:
- The design response.
- The useability and amenity of internal communal areas based on daylight access and the natural ventilation it will receive.

**Private open space above ground floor objective**
To provide adequate private open space for the reasonable recreation and service needs of residents.

**Standard B43**
A dwelling should have private open space consisting of:
- An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or
- A balcony with an area and dimensions specified in Table B8 and convenient access from a living room.

If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres.

**Table B8 Balcony size**

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum area</th>
<th>Minimum dimension</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio or 1 bedroom dwelling</td>
<td>8 square metres</td>
<td>1.8 metres</td>
</tr>
<tr>
<td>2 bedroom dwelling</td>
<td>8 square metres</td>
<td>2 metres</td>
</tr>
<tr>
<td>3 or more bedroom dwelling</td>
<td>12 square metres</td>
<td>2.4 metres</td>
</tr>
</tbody>
</table>

**Decision guidelines**
Before deciding on an application, the responsible authority must consider:
- The design response.
- The useability and functionality of the private open space, including its size and accessibility.
- The amenity of the private open space based on the orientation of the lot, the wind conditions and the sunlight it will receive.
- The availability of and access to public or communal open space.
Storage objective

To provide adequate storage facilities for each dwelling.

Standard B44

Each dwelling should have convenient access to usable and secure storage space.

The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table B9.

Table B9 Storage

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Total minimum storage volume</th>
<th>Minimum storage volume within the dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>8 cubic metres</td>
<td>5 cubic metres</td>
</tr>
<tr>
<td>1 bedroom dwelling</td>
<td>10 cubic metres</td>
<td>6 cubic metres</td>
</tr>
<tr>
<td>2 bedroom dwelling</td>
<td>14 cubic metres</td>
<td>9 cubic metres</td>
</tr>
<tr>
<td>3 or more bedroom dwelling</td>
<td>18 cubic metres</td>
<td>12 cubic metres</td>
</tr>
</tbody>
</table>

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and location of storage facilities provided for the dwelling.

Waste and recycling objectives

To ensure dwellings are designed to encourage waste recycling.

To ensure that waste and recycling facilities are accessible, adequate and attractive.

To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.

Standard B45

Developments should include dedicated areas for:

- Waste and recycling enclosures which are:
  - Adequate in size, durable, waterproof and blend in with the development.
  - Adequately ventilated.
  - Located and designed for convenient access by residents and made easily accessible to people with limited mobility.
- Adequate facilities for bin washing. These areas should be adequately ventilated.
- Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.
- Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.
- Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.
- Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.
Waste and recycling management facilities should be design and managed in accordance with a Waste Management Plan approved by the responsible authority and:

- Be designed to meet the 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, preschools and childcare, health services, police and fire stations, recreation and sports facilities.

Standard C4

A subdivision should:

- Implement any relevant regional and local community facility strategy, plan or policy for the area set out in this scheme.
- Locate community facilities on sites that are in or near activity centres and public transport.

School sites should:

- Be integrated with the neighbourhood and located near activity centres.
- Be located on walking and cycling networks.
- Have a bus stop located along the school site boundary.
- Have student drop-off zones, bus parking and on-street parking in addition to other street functions in abutting streets.
- Adjoin the public open space network and community sporting and other recreation facilities.
- Be integrated with community facilities.
- Be located on land that is not affected by physical, environmental or other constraints.

Schools should be accessible by the Principal Public Transport Network in Metropolitan Melbourne and on the regional public transport network outside Metropolitan Melbourne.

Primary schools should be located on connector streets and not on arterial roads.

New State Government school sites must meet the requirements of the Department of Education and Training and abut at least two streets with sufficient widths to provide student drop-off zones, bus parking and on-street parking in addition to other street functions.

Built environment objective

To create urban places with identity and character.

Standard C5

The built environment should:

- Implement any relevant urban design strategy, plan or policy for the area set out in this scheme.
- Provide living and working environments that are functional, safe and attractive.
- Provide an integrated layout, built form and urban landscape.
- Contribute to a sense of place and cultural identity.

An application should describe the identity and character to be achieved and the elements that contribute to that identity and character.

Neighbourhood character objective

To design subdivisions that respond to neighbourhood character.

Standard C6

Subdivision should:
- Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme.

- Respond to and integrate with the surrounding urban environment.

- Protect significant vegetation and site features.
LOT DESIGN

Lot diversity and distribution objectives
To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services.
To provide higher housing densities within walking distance of activity centres.
To achieve increased housing densities in designated growth areas.
To provide a range of lot sizes to suit a variety of dwelling and household types.

Standard C7
A subdivision should implement any relevant housing strategy, plan or policy for the area set out in this scheme.
Lot sizes and mix should achieve the average net residential density specified in any zone or overlay that applies to the land or in any relevant policy for the area set out in this scheme.
A range and mix of lot sizes should be provided including lots suitable for the development of:
- Single dwellings.
- Two dwellings or more.
- Higher density housing.
- Residential buildings and Retirement villages.

Unless the site is constrained by topography or other site conditions, lot distribution should provide for 95 per cent of dwellings to be located no more than 400 metre street walking distance from the nearest existing or proposed bus stop, 600 metres street walking distance from the nearest existing or proposed tram stop and 800 metres street walking distance from the nearest existing or proposed railway station.
Lots of 300 square metres or less in area, lots suitable for the development of two dwellings or more, lots suitable for higher density housing and lots suitable for Residential buildings and Retirement villages should be located in and within 400 metres street walking distance of an activity centre.

Lot area and building envelopes objective
To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.

Standard C8
An application to subdivide land that creates lots of less than 300 square metres should be accompanied by information that shows:
- That the lots are consistent or contain building envelope that is consistent with a development approved under this scheme, or
- That a dwelling may be constructed on each lot in accordance with the requirements of this scheme.

Lots of between 300 square metres and 500 square metres should:
- Contain a building envelope that is consistent with a development of the lot approved under this scheme, or
If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope.

If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve.

Lots greater than 500 square metres should be able to contain a rectangle measuring 10 metres by 15 metres, and may contain a building envelope.

A building envelope may specify or incorporate any relevant siting and design requirement. Any requirement should meet the relevant standards of Clause 54, unless:

- The objectives of the relevant standards are met, and
- The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act.

Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject to the same agreement relating to the relevant building envelope:

- The building envelope must meet Standards A10 and A11 of Clause 54 in relation to the adjoining lot, and
- The building envelope must not regulate siting matters covered by Standards A12 to A15 (inclusive) of Clause 54 in relation to the adjoining lot. This should be specified in the relevant plan of subdivision or agreement.

Lot dimensions and building envelopes should protect:

- Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations.
- Existing or proposed easements on lots.
- Significant vegetation and site features.

**Solar orientation of lots objective**

To provide good solar orientation of lots and solar access for future dwellings.

**Standard C9**

Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation.

Lots have appropriate solar orientation when:

- The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south.
- Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north.
- Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street.

**Street orientation objective**

To provide a lot layout that contributes to community social interaction, personal safety and property security.
Standard C10

Subdivision should increase visibility and surveillance by:

- Ensuring lots front all roads and streets and avoid the side or rear of lots being oriented to connector streets and arterial roads.
- Providing lots of 300 square metres or less in area and lots for 2 or more dwellings around activity centres and public open space.
- Ensuring streets and houses look onto public open space and avoiding sides and rears of lots along public open space boundaries.
- Providing roads and streets along public open space boundaries.

Common area objectives

To identify common areas and the purpose for which the area is commonly held.

To ensure the provision of common area is appropriate and that necessary management arrangements are in place.

To maintain direct public access throughout the neighbourhood street network.

Standard C11

An application to subdivide land that creates common land must be accompanied by a plan and a report identifying:

- The common area to be owned by the body corporate, including any streets and open space.
- The reasons why the area should be commonly held.
- Lots participating in the body corporate.
- The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.
**URBAN LANDSCAPE**

**Integrated urban landscape objectives**

To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas.

To incorporate natural and cultural features in the design of streets and public open space where appropriate.

To protect and enhance native habitat and discourage the planting and spread of noxious weeds.

To provide for integrated water management systems and contribute to drinking water conservation.

**Standard C12**

An application for subdivision that creates streets or public open space should be accompanied by a landscape design.

The landscape design should:

- Implement any relevant streetscape, landscape, urban design or native vegetation precinct plan, strategy or policy for the area set out in this scheme.
- Create attractive landscapes that visually emphasise streets and public open spaces.
- Respond to the site and context description for the site and surrounding area.
- Maintain significant vegetation where possible within an urban context.
- Take account of the physical features of the land including landform, soil and climate.
- Protect and enhance any significant natural and cultural features.
- Protect and link areas of significant local habitat where appropriate.
- Support integrated water management systems with appropriate landscape design techniques for managing urban run-off including wetlands and other water sensitive urban design features in streets and public open space.
- Promote the use of drought tolerant and low maintenance plants and avoid species that are likely to spread into the surrounding environment.
- Ensure landscaping supports surveillance and provides shade in streets, parks and public open space.
- Develop appropriate landscapes for the intended use of public open space including areas for passive and active recreation, the exercising of pets, playgrounds and shaded areas.
- Provide for walking and cycling networks that link with community facilities.
- Provide appropriate pathways, signage, fencing, public lighting and street furniture.
- Create low maintenance, durable landscapes that are capable of a long life.
- The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs.

**Public open space provision objectives**

To provide a network of quality, well-distributed, multi-functional and cost-effective public open space that includes local parks, active open space, linear parks and trails, and links to regional open space.

To provide a network of public open space that caters for a broad range of users.

To encourage healthy and active communities.
To provide adequate unencumbered land for public open space and integrate any encumbered land with the open space network.

To ensure land provided for public open space can be managed in an environmentally sustainable way and contributes to the development of sustainable neighbourhoods.

**Standard C13**

The provision of public open space should:

- Implement any relevant objective, policy, strategy or plan (including any growth area precinct structure plan) for open space set out in this scheme.
- Provide a network of well-distributed neighbourhood public open space that includes:
  - Local parks within 400 metres safe walking distance of at least 95 percent of all dwellings. Where not designed to include active open space, local parks should be generally 1 hectare in area and suitably dimensioned and designed to provide for their intended use and to allow easy adaptation in response to changing community preferences.
  - Additional small local parks or public squares in activity centres and higher density residential areas.
  - Active open space of a least 8 hectares in area within 1 kilometre of 95 percent of all dwellings that is:
    - Suitably dimensioned and designed to provide for the intended use, buffer areas around sporting fields and passive open space
    - Sufficient to incorporate two football/cricket ovals
    - Appropriate for the intended use in terms of quality and orientation
    - Located on flat land (which can be cost effectively graded)
    - Located with access to, or making provision for, a recycled or sustainable water supply
    - Adjoin schools and other community facilities where practical
    - Designed to achieve sharing of space between sports.
  - Linear parks and trails along waterways, vegetation corridors and road reserves within 1 kilometre of 95 percent of all dwellings.

Public open space should:

- Be provided along foreshores, streams and permanent water bodies.
- Be linked to existing or proposed future public open spaces where appropriate.
- Be integrated with floodways and encumbered land that is accessible for public recreation.
- Be suitable for the intended use.
- Be of an area and dimensions to allow easy adaptation to different uses in response to changing community active and passive recreational preferences.
- Maximise passive surveillance.
- Be integrated with urban water management systems, waterways and other water bodies.
- Incorporate natural and cultural features where appropriate.
ACCESS AND MOBILITY MANAGEMENT

Integrated mobility objectives

To achieve an urban structure where compact and walkable neighbourhoods are clustered to support larger activity centres on the Principal Public Transport Network in Metropolitan Melbourne and on the regional public transport network outside Metropolitan Melbourne.

To provide for walking (including persons with impaired mobility), cycling, public transport and other motor vehicles in an integrated manner.

To contribute to reduced car dependence, improved energy efficiency, improved transport efficiency, reduced greenhouse gas emissions and reduced air pollution.

Standard C14

An application for a subdivision must include a plan of the layout of the neighbourhood that meets the objectives of:

- Clause 56.06-2 Walking and cycling network.
- Clause 56.06-3 Public transport network.
- Clause 56.06-4 Neighbourhood street network.

Walking and cycling network objectives

To contribute to community health and well being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors.

To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.

To reduce car use, greenhouse gas emissions and air pollution.

Standard C15

The walking and cycling network should be designed to:

- Implement any relevant regional and local walking and cycling strategy, plan or policy for the area set out in this scheme.
- Link to any existing pedestrian and cycling networks.
- Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces.
- Provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood streets and regional public open spaces.
- Provide direct cycling routes for regional journeys to major activity centres, community facilities, public transport and other regional activities and for regional recreational cycling.
- Ensure safe street and road crossings including the provision of traffic controls where required.
- Provide an appropriate level of priority for pedestrians and cyclists.
- Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night.
- Be accessible to people with disabilities.

Public transport network objectives

To provide an arterial road and neighbourhood street network that supports a direct, efficient and safe public transport system.
To encourage maximum use of public transport.

**Standard C16**

The public transport network should be designed to:

- Implement any relevant public transport strategy, plan or policy for the area set out in this scheme.
- Connect new public transport routes to existing and proposed routes to the satisfaction of the relevant public transport authority.
- Provide for public transport links between activity centres and other locations that attract people using the Principal Public Transport Network in Metropolitan Melbourne and the regional public transport network outside Metropolitan Melbourne.
- Locate regional bus routes principally on arterial roads and locate local bus services principally on connector streets to provide:
  - Safe and direct movement between activity centres without complicated turning manoeuvres.
  - Direct travel between neighbourhoods and neighbourhood activity centres.
  - A short and safe walk to a public transport stop from most dwellings.

**Neighbourhood street network objective**

To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.

**Standard C17**

The neighbourhood street network must:

- Take account of the existing mobility network of arterial roads, neighbourhood streets, cycle paths, shared paths, footpaths and public transport routes.
- Provide clear physical distinctions between arterial roads and neighbourhood street types.
- Comply with the Roads Corporation’s arterial road access management policies.
- Provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport.
- Provide safe and efficient access to activity centres for commercial and freight vehicles.
- Provide safe and efficient access to all lots for service and emergency vehicles.
- Provide safe movement for all vehicles.
- Incorporate any necessary traffic control measures and traffic management infrastructure.

The neighbourhood street network should be designed to:

- Implement any relevant transport strategy, plan or policy for the area set out in this scheme.
- Include arterial roads at intervals of approximately 1.6 kilometres that have adequate reservation widths to accommodate long term movement demand.
- Include connector streets approximately halfway between arterial roads and provide adequate reservation widths to accommodate long term movement demand.
- Ensure connector streets align between neighbourhoods for direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles.
- Provide an interconnected and continuous network of streets within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles.
- Provide an appropriate level of local traffic dispersal.
- Indicate the appropriate street type.
- Provide a speed environment that is appropriate to the street type.
- Provide a street environment that appropriately manages movement demand (volume, type and mix of pedestrians, cyclists, public transport and other motor vehicles).
- Encourage appropriate and safe pedestrian, cyclist and driver behaviour.
- Provide safe sharing of access lanes and access places by pedestrians, cyclists and vehicles.
- Minimise the provision of culs-de-sac.
- Provide for service and emergency vehicles to safely turn at the end of a dead-end street.
- Facilitate solar orientation of lots.
- Facilitate the provision of the walking and cycling network, integrated water management systems, utilities and planting of trees.
- Contribute to the area’s character and identity.
- Take account of any identified significant features.

**Walking and cycling network detail objectives**

To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities.

To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.

**Standard C18**

Footpaths, shared paths, cycle paths and cycle lanes should be designed to:

- Be part of a comprehensive design of the road or street reservation.
- Be continuous and connect.
- Provide for public transport stops, street crossings for pedestrians and cyclists and kerb crossovers for access to lots.
- Accommodate projected user volumes and mix.
- Meet the requirements of Table C1.
- Provide pavement edge, kerb, channel and crossover details that support safe travel for pedestrians, footpath bound vehicles and cyclists, perform required drainage functions and are structurally sound.
- Provide appropriate signage.
- Be constructed to allow access to lots without damage to the footpath or shared path surfaces.
- Be constructed with a durable, non-skid surface.
- Be of a quality and durability to ensure:
  - Safe passage for pedestrians, cyclists, footpath bound vehicles and vehicles.
  - Discharge of urban run-off.
  - Preservation of all-weather access.
  - Maintenance of a reasonable, comfortable riding quality.
  - A minimum 20 year life span.
- Be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with disabilities.

**Public transport network detail objectives**

To provide for the safe, efficient operation of public transport and the comfort and convenience of public transport users.

To provide public transport stops that are accessible to people with disabilities.

**Standard C19**

Bus priority measures must be provided along arterial roads forming part of the existing or proposed Principal Public Transport Network in Metropolitan Melbourne and the regional public transport network outside Metropolitan Melbourne to the requirements of the relevant roads authority.

Road alignment and geometry along bus routes should provide for the efficient, unimpeded movement of buses and the safety and comfort of passengers.

The design of public transport stops should not impede the movement of pedestrians.

Bus and tram stops should have:

- Surveillance from streets and adjacent lots.
- Safe street crossing conditions for pedestrians and cyclists.

Safe pedestrian crossings on arterial roads and at schools including the provision of traffic controls as required by the roads authority.

- Continuous hard pavement from the footpath to the kerb.
- Sufficient lighting and paved, sheltered waiting areas for forecast user volume at neighbourhood centres, schools and other locations with expected high patronage.

- Appropriate signage.

Public transport stops and associated waiting areas should be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with physical disabilities.

**Neighbourhood street network detail objective**

To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.

**Standard C20**

The design of streets and roads should:

- Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met.

- Provide street blocks that are generally between 120 metres and 240 metres in length and generally between 60 metres to 120 metres in width to facilitate pedestrian movement and control traffic speed.

- Have verges of sufficient width to accommodate footpaths, shared paths, cycle paths, integrated water management, street tree planting, lighting and utility needs.

- Have street geometry appropriate to the street type and function, the physical land characteristics and achieve a safe environment for all users.

- Provide a low-speed environment while allowing all road users to proceed without unreasonable inconvenience or delay.
- Provide a safe environment for all street users applying speed control measures where appropriate.

- Ensure intersection layouts clearly indicate the travel path and priority of movement for pedestrians, cyclists and vehicles.

- Provide a minimum 5 metre by 5 metre corner splay at junctions with arterial roads and a minimum 3 metre by 3 metre corner splay at other junctions unless site conditions justify a variation to achieve safe sight lines across corners.

- Ensure streets are of sufficient strength to:
  - Enable the carriage of vehicles.
  - Avoid damage by construction vehicles and equipment.

- Ensure street pavements are of sufficient quality and durability for the:
  - Safe passage of pedestrians, cyclists and vehicles.
  - Discharge of urban run-off.
  - Preservation of all-weather access and maintenance of a reasonable, comfortable riding quality.

- Ensure carriageways of planned arterial roads are designed to the requirements of the relevant road authority.

- Ensure carriageways of neighbourhood streets are designed for a minimum 20 year life span.

- Provide pavement edges, kerbs, channel and crossover details designed to:
  - Perform the required integrated water management functions.
  - Delineate the edge of the carriageway for all street users.
  - Provide efficient and comfortable access to abutting lots at appropriate locations.
  - Contribute to streetscape design.

- Provide for the safe and efficient collection of waste and recycling materials from lots.

- Be accessible to people with disabilities.

- Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met. Where the widths of connector streets do not comply with the requirements of Table C1, the requirements of the relevant public transport authority must be met.

A street detail plan should be prepared that shows, as appropriate:

- The street hierarchy and typical cross-sections for all street types.

- Location of carriageway pavement, parking, bus stops, kerbs, crossovers, footpaths, tactile surface indicators, cycle paths and speed control and traffic management devices.

- Water sensitive urban design features.

- Location and species of proposed street trees and other vegetation.

- Location of existing vegetation to be retained and proposed treatment to ensure its health.

- Any relevant details for the design and location of street furniture, lighting, seats, bus stops, telephone boxes and mailboxes.
Lot access objective
To provide for safe vehicle access between roads and lots.

Standard C21
Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority.

Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets.

The design and construction of a crossover should meet the requirements of the relevant road authority.

Table C1 Design of roads and neighbourhood streets

Access Lane
A side or rear lane principally providing access to parking on lots with another street frontage.

<table>
<thead>
<tr>
<th>Traffic volume¹</th>
<th>300vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed²</td>
<td>10kph</td>
</tr>
<tr>
<td>Carriageway width³ &amp; parking provision within street reservation</td>
<td>5.5m⁴ wide with no parking spaces to be provided. Appropriately signed.</td>
</tr>
<tr>
<td>Verge width⁴</td>
<td>No verge required.</td>
</tr>
<tr>
<td>Kerbing⁵</td>
<td>None</td>
</tr>
<tr>
<td>Footpath provision</td>
<td>Carriageway designed as a shared zone and appropriately signed.</td>
</tr>
<tr>
<td>Cycle path provision</td>
<td>None</td>
</tr>
</tbody>
</table>

Access Place
A minor street providing local residential access with shared traffic, pedestrian and recreation use, but with pedestrian priority.

<table>
<thead>
<tr>
<th>Traffic volume¹</th>
<th>300vpd to1000vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed²</td>
<td>15kph</td>
</tr>
<tr>
<td>Carriageway width³ &amp; parking provision within street reservation</td>
<td>5.5m 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 width⁴</td>
<td>7.5m minimum total width. For services provide a minimum of 3.5m on one side and a minimum of 2.5m on the other.</td>
</tr>
</tbody>
</table>
**Kerbing**

Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.

**Footpath provision**

Not required if serving 5 dwellings or less and the carriageway is designed as a shared zone and appropriately signed.

or

1.5m wide footpath offset a minimum distance of 1m from the kerb.

**Cycle path provision**

None

---

### Access Street - Level 1

A street providing local residential access where traffic is subservient, speed and volume are low and pedestrian and bicycle movements are facilitated.

<table>
<thead>
<tr>
<th>Traffic volume</th>
<th>1000vpd to 2000vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed</td>
<td>30kph</td>
</tr>
<tr>
<td>Carriageway width &amp; parking provision within street reservation</td>
<td></td>
</tr>
<tr>
<td>5.5m wide with 1 hard standing verge parking space per 2 lots.</td>
<td></td>
</tr>
<tr>
<td>Verge width</td>
<td>4m minimum each side</td>
</tr>
<tr>
<td>Kerbing</td>
<td>Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.</td>
</tr>
<tr>
<td>Footpath provision</td>
<td></td>
</tr>
<tr>
<td>1.5m wide footpaths on both sides.</td>
<td></td>
</tr>
<tr>
<td>Footpaths should be widened to 2.0m in vicinity of a school, shop or other activity centre.</td>
<td></td>
</tr>
<tr>
<td>Be offset a minimum distance of 1m from the kerb.</td>
<td></td>
</tr>
<tr>
<td>Cycle path provision</td>
<td></td>
</tr>
<tr>
<td>Carriageway designed as a shared zone and appropriately signed.</td>
<td></td>
</tr>
</tbody>
</table>

---

### Access Street - Level 2

A street providing local residential access where traffic is subservient, speed and volume are low and pedestrian and bicycle movements are facilitated.

<table>
<thead>
<tr>
<th>Traffic volume</th>
<th>2000vpd to 3000vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed</td>
<td>40kph</td>
</tr>
<tr>
<td>Carriageway width &amp; parking provision within street reservation</td>
<td></td>
</tr>
<tr>
<td>7m-7.5m wide with parking on both sides of carriageway</td>
<td></td>
</tr>
<tr>
<td>Verge width</td>
<td>4.5m minimum each side</td>
</tr>
<tr>
<td>Kerbing</td>
<td>Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.</td>
</tr>
<tr>
<td>Footpath provision</td>
<td></td>
</tr>
<tr>
<td>1.5m wide footpaths on both sides.</td>
<td></td>
</tr>
<tr>
<td>Footpaths should be widened to 2.0m in vicinity of a school, shop or other activity centre.</td>
<td></td>
</tr>
</tbody>
</table>
Be offset a minimum distance of 1m from the kerb.

**Cycle path provision**
Carriageway designed as a shared zone and appropriately signed.

**Connector Street - Level 1**
A street that carries higher volumes of traffic. It connects access places and access streets through and between neighbourhoods.

<table>
<thead>
<tr>
<th>Traffic volume(^1)</th>
<th>3000 vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed(^2)</td>
<td>50 kph(^2) reduced to 40 kph at schools and 20 kph at pedestrian and cycle crossing points.</td>
</tr>
</tbody>
</table>

- **Carriageway width**, cycle lane provision, parking provision and bus stops within street reservation
  - 3.5m minimum lane width in each direction of travel.
  - 4.0m minimum lane width at approaches to and departures from roundabouts and T-intersections.
  - For on-street cycling, increase the minimum clear carriageway in each direction by:
    - 0.7m where the trafficable carriageway is shared by cyclists but no dedicated bicycle lane is marked on the carriageway; or
    - 1.5m where a trafficable carriageway is shared by cyclists but no dedicated bicycle lane is marked on the carriageway and there is a single lane in each direction separated by a raised trafficable median of at least 2.0m in width with mountable kerbs; or
    - 1.7m where a dedicated 1.7m wide bicycle lane is marked on the carriageway.
  - An additional dedicated parking lane or indented parking within the verge must be provided where street parking is required. A parking lane width of 2.3m is required where parallel parking is provided.
  - Bus stops at the kerbside, not indented within the verge.

<table>
<thead>
<tr>
<th>Verge width(^4)</th>
<th>4.5m minimum each side.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kerbing(^5)</td>
<td>Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.</td>
</tr>
<tr>
<td>Footpath provision</td>
<td>1.5m wide footpaths on both sides.</td>
</tr>
<tr>
<td></td>
<td>Footpath widened to a minimum 2.0m in the vicinity of a school, shop, public transport stop or other activity centre.</td>
</tr>
<tr>
<td></td>
<td>Footpaths offset a minimum distance of 1m from the kerb.</td>
</tr>
</tbody>
</table>

**Connector Street - Level 2**
A street that carries higher volumes of traffic. It connects access places and access streets through and between neighbourhoods.

<table>
<thead>
<tr>
<th>Traffic volume(^1)</th>
<th>3,000 vpd to 7,000 vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed(^2)</td>
<td>60 kph(^3) or 50km/h reduced to 40kph at schools.</td>
</tr>
<tr>
<td>Carriageway width, cycle lane provision, parking provision and bus stops within street reservation</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td></td>
</tr>
<tr>
<td>• 3.5m minimum lane width in each direction of travel.</td>
<td></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>

<table>
<thead>
<tr>
<th>Verge width</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 6m minimum each side (plus central median).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Kerbing</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Footpath and cycle path provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 1.5m wide footpath on each side and 1.7m bicycle lanes on the carriageway; or</td>
</tr>
<tr>
<td>• 2.5m wide shared foot and cycle path on both sides and no dedicate bicycle lanes marked on the carriageway.</td>
</tr>
<tr>
<td>• Footpaths widened to a minimum of 2.0m in the vicinity of a school, shop, public transport stop or other activity centre.</td>
</tr>
<tr>
<td>• Footpaths or shared foot and cycle paths offset a minimum distance of 1m from the kerb.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Arterial Road</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Traffic volume</strong></td>
</tr>
<tr>
<td>Greater than 7000vpd</td>
</tr>
<tr>
<td><strong>Target speed</strong></td>
</tr>
<tr>
<td>Arterial road design as required by the relevant roads authority.</td>
</tr>
<tr>
<td><strong>Carriageway width &amp; parking provision within street reservation</strong></td>
</tr>
<tr>
<td>Arterial road design as required by the relevant roads authority.</td>
</tr>
</tbody>
</table>
### Table C1

<table>
<thead>
<tr>
<th>Verge widthº</th>
<th>Arterial road design as required by the relevant roads authority.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kerbingº</td>
<td>Arterial road design as required by the relevant roads authority.</td>
</tr>
<tr>
<td><strong>Footpath &amp; cycle path provision</strong></td>
<td>3m wide shared path on each side or as otherwise required by the relevant roads authority.</td>
</tr>
</tbody>
</table>

#### Key to Table C1

1. Indicative maximum traffic volume for 24-hour period. These volumes depend upon location. Generation rates may vary between existing and newly developing areas.

2. Target speed is the desired speed at which motorists should travel. This is not necessarily the design speed and is not greater than the marked legal speed limit.

3. Width is measured from kerb invert to kerb invert. Widening may be required at bends to allow for wider vehicle paths using appropriate Australian Standards for on street and off-street parking but should not negate the function of bends serving as slow points.

4. Verge width includes footpaths. Additional width may be required to accommodate a bicycle path.

5. Where drainage is not required a flush pavement edge treatment can be used. Layback kerbs are preferred for safety reasons. Upright kerbs may be considered for drainage purposes or in locations where on-street parking should be clearly defined and parking within the verge is not desired.

6. Turning requirements to access and egress parking on abutting lots may require additional carriageway width. The recommended carriageway width of 5.5m will provide adequate access to a standard 3.5m wide single garage built to the property line.

7. 50kph is the default urban speed limit in Victoria.

8. Target speed must not exceed the legal speed limit.
INTEGRATED WATER MANAGEMENT

Drinking water supply objectives
To reduce the use of drinking water.
To provide an adequate, cost-effective supply of drinking water.

Standard C22
The supply of drinking water must be:

- Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority.
- Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority.

Reused and recycled water objective
To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.

Standard C23
Reused and recycled water supply systems must be:

- Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Health and Human Services.
- Provided to the boundary of all lots in the subdivision where required by the relevant water authority.

Waste water management objective
To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.

Standard C24
Waste water systems must be:

- Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority.
- Consistent with any relevant approved domestic waste water management plan.

Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.

Stormwater management objectives
To minimise damage to properties and inconvenience to residents from stormwater.
To ensure that the street operates adequately during major storm events and provides for public safety.
To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.
To encourage stormwater management that maximises the retention and reuse of stormwater.
To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.
Standard C25

The stormwater management system must be:

- Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.
- Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed.
- Designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).
- Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.
- Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.

For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:

- Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.
- Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.

For storm events greater than 20% AEP and up to and including 1% AEP standard:

- Provision must be made for the safe and effective passage of stormwater flows.
- All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.

- Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria $d_a V_{ave} < 0.35$ m$^2$/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.
Application requirements
An application must be accompanied by:

- An urban context report.
- A design response.

Urban context report
The urban context report may use a site plan, photographs or other techniques and must include:
An accurate description of:

- Site shape, size, orientation and easements.
- Levels and contours of the site and the difference in levels between the site and surrounding properties.
- The location and height of existing buildings on the site and surrounding properties.
- The use of surrounding buildings.
- The location of private open space of surrounding properties and the location of trees, fences and other landscape elements.
- Solar access to the site and to surrounding properties.
- Views to and from the site.
- Street frontage features such as poles, street trees and kerb crossovers.
- The location of local shops, public transport services and public open spaces within walking distance.
- Movement systems through and around the site.
- Any other notable feature or characteristic of the site.

An assessment of the characteristics of the area including:

- Any environmental features such as vegetation, topography and significant views.
- The pattern of subdivision.
- Street design and landscape.
- The pattern of development.
- Building form, scale and rhythm.
- Connection to the public realm.
- Architectural style, building details and materials.
- Off-site noise sources.
- The relevant NatHERS climate zones (as identified in Clause 58.03-1).
- Social and economic activity.
- Any other notable or cultural characteristics of the area.

Satisfactory urban context report
If the responsible authority decides that the urban context report is not satisfactory, it may require more information from the applicant under Section 54 of the Act.
The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the urban context report meets the requirements of Clause 58.01-2 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.

**Design response**

The design response must explain how the proposed design:

- Responds to any relevant planning provision that applies to the land.
- Meets the objectives of Clause 58.
- Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme.
- Derives from and responds to the urban context report.

The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.
**URBAN CONTEXT**

**Urban context objectives**
To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.

To ensure that development responds to the features of the site and the surrounding area.

**Standard D1**
The design response must be appropriate to the urban context and the site.

The proposed design must respect the existing or preferred urban context and respond to the features of the site.

**Decision guidelines**
Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The urban context report.
- The design response.

**Residential policy objectives**
To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

To support higher density residential development where development can take advantage of public and community infrastructure and services.

**Standard D2**
An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

**Decision guidelines**
Before deciding on an application, the responsible authority must consider:

- The design response.

**Dwelling diversity objective**
To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

**Standard D3**
Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.

**Infrastructure objectives**
To ensure development is provided with appropriate utility services and infrastructure.

To ensure development does not unreasonably overload the capacity of utility services and infrastructure.
**Standard D4**

Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.

Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The capacity of the existing infrastructure.

- In the absence of reticulated sewerage, the capacity of the development to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.

- If the drainage system has little or no spare capacity, the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.

**Integration with the street objective**

To integrate the layout of development with the street.

**Standard D5**

Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.

Development should be oriented to front existing and proposed streets.

High fencing in front of dwellings should be avoided if practicable.

Development next to existing public open space should be laid out to complement the open space.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.

- The design response.
SITE LAYOUT

Energy efficiency objectives
To achieve and protect energy efficient dwellings and buildings.
To ensure the orientation and layout of development reduce fossil fuel energy use and make
appropriate use of daylight and solar energy.
To ensure dwellings achieve adequate thermal efficiency.

Standard D6
Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots
  is not unreasonably reduced.

Living areas and private open space should be located on the north side of the development, if
practicable.
Developments should be designed so that solar access to north-facing windows is optimised.
Dwellings located in a climate zone identified in Table D1 should not exceed the maximum
NatHERS annual cooling load specified in the following table.

Table D1 Cooling load

<table>
<thead>
<tr>
<th>NatHERS climate zone</th>
<th>NatHERS maximum cooling load MJ/M² per annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Climate zone 21 Melbourne</td>
<td>30</td>
</tr>
<tr>
<td>Climate zone 22 East Sale</td>
<td>22</td>
</tr>
<tr>
<td>Climate zone 27 Mildura</td>
<td>69</td>
</tr>
<tr>
<td>Climate zone 60 Tullamarine</td>
<td>22</td>
</tr>
<tr>
<td>Climate zone 62 Moorabbin</td>
<td>21</td>
</tr>
<tr>
<td>Climate zone 63 Warrnambool</td>
<td>21</td>
</tr>
<tr>
<td>Climate zone 64 Cape Otway</td>
<td>19</td>
</tr>
<tr>
<td>Climate zone 66 Ballarat</td>
<td>23</td>
</tr>
</tbody>
</table>

Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of
Environment and Energy).

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and layout of the site.
- The existing amount of solar access to abutting properties.
- The availability of solar access to north-facing windows on the site.
- The annual cooling load for each dwelling.
**Communal open space objective**

To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.

**Standard D7**

Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser.

Communal open space should:

- Be located to:
  - Provide passive surveillance opportunities, where appropriate.
  - Provide outlook for as many dwellings as practicable.
  - Avoid overlooking into habitable rooms and private open space of new dwellings.
  - Minimise noise impacts to new and existing dwellings.
- Be designed to protect any natural features on the site.
- Maximise landscaping opportunities.
- Be accessible, useable and capable of efficient management.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.
- The useability and amenity of the communal open space based on its size, location, accessibility and reasonable recreation needs of residents.
- The availability of and access to public open space.

**Solar access to communal outdoor open space objective**

To allow solar access into communal outdoor open space.

**Standard D8**

The communal outdoor open space should be located on the north side of a building, if appropriate. At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of the primary communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight it will receive.

**Safety objective**

To ensure the layout of development provides for the safety and security of residents and property.

**Standard D9**

Entrances to dwellings should not be obscured or isolated from the street and internal accessways.
Planting which creates unsafe spaces along streets and accessways should be avoided.

Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.

Private spaces within developments should be protected from inappropriate use as public thoroughfares.

**Decision guideline**

Before deciding on an application, the responsible authority must consider the design response.

**Landscaping objectives**

To encourage development that respects the landscape character of the area.

To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.

To provide appropriate landscaping.

To encourage the retention of mature vegetation on the site.

To promote climate responsive landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect.

**Standard D10**

The landscape layout and design should:

- Be responsive to the site context.
- Protect any predominant landscape features of the area.
- Take into account the soil type and drainage patterns of the site and integrate planting and water management.
- Allow for intended vegetation growth and structural protection of buildings.
- In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.
- Provide a safe, attractive and functional environment for residents.
- Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site stormwater infiltration.
- Maximise deep soil areas for planting of canopy trees.

Development should provide for the retention or planting of trees, where these are part of the urban context.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.

Development should provide the deep soil areas and canopy trees specified in Table D2.

If the development cannot provide the deep soil areas and canopy trees specified in Table D2, an equivalent canopy cover should be achieved by providing either:

- Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.
- Vegetated planters, green roofs or green facades.
Table D2 Deep soil areas and canopy trees

<table>
<thead>
<tr>
<th>Site area</th>
<th>Deep soil areas</th>
<th>Minimum tree provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>750 - 1000 square metres</td>
<td>5% of site area (minimum dimension of 3 metres)</td>
<td>1 small tree (6-8 metres) per 30 square metres of deep soil</td>
</tr>
<tr>
<td>1001 - 1500 square metres</td>
<td>7.5% of site area (minimum dimension of 3 metres)</td>
<td>1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil</td>
</tr>
<tr>
<td>1501 - 2500 square metres</td>
<td>10% of site area (minimum dimension of 6 metres)</td>
<td>1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil</td>
</tr>
<tr>
<td>&gt;2500 square metres</td>
<td>15% of site area (minimum dimension of 6 metres)</td>
<td>1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil</td>
</tr>
</tbody>
</table>

Note: Where an existing canopy tree over 8 metres can be retained on a lot greater than 1000 square metres without damage during the construction period, the minimum deep soil requirement is 7% of the site area.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant plan or policy for landscape character and environmental sustainability in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The location and size of gardens and the predominant plant types in the area.
- The health of any trees to be removed.
- The suitability of the proposed location and soil volume for canopy trees.
- The ongoing management of landscaping within the development.
- The soil type and drainage patterns of the site.

Access objective

To ensure the number and design of vehicle crossovers respects the urban context.

Standard D11

The width of accessways or car spaces should not exceed:

- 33 per cent of the street frontage, or
- if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.

No more than one single-width crossover should be provided for each dwelling fronting a street. The location of crossovers should maximise the retention of on-street car parking spaces. The number of access points to a road in a Road Zone should be minimised. Developments must provide for access for service, emergency and delivery vehicles.
Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the streetscape.
- The reduction of on-street car parking spaces.
- The effect on any significant vegetation on the site and footpath.

Parking location objectives

To provide convenient parking for resident and visitor vehicles.

To protect residents from vehicular noise within developments.

Standard D12

Car parking facilities should:

- Be reasonably close and convenient to dwellings.
- Be secure.
- Be well ventilated if enclosed.

Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

Integrated water and stormwater management objectives

To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.

To facilitate stormwater collection, utilisation and infiltration within the development.

To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

Standard D13

Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.

Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.

The stormwater management system should be:

- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant water and stormwater management objective, policy or statement set out in this scheme.
- The design response.
- Whether the development has utilised alternative water sources and/or incorporated water sensitive urban design.
- Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.
- The capacity of the drainage network to accommodate additional stormwater.
- Whether the stormwater treatment areas can be effectively maintained.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.
AMENITY IMPACTS

Building setback objectives
To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.
To allow adequate daylight into new dwellings.
To limit views into habitable room windows and private open space of new and existing dwellings.
To provide a reasonable outlook from new dwellings.
To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.

Standard D14
The built form of the development must respect the existing or preferred urban context and respond to the features of the site.
Buildings should be set back from side and rear boundaries, and other buildings within the site to:
- Ensure adequate daylight into new habitable room windows.
- Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.
- Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.
- Ensure the dwellings are designed to meet the objectives of Clause 58.

Decision Guidelines
Before deciding on an application, the responsible authority must consider:
- The purpose of the zone and/or overlay that applies to the land.
- Any relevant urban design objective, policy or statement set out in this scheme.
- The urban context report.
- The design response.
- The relationship between the proposed building setback and the building setbacks of existing adjacent buildings, including the interface with laneways.
- The extent to which the proposed dwellings are provided with reasonable daylight access through the layout of rooms and the number, size, location and orientation of windows.
- The impact of overlooking on the amenity of existing and proposed dwellings.
- The existing extent of overlooking into existing dwellings and private open space.
- Whether the development meets the objectives of Clause 58.

Internal views objective
To limit views into the private open space and habitable room windows of dwellings within a development.

Standard D15
Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.

Decision guideline
Before deciding on an application, the responsible authority must consider the design response.
Noise impacts objectives

To contain noise sources in developments that may affect existing dwellings.
To protect residents from external and internal noise sources.

Standard D16

Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.

The layout of new dwellings and buildings should minimise noise transmission within the site.

Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

Table D3 Noise influence area

<table>
<thead>
<tr>
<th>Noise source</th>
<th>Noise influence area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone interface</td>
<td></td>
</tr>
<tr>
<td>Industry</td>
<td>300 metres from the Industrial 1, 2 and 3 zone boundary</td>
</tr>
<tr>
<td>Roads</td>
<td></td>
</tr>
<tr>
<td>Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume</td>
<td>300 metres from the nearest trafficable lane</td>
</tr>
<tr>
<td>Railways</td>
<td></td>
</tr>
<tr>
<td>Railway servicing passengers in Victoria</td>
<td>80 metres from the centre of the nearest track</td>
</tr>
<tr>
<td>Railway servicing freight outside Metropolitan Melbourne</td>
<td>80 metres from the centre of the nearest track</td>
</tr>
<tr>
<td>Railway servicing freight in Metropolitan Melbourne</td>
<td>135 metres from the centre of the nearest track</td>
</tr>
</tbody>
</table>

Note: The noise influence area should be measured from the closest part of the building to the noise source.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether it can be demonstrated that the design treatment incorporated into the development meets the specified noise levels or an acoustic report by a suitably qualified consultant submitted with the application.
- Whether the impact of potential noise sources within a development have been mitigated through design, location and siting.
- Whether the layout of rooms within a dwelling mitigates noise transfer within and between dwellings.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.
ON-SITE AMENITY AND FACILITIES

Accessibility objective
To ensure the design of dwellings meets the needs of people with limited mobility.

Standard D17
At least 50 per cent of dwellings should have:

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.

Table D4 Bathroom design

<table>
<thead>
<tr>
<th>Design option A</th>
<th>Design option B</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Door opening</strong></td>
<td>A clear 850mm wide door opening.</td>
</tr>
<tr>
<td><strong>Door design</strong></td>
<td>Either:</td>
</tr>
<tr>
<td></td>
<td>- A slide door, or</td>
</tr>
<tr>
<td></td>
<td>- A door that opens outwards, or</td>
</tr>
<tr>
<td></td>
<td>- A door that opens inwards that is clear of the circulation area and has readily removable hinges.</td>
</tr>
<tr>
<td><strong>Circulation area</strong></td>
<td>A clear circulation area that is:</td>
</tr>
<tr>
<td></td>
<td>- A minimum area of 1.2 metres by 1.2 metres.</td>
</tr>
<tr>
<td></td>
<td>- Located in front of the shower and the toilet.</td>
</tr>
<tr>
<td></td>
<td>- Clear of the toilet, basin and the door swing.</td>
</tr>
<tr>
<td></td>
<td>The circulation area for the toilet and shower can overlap.</td>
</tr>
<tr>
<td><strong>Path to circulation area</strong></td>
<td>A clear path with a minimum width of 900mm from the door opening to the circulation area.</td>
</tr>
<tr>
<td><strong>Shower</strong></td>
<td>A hobless (step-free) shower.</td>
</tr>
<tr>
<td><strong>Toilet</strong></td>
<td>A toilet located in the corner of the room.</td>
</tr>
</tbody>
</table>

Building entry and circulation objectives
To provide each dwelling and building with its own sense of identity.
To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.
To ensure internal communal areas provide adequate access to daylight and natural ventilation.
Standard D18
Entries to dwellings and buildings should:
- Be visible and easily identifiable.
- Provide shelter, a sense of personal address and a transitional space around the entry.
The layout and design of buildings should:
- Clearly distinguish entrances to residential and non-residential areas.
- Provide windows to building entrances and lift areas.
- Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
- Provide common areas and corridors that:
  - Include at least one source of natural light and natural ventilation.
  - Avoid obstruction from building services.
  - Maintain clear sight lines.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.
- The useability and amenity of internal communal areas based on daylight access and the natural ventilation it will receive.

Private open space objective
To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard D19
A dwelling should have private open space consisting of:
- An area of 25 square metres, with a minimum dimension of 3 metres at natural ground floor level and convenient access from a living room, or
- An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or
- A balcony with an area and dimensions specified in Table D5 and convenient access from a living room, or
- A roof-top area of 10 square metres with a minimum dimension of 2 metres and convenient access from a living room.
If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres.

Table D5 Balcony size
<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum area</th>
<th>Minimum dimension</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio or 1 bedroom dwelling</td>
<td>8 square metres</td>
<td>1.8 metres</td>
</tr>
<tr>
<td>2 bedroom dwelling</td>
<td>8 square metres</td>
<td>2 metres</td>
</tr>
<tr>
<td>3 or more bedroom dwelling</td>
<td>12 square metres</td>
<td>2.4 metres</td>
</tr>
</tbody>
</table>

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.
- The useability and functionality of the private open space, including its size and accessibility.
- The amenity of the private open space based on the orientation of the lot, the wind conditions and the sunlight it will receive.
- The availability of and access to public or communal open space.

### Storage objective

To provide adequate storage facilities for each dwelling.

#### Standard D20

Each dwelling should have convenient access to usable and secure storage space.

The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D6.

#### Table D6 Storage

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Total minimum storage volume</th>
<th>Minimum storage volume within the dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>8 cubic metres</td>
<td>5 cubic metres</td>
</tr>
<tr>
<td>1 bedroom dwelling</td>
<td>10 cubic metres</td>
<td>6 cubic metres</td>
</tr>
<tr>
<td>2 bedroom dwelling</td>
<td>14 cubic metres</td>
<td>9 cubic metres</td>
</tr>
<tr>
<td>3 or more bedroom dwelling</td>
<td>18 cubic metres</td>
<td>12 cubic metres</td>
</tr>
</tbody>
</table>

#### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and location of storage facilities provided for the dwelling.
DETAILED DESIGN

Common property objectives
To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.
To avoid future management difficulties in areas of common ownership.

Standard D21
Developments should clearly delineate public, communal and private areas.
Common property, where provided, should be functional and capable of efficient management.

Site services objectives
To ensure that site services can be installed and easily maintained.
To ensure that site facilities are accessible, adequate and attractive.

Standard D22
The design and layout of dwellings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.
Mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.
Mailboxes should be provided and located for convenient access as required by Australia Post.

Decision guideline
Before deciding on an application, the responsible authority must consider the design response.

Waste and recycling objectives
To ensure dwellings are designed to encourage waste recycling.
To ensure that waste and recycling facilities are accessible, adequate and attractive.
To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.

Standard D23
Developments should include dedicated areas for:

- Waste and recycling enclosures which are:
  - Adequate in size, durable, waterproof and blend in with the development.
  - Adequately ventilated.
  - Located and designed for convenient access by residents and made easily accessible to people with limited mobility.

- Adequate facilities for bin washing. These areas should be adequately ventilated.

- Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.

- Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.
- Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.
- Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.

Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:

- Be designed to meet the 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, 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.

Natural ventilation objectives
To encourage natural ventilation of dwellings.
To allow occupants to effectively manage natural ventilation of dwellings.

Standard D27
The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate. At least 40 per cent of dwellings should provide effective cross ventilation that has:
- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same area.
The breeze path is measured between the ventilation openings on different orientations of the dwelling.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.
- The size, orientation, slope and wind exposure of the site.
• The extent to which the orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.

• Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.
REALIGN THE COMMON BOUNDARY BETWEEN TWO LOTS

Information requirements

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.

- A layout plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location of any existing buildings, car parking area, driveways, storage areas, loading areas and private open space.
  - The location of any easements on the subject land.
  - The location of the approved stormwater discharge point.
  - The location and details of any significant vegetation.
  - The location of any street trees, poles, pits or other street furniture.
  - Existing and proposed vehicle access to the lots.
  - Any abutting roads.
  - The location of the existing and proposed common boundary between the lots and the proposed size and shape of the realigned lots.
  - Any proposed common property to be owned by a body corporate and the lots participating in the body corporate.

- If the land is in more than one ownership, the consent of the owners of the land.

- If common property is proposed, an explanation of why the common property is required.

- A written statement that describes:
  - The existing use of the land and its possible future development.
  - The reason for the realignment of the common boundary.
  - For land in an overlay, how the proposal responds to any statement of significance, objectives or requirements specified in the schedule to the overlay.

- If the land is in an area where reticulated sewerage is not provided, a plan which shows the location of any existing effluent disposal area for each lot or a land assessment which demonstrates that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

- If the land is in a residential zone and the realignment of the common boundary will result in a vacant lot, information that shows that the vacant lot meets the requirements of Standard C8 of Clause 56.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The suitability of the subdivision including how the layout and dimensions of the subdivision:
  - Respond to and integrate with the surrounding urban or rural environment.
  - Protect significant vegetation.
  - Appropriately accommodate any existing or proposed easements on the lots.
- Protect solar access for existing and any future dwellings on the lots.
- Appropriately accommodate any existing waste storage areas, loading bays and vehicle standing areas on the site.
- Appropriately accommodate private open space.
- Appropriately accommodate the provision of utility services to each lot.
- If the land is in an area where reticulated sewerage is not provided to each lot, whether the layout of the subdivision accommodates the effluent disposal area for each lot.
- Appropriately accommodate the siting of buildings having regard to the risk of spread of fire.
- Appropriately accommodate the existing use and possible future development of the land.

- Whether the provision of common property is appropriate for the purpose for which the land is to be commonly held.
- If the land is in a residential zone and the realignment of the common boundary will result in a vacant lot, the objective and standard of Clause 56.04-2.
- The statement of significance and the objectives contained in the schedule to the overlay and whether the subdivision will adversely affect that significance or the objectives.
- Whether the proposal meets any requirements specified in the overlay or the schedule to the overlay.
SUBDIVISION OF BUILDINGS AND CAR PARKING SPACES

Information requirements

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A copy of the relevant planning permit and approved plans for the development.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location of any existing buildings, car parking areas and private open space.
  - The location, shape and size of the proposed lots to be created.
  - The location of any easements on the subject land.
  - The location and details of any significant vegetation.
  - The location of the approved stormwater discharge point.
  - Any abutting roads.
  - The location of any street trees, poles, pits and other street furniture.
  - Existing and proposed vehicle access to the lots.
  - Any loading bays and vehicle standing areas.
  - Any waste storage areas.
  - Any proposed common property to be owned by a body corporate and the lots participating in the body corporate.
- For the subdivision of existing buildings and car parking spaces, a copy of the occupancy permit or a certificate of final inspection for the development.
- For the subdivision of land into two lots with an approved development currently under construction, evidence that the construction has commenced.
- If common property is proposed, an explanation of why the common property is required.
- If the land is in an area where reticulated sewerage is not provided, a plan which shows the location of any existing effluent disposal area for each lot or a land assessment which demonstrates that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- For land in an overlay, a written statement that describes how the proposal responds to any statement of significance, objectives or requirements specified in the schedule to the overlay.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The suitability of the subdivision including how the layout and dimensions of the subdivision:
  - Are consistent with the approved plans and conditions of any relevant planning permit for the development.
  - Are consistent with the layout of existing buildings and car parking spaces on the land.
  - Appropriately accommodate any existing waste storage areas.
  - Appropriately accommodate any existing loading bay and vehicle storage area.
- Appropriately accommodate significant vegetation.
- Appropriately accommodate existing or proposed easements on the lots.
- Appropriately accommodate the provision of utility services to each lot.
- Appropriately accommodate the siting of buildings having regard to safety and the risk of spread of fire.

- If the land is in an area where reticulated sewerage is not provided to each lot, whether the layout of the subdivision accommodates the effluent disposal area for each lot.
- For the subdivision of existing buildings and car parking spaces, whether each new lot, other than common property, contains an existing building, part of an existing building or a car parking space.
- Whether the provision and location of common property is appropriate for the purpose for which the land is to be commonly held.
- Whether any public open space contribution is required under Clause 53.01 of this scheme or under Section 18 of the Subdivision Act 1988.
- The statement of significance and the objectives contained in the schedule to the overlay and whether the subdivision will adversely affect that significance or the objectives.
- Whether the proposal meets any requirements specified in the overlay or the schedule to the overlay.
FRONT FENCE IN A RESIDENTIAL ZONE

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

- A copy of the title for the subject land and a copy of any registered restrictive covenant.
- A plan drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location, length, height and design of the proposed fence including details of materials.
  - The location, height and design of any existing front fence on adjoining and nearby properties including details of materials.
- A photograph of the site and adjoining and nearby properties along the street frontage.
- The reason for the proposed height.

Decision guidelines
In assessing an application the responsible authority must consider as appropriate:

- Whether the setback, height and design of the proposed fence are:
  - Appropriate to the neighbourhood character and the site.
  - Consistent with any relevant neighbourhood character objective or policy set out in the scheme.
  - Appropriate with the setback, height and appearance of front fences on adjoining and nearby properties.
  - Complement the design of the dwelling.
- The extent to which slope and retaining walls reduce the effective height of the proposed fence.
- Whether the proposed fence is needed to minimise noise intrusion.
- The reason for the proposed height.
BUILDINGS AND WORKS IN A ZONE (EXCEPT A RURAL ZONE)

Information requirements

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A description of the use of the land and the proposed buildings and works.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and use of buildings and works on adjoining land.
  - Relevant ground levels.
  - Any contaminated soils and filled areas, where known.
  - The layout of existing and proposed buildings and works.
  - All existing and proposed driveways, car parking, bicycle parking and loading areas.
  - Existing and proposed landscape areas.
  - All external storage and waste treatment areas.
  - The location of easements and services.
- Elevation drawings to scale showing the height, colour and materials of all proposed buildings and works.
- A photograph of the building or area affected by the proposal.
- A written statement describing the proposal and if relevant:
  - The built form and character of adjoining and nearby buildings.
  - The heritage character of any adjoining heritage places.
  - Ground floor street frontages, including visual impacts and pedestrian safety.
- A written statement describing whether the proposed buildings and works meet:
  - The number of car parking spaces required under Clause 52.06 or in the schedule to Clause 45.09.
  - Any development requirement specified in the zone or the schedule to the zone.
- Any relevant requirement in an approved development plan or incorporated plan for the land.
- Any other information specified in the schedule to the zone.
- For land in a residential zone, a written statement, plan or diagram showing how the proposal meets:
  - The requirements in the following standards of Clause 54:
    - A10 Side and rear setbacks.
    - A11 Walls on boundaries.
    - A12 Daylight to existing windows.
    - A13 North-facing windows.
    - A14 Overshadowing open space.
If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard the schedule to the zone applies.

### Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- Whether the proposal is consistent with any relevant urban design and built form policy set out in the scheme.
- Whether the movement of pedestrians and cyclists, and vehicles providing for supplies and waste removal are appropriately accommodated.
- Whether the design complements the built form of the surrounding properties and the streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- Whether the land and building have availability of and connection to services.
- Whether the proposed development adversely impacts the amenity of the land and the locality including existing dwellings on adjoining sites.
- Whether the proposed development appropriately provides for landscaping.
- Whether the proposed development adversely affects solar access to existing open spaces and public places.
- Whether the proposal meets the car parking requirements specified in Clause 52.06 or in the schedule to the Parking Overlay.
- Whether the proposal meets the maximum building height specified in the schedule to the zone.
- Whether the proposal meets any relevant requirements specified in the zone or the schedule to the zone.
- Whether the proposal is consistent with any relevant approved development plan or incorporated plan.
- The objectives set out in the schedule to the zone.
- Whether the proposal provides adequate vehicle loading and unloading facilities.
- For land in a residential zone:
  - Whether the proposed development is consistent with any neighbourhood character objectives set out in the schedule to the zone.
  - Whether the development is compatible with residential use.
  - The scale and intensity of the development.
  - The design, height, setback and appearance of the proposed buildings and works.
BUILDINGS AND WORKS IN AN Overlay

Information requirements

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.

- A plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location, height and design of the proposed buildings and works including details of materials.
  - The location of any existing buildings, including fences and trees.
  - For land in a Neighbourhood Character Overlay, any buildings proposed to be demolished.

- For land in a Neighbourhood Character Overlay, a written description of the proposal including:
  - The built form and character of adjoining and nearby buildings.
  - How the proposal responds to the key features and objectives specified in the schedule to the overlay.
  - If demolition is proposed, the reason for the demolition.
  - How the proposal meets the requirements of Clause 54.02-1, 54.02-2, 54.03-1, 54.03-2, 54.03-3, 54.03-4, 54.04-1, 54.04-2, 54.04-3, 54.04-4, 54.06-1, 54.06-2, including any Clause 54 modification specified in the schedule to the overlay.

- For land in a Design and Development Overlay, a written description of the proposal including:
  - How the proposal responds to the design objectives specified in a schedule to the overlay.
  - How the proposal meets the requirements specified in a schedule to the overlay.
  - The built form and character of adjoining and nearby buildings.

- A photograph of the building or area affected by the proposal.

- For land in an Erosion Management Overlay, information showing:
  - The extent of any proposed earthworks.
  - The means proposed to stabilise disturbed areas.

- For an application under the Salinity Management Overlay, written advice including plan references and any conditions from the referral authority demonstrating that the referral authority has considered the proposal for which the application is made within the past three months and does not object to the granting of the permit for the proposal.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The statement of significance and the objectives contained in the schedule to the overlay and whether the buildings and works will adversely affect that significance or the objectives.

- Whether the proposal meets any requirements specified in the overlay or the schedule to the overlay.

- For an application in a Salinity Management Overlay, any comments from the relevant referral authority.
- For an application in a Neighbourhood Character Overlay, the relevant objectives, standards and decision guidelines of Clause 54.

- Any relevant decision guideline specified in the overlay and the schedule to the overlay.
REMOVE, DESTROY OR LOP A TREE

Information requirements

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- If the tree to be removed, destroyed or lopped is identified as a significant tree in a schedule to the overlay, a report prepared by an arborist.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The location, shape, size and slope of the site.
  - The location of the tree to be removed, destroyed or lopped.
  - The location and type of other significant vegetation on the site.
  - The location, species and height of any significant trees on the site that have been removed or approved to be removed in the past 3 years.
- A written statement that describes:
  - The species, height and trunk girth of the tree to be removed, destroyed or lopped.
  - The reason the tree is to be removed, destroyed or lopped.
  - If provision is to be made to replace the tree elsewhere on the land.
  - If the tree is to be lopped, the extent of lopping proposed.
  - Any impacts on the significance of the area.
- A photograph of the tree to be removed, destroyed or lopped.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The statement of significance and the objectives contained in the schedule to the overlay and whether the proposal will adversely affect that significance or the objectives.
- Whether the tree proposed to be removed, destroyed or lopped contributes to the significance of the area and whether the proposal will adversely affect that significance.
- Whether the removal or lopping of the tree is needed because of the health of the tree.
- Whether the lopping of the tree will adversely affect the health, appearance or significance of the tree.
- Whether the removal of the tree will contribute to soil erosion, slippage or salinisation.
- Whether the removal or lopping of the tree is needed to create a defendable space to reduce the risk of bushfire to life and property.
- If the tree is a native tree, its role in conserving flora and fauna and whether the proposal will adversely affect the conservation of flora and fauna of the area.
- Whether provision is made to plant a new tree elsewhere on the land.
- The reasons for removing the tree including the health of the tree to be removed.
- The cumulative impact of the number of trees that have been removed or been approved for removal in the past 3 years.
- Any relevant decision guideline specified in the overlay or the schedule to the overlay.
APPLICATIONS UNDER A HERITAGE OVERLAY

Information requirements

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.

- A plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location of any existing buildings, including fences and trees.
  - The location, height and design of the proposed building or works including details of proposed materials.
  - Any buildings to be demolished.
  - An elevation of the proposed building.
  - The size and design of any proposed sign, including details of the supporting structure and any proposed illumination.
  - The location, style, size, colour and materials of any proposed solar energy facility (that is visible from the street frontage or any nearby public park), including details of the supporting structure.

- A written description of the proposal including:
  - Any impacts on the significance of the heritage place.
  - How the proposal responds to any relevant local heritage policy set out in the scheme.
  - If lopping of a tree is proposed, the reason for the lopping, the extent of lopping and an arborist report.

- The proposed colour schedule and nature of any materials and finishes.

- A photograph of the area affected by the proposal including any building, outbuilding, fence or tree which may be affected by the proposal.

- A photograph of the subject site and adjoining properties along the street frontage.

- If subdivision is proposed, the location, shape and size of the proposed lots to be created.

- If a sign is proposed:
  - The location, size and design of the proposed sign on the site or building.
  - The location and size of existing signage on the site including details of any signs to be retained or removed.

- If a solar energy 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.
  - Floor and surface levels of any existing and proposed buildings and works to Australian Height Datum.
  - Cross sectional details of any basement entry ramps and other basement entries to Australian Height Datum, showing floor levels of entry and exit areas and drainage details.
  - If subdivision is proposed, the location, shape and size of the proposed lots to be created.

- If a referral to the floodplain management authority is required, written advice, including endorsed plans of the proposal and any conditions, from the relevant floodplain management authority demonstrating that the floodplain management authority has considered the proposal for which the application is made within the past three months and does not object to the granting of the permit for the proposal.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- Clauses 13.01 and 13.03 of the Planning Policy Framework.
- Whether the proposal is consistent with any local floodplain development plan for the area incorporated into this scheme.
- If a referral to the floodplain management authority is required, any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- The flood risk including:
  - The frequency, duration, extent, depth and velocity of flooding of the site and accessways.
  - The flood warning time available.
  - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
- The effect of the development redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
SIGNS

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A site context report, using a site plan, photographs or other methods to accurately describe:
  - The location of the proposed sign on the site or building and distance from property boundaries.
  - The location and size of existing signs on the site including details of any signs to be retained or removed.
  - The location and form of existing signs on adjoining properties and in the locality.
  - The location of closest traffic control signs.
  - Identification of any view lines or vistas that could be affected by the proposed sign.
- The dimensions, height above ground level and extent of projection of the proposed sign.
- The height, width and depth of the total sign structure including the method of support and any associated structures such as safety devices and service platforms.
- The colour, lettering style and materials of the proposed sign.
- The size of the proposed display (total display area including all sides of a multi-sided sign).

Decision guidelines
In assessing an application the responsible authority must consider as appropriate:

- Whether the proposal is consistent with any relevant local advertising policy set out in the scheme.
- Whether the proposal will impact the character of the area including:
  - Natural environment, heritage, waterway, open space and rural landscape values.
  - The desired future character of the area.
  - The cumulative impact of signs on the character of an area.
  - The need to avoid visual disorder or clutter of signs.
- Whether the proposal will impact views and vistas including:
  - Important views from the public realm.
  - Significant public views.
  - Views to existing signs.
- Whether the proportion, scale and form of the proposed sign relates to the site, building, streetscape, setting or landscape including:
  - The position of the proposed sign, including if it protrudes above existing buildings or landscape and natural elements.
  - Screening of unsightly elements.
  - The number, scale and location of existing signs.
  - The ability to rationalise or simplify the number of signs.
  - The ability to include landscaping to reduce the visual impact of the proposed sign structure.
- The extent to which the proposed sign requires the removal of vegetation.
- Whether the proposed sign is consistent with any outdoor advertising theme.
- Whether there is a need for identification and the opportunities for adequate identification on the site or locality.
- Whether the proposed sign will adversely impact road safety.
CAR PARKING

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A plan, drawn to scale and fully dimensioned showing:
  - The boundaries and dimensions of the site.
  - The location of existing buildings.
  - All car parking spaces and access lanes.
  - Allocation of car parking spaces to different uses or tenancies, if applicable.
  - Landscaping and sensitive water design treatments.
- A written statement that describes:
  - The proposed use of the site, number of employees and patrons and hours of operation.
  - The previous use of the site.
  - The site and floor area to be occupied.
  - The number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.
  - The total number of car parking spaces provided.
  - The likely impact of a reduction in car parking on the amenity of the area and on the area’s existing car parking.

Decision guidelines
In assessing an application the responsible authority must consider as appropriate:

- Whether the reduction of the car parking requirement is consistent with any relevant local planning policy or incorporated plan.
- The objectives contained in the schedule to the Parking Overlay.
- Whether there is availability of alternative car parking in the locality including:
  - Efficiencies gained from the consolidation of shared car parking spaces.
  - Public car parks intended to serve the land.
  - On street parking in non-residential zones.
  - Streets in residential zones specifically managed for non-residential parking.
- The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.
- Whether there is any car parking deficiency associated with the existing use of the land.
- Whether there is any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.
- Whether fewer car parking spaces will impact local amenity, including pedestrian amenity and the amenity of nearby residential areas.
- Whether there is a need to create safe, functional and attractive parking areas.
- The availability of public transport in the locality of the land.
• The convenience of pedestrian and cyclist access to the land.
• The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the use.
• The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.
• On street parking in residential zones in the locality of the land that is intended to be for residential use.
• The future growth and development of any nearby activity centre.
• Local traffic management in the locality of the land.
• Access to or provision of alternative transport modes to and from the land.
• Whether any car parking spaces to be provided meet the design standards of Clause 52.06.
• Any relevant decision guideline specified in a schedule to the Parking Overlay.
TWO LOT SUBDIVISION IN A RURAL ZONE

Information requirements

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location of any existing buildings and associated works.
  - The location, shape and size of the proposed lots to be created.
  - The location of any easements on the subject land.
  - The location of any significant vegetation, waterways and wetlands.
  - The location of the approved stormwater discharge point and effluent disposal areas.
  - Any abutting roads.
  - Existing and proposed vehicle access to the lots.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The suitability of the subdivision including how the layout and dimensions of the subdivision:
  - Are consistent with the layout of existing buildings and associated works on the land.
  - Appropriately accommodate significant vegetation.
  - Appropriately accommodate existing or proposed easements on the lots.
  - Appropriately accommodate the provision of utility services to each lot.
  - Appropriately accommodate existing and proposed vehicle access to the lots.

- If the land is in an area where reticulated sewerage is not provided to each lot, whether the layout of the subdivision accommodates the effluent disposal area for each lot.

- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.

- Any Regional Catchment Strategy applying to the land.

- If the land is in an overlay, statement of significance and the objectives contained in the schedule to the overlay and whether the subdivision will adversely affect that significance or the objectives.

- Whether any public open space contribution is required under Clause 53.01 of this scheme or under Section 18 of the Subdivision Act 1988.
BUILDINGS AND WORKS IN A RURAL ZONE

Information requirements

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A description of the use of the land and the proposed buildings and works.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location of any waterway or wetlands.
  - The location and use of buildings and works on adjoining land.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - All existing and proposed driveways, car parking and loading areas.
  - Existing and proposed landscape areas.
  - All external storage and waste treatment areas.
- Elevation drawings to scale showing the height, colour and materials of all proposed buildings and works.
- A photograph of the building or area affected by the proposal.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, character and appearance of the area, landscape features, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- Whether the proposal will have an adverse impact on adjoining and nearby land uses.
- The need to protect amenity of existing residents.
- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses.
- The likely environmental impact on the natural physical features and biodiversity of the area, including the need to retain vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge areas.
- The capability of the land to accommodate the proposed development.
- Whether the development will support and enhance agricultural production.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The impact of the proposal on any wetlands or waterways.
- Any integrated land management plan prepared for the site.
- Whether the development will require traffic management measures.
- For buildings and works associated with a dwelling:
  - Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
  - Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, nose, odour, use of chemicals and farm machinery, traffic and hours of operation.
  - Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
  - The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.
EXTENSION TO ONE DWELLING ON A LOT IN A RESIDENTIAL ZONE

Information requirements

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

- A copy of title for the subject land and a copy of any registered restrictive covenant.

- A site plan, drawn to scale and fully dimensioned showing:
  - Site shape, size, orientation and easements.
  - Levels of the site and the difference in levels between the site and surrounding properties.
  - Location of existing buildings on the site and on surrounding properties, including the location and height of walls built to the boundary of the site.
  - The use of surrounding buildings.
  - The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres.
  - Solar access to the site and surrounding properties.
  - Location of significant trees existing on the site and any significant trees removed from the site in the 12 months prior to the application being made, where known.
  - Any contaminated soils and filled areas, where known.
  - Views to and from the site.
  - Street frontage features such as poles, street trees and kerb crossovers.
  - Any other notable features of the site.
  - In relation to the neighbourhood:
    - The built form, scale and character of surrounding development.
    - Architectural and roof styles.
    - Any other notable features or characteristics of the neighbourhood.

- A site and layout plan, drawn to scale and fully dimensioned showing:
  - Site shape, size, orientation, easements and site levels.
  - Adjoining roads.
  - The location and use of buildings and works on adjoining land.
  - The layout and use of existing buildings being retained and all proposed buildings, including finished floor levels.
  - All existing and proposed driveways and crossovers.
  - Existing and proposed landscape and open space areas.
  - All external storage, waste areas and services.

- An elevation plan, drawn to scale showing the height, colour and materials of the proposed extension.

- Photographs of the building or area affected by the proposal.

- A written statement, plan or diagram demonstrating how the proposal meets:
  - The garden area requirement specified in the zone.
  - The requirements in the following standards of Clause 54:
The objectives and requirements in the following standards of Clause 54:

- Clause 54.02-1 Neighbourhood character objective and standard A1.
- Clause 54.03-3 Site coverage objective and standard A5.
- Clause 54.03-4 Permeability objectives and standard A6.
- Clause 54.03-5 Energy efficiency protection objectives and standard A7.
- Clause 54.03-6 Significant trees objectives and standard A8.
- Clause 54.05-1 Daylight to new windows objective and standard A16.
- Clause 54.05-2 Private open space objective and standard A17.
- Clause 54.05-3 Solar access to open space objective and Standard A18.
- Clause 54.06-1 Design detail objective and Standard A19.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies.

**Decision guidelines**

In assessing an application the responsible authority must consider as appropriate:

- The following objectives, standards and decision guidelines of Clause 54:
  - Clause 54.02-1 Neighbourhood character objective and standard A1.
  - Clause 54.03-3 Site coverage objective and standard A5.
  - Clause 54.03-4 Permeability objective and standard A6.
  - Clause 54.03-5 Energy efficiency protection objective and standard A7.
  - Clause 54.03-6 Significant trees objective and standard A8.
  - Clause 54.05-1 Daylight to new windows objective and standard A16.
  - Clause 54.05-2 Private open space objective and standard A17.
  - Clause 54.05-3 Solar access to open space objective and Standard A18.
  - Clause 54.06-1 Design detail objective and Standard A19.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies.
LOCAL VICSMART APPLICATIONS

The schedule to this clause may specify classes of application that are VicSmart applications to which Clause 71.06 applies. A class of application specified must not be a class of VicSmart application specified in another provision of this planning scheme.

The classes of VicSmart application are specified in three tables:

- Table 1 specifies classes VicSmart application under a zone.
- Table 2 specifies classes VicSmart application under an overlay.
- Table 3 specifies classes VicSmart application under a particular provision.

Each table in the schedule is divided into four columns:

- Column 1 specifies the name or class of zone or overlay or name of particular provision.
- Column 2 specifies the development.
- Column 3 specifies the provision of the planning scheme that contains the permit requirement applicable to the development.
- Column 4 specifies the information requirements and decision guidelines in Clauses 59.01 to 59.14 or the schedule to Clause 59.16 applicable to the class of VicSmart application.

Subject to Clause 71.06, an application under a provision specified in Column 3 for a use or development specified in Column 2 is a class of VicSmart application and must be assessed against the provision specified in Column 4.
### SCHEDULE TO CLAUSE 59.15 LOCAL VICSMART APPLICATIONS

#### 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 VICSMART APPLICATIONS

A schedule to this clause may set out information requirements and decision guidelines for a class of VicSmart application specified in the Schedule to Clause 59.15.
SCHEDULE TO CLAUSE 59.16 INFORMATION REQUIREMENTS AND DECISION GUIDELINES FOR LOCAL 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.
GENERAL EXEMPTIONS
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.

Buildings and works not requiring a permit unless specifically required by the planning scheme

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works, other than a requirement in the Public Conservation and Resource Zone, does not apply to:

- A fence.
- The construction of or putting up for display a sign (except for a sign consistent with the requirements of Clause 52.05-10 which is provided for in Clause 62.02-1).
- Roadworks.
- Street furniture including post boxes, telephone booths, fire hydrants, bus shelters, shade sails, traffic control devices and public toilets.
- Park furniture including seating, tables, shelters, rubbish bins, playground equipment, barbeques, shade sails, drinking fountains and public toilets.
- Furniture and works normally associated with an education centre including, but not limited to, outdoor furniture, playground equipment, art works, drinking fountains, rubbish bins and landscaping.
- Disability access and disability facilities associated with an education centre (not including a lift external to a building).
- Art work that is carried out by or on behalf of a public land manager.
- Oil pipelines.
- Buildings and works associated with a dependent person’s unit.
- The internal rearrangement of a building or works provided the gross floor area of the building, or the size of the works, is not increased and the number of dwellings is not increased.
- Repairs and routine maintenance to an existing building or works.
- Domestic services normal to a dwelling.
- A rainwater tank with a capacity of not more than 10,000 litres.
- Bicycle pathways and trails.
- A television antenna.
- A flagpole.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
• An open-sided pergola or verandah to a dwelling with a finished floor level not more than 800 mm above ground level and a maximum building height of three metres above ground level.
• A deck to a dwelling with a finished floor level not more than 800 mm above ground level.
• A disabled access ramp.
• Any works necessary to prevent soil erosion, or to ensure soil conservation or reclamation.
• A solar energy facility attached to a building that primarily services the land on which it is situated.
• Buildings and works associated with cat cages and runs, bird cages, dog houses, and other domestic animal enclosures associated with the use of the land as a dwelling.
• Services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar.
• An electric vehicle charging station.

This does not apply if a permit is specifically required for any of these matters.

Vegetation removal

Any requirement in this scheme relating to the construction or carrying out of works does not apply to the removal, destruction or lopping of trees and the removal of vegetation.

This does not apply if a permit is specifically required to remove, destroy or lop trees or to remove vegetation.
EVENTS ON PUBLIC LAND

Any requirement in this scheme relating to the use of land or the construction of a building or the construction or carrying out of works does not apply to:

- an event on public land; or
- temporary buildings or works required for the event;

where that event has been authorised by the public land manager or by the council under a local law.

An event includes land used to provide temporary cultural or community activities and entertainment such as a concert, festival or exhibition.

This does not apply to public land where a local provision of this scheme specifically regulates an event for a particular site.
SUBDIVISIONS NOT REQUIRING A PERMIT

Any requirement in this scheme relating to the subdivision of land does not apply to:

- A subdivision by an authority acquiring the land which does not create an additional lot.
- A subdivision by a public authority or utility service provider which does not create an additional lot other than for the sole purpose of a minor utility installation. This does not apply if a permit is required to subdivide land under any overlay.
- A subdivision by an authority acquiring the land which creates additional lots if the additional lots are severed parcels of land without legal access to an existing road and the additional lots are retained by the acquiring authority or sold to an abutting land owner on the condition that the lot be consolidated with abutting land.
- A subdivision which realigns the common boundary between two lots if all the land is in one urban zone and any of the following apply:
  - Any lot that is reduced in area meets the minimum lot area and minimum dimensions (if any) specified for the zone. This does not apply if the area of the smaller lot is limited by a provision of this scheme, or by a condition of a planning permit.
  - There is no minimum lot area specified for the zone, the area of the smaller lot is more than 230 square metres, and the area of either lot is reduced by less than 30 square metres.
  - There is no minimum lot area specified for the zone, the area of the smaller lot is 230 square metres or less, and the area of either lot is reduced by less than 5 percent or by less than 30 square metres, which ever is lesser.
  - The new boundary coincides with a boundary fence that is more than five years old. This does not apply if all the land is in one ownership.
- A subdivision which realigns the common boundary between two lots if all the land is in one non-urban zone, the re-subdivision does not allow the number of dwellings the whole of the land could be used for under this scheme to increase, and any of the following apply:
  - Any lot that is reduced in area meets the minimum lot area and minimum dimensions (if any) specified for the zone. This does not apply if the area of the smaller lot is limited by a provision of this scheme, or by a condition of a planning permit.
  - There is no minimum lot area specified for the zone, and no part of the boundary is moved more than 1 metre. This does not apply if the area of the smaller lot would be less than the area specified by a condition of a planning permit.
  - There is no minimum lot area specified for the zone, the new boundary coincides with the location of a fence that is more than 5 years old, and no part of the boundary is moved more than three metres.
DEMOLITION

A permit is not required for the demolition or removal of a building or works unless a permit is specifically required for demolition or removal.
EXTENT OF EXISTING USE RIGHTS

An existing use right is established in relation to use of land under this scheme if any of the following apply:

- The use was lawfully carried out immediately before the approval date.
- A permit for the use had been granted immediately before the approval date and the use commences before the permit expires.
- A permit for the use has been granted under Clause 63.08 and the use commences before the permit expires.
- Proof of continuous use for 15 years is established under Clause 63.11.
- The use is a lawful continuation by a utility service provider or other private body of a use previously carried on by a Minister, government department or public authority, even where the continuation of the use is no longer for a public purpose.
CHARACTERISATION OF USE

If a use of land is being characterised to assess the extent of any existing use right, the use is to be characterised by the purpose of the actual use at the relevant date, subject to any conditions or restrictions applying to the use at that date, and not by the classification in the table to Clause 73.03 or in Section 1, 2 or 3 of any zone.
EFFECT OF DEFINITIONS ON EXISTING USE RIGHTS

The definition of a term in this scheme, or the amendment of any definition, does not increase or restrict the extent of any existing use right established prior to the inclusion of the definition or amendment.
SECTION 1 USES

A use in Section 1 of a zone for which an existing use right is established may continue provided any condition or restriction to which the use was subject and which applies to the use in Section 1 of the zone continues to be met.
SECTIONS 2 AND 3 USES

A use in Section 2 or 3 of a zone for which an existing use right is established may continue provided:

- No building or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme.

- Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use.

- The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.
EXPIRATION OF EXISTING USE RIGHTS

An existing use right expires if either:

- The use has stopped for a continuous period of 2 years, or has stopped for two or more periods which together total 2 years in any period of 3 years.
- In the case of a use which is seasonal in nature, the use does not take place for 2 years in succession.
COMPLIANCE WITH CODES OF PRACTICE

A use for which an existing use right is established must comply with any relevant code of practice incorporated in this scheme if either:

- The code of practice has been incorporated or adopted in accordance with Section 39 of the Conservation Forests and Lands Act 1987.
- The code of practice is approved or ratified by Parliament under an Act.
ALTERNATIVE USE

If land is used for a use in Section 3 of a zone for which an existing use right is established, a permit may be granted to use the land for an alternative use which does not comply with this scheme. The responsible authority must be satisfied that the use of the land for the alternative use will be less detrimental to the amenity of the locality.
SHOP CONDITIONS

A permit must not be granted to:

- Construct or carry out a building or works under Clause 63.05 for a shop with a leasable floor area exceeding 500 square metres.
- Use land under Clause 63.08 for a shop with a leasable floor area exceeding 500 square metres.
DAMAGED OR DESTROYED BUILDINGS OR WORKS

If at least 50 percent of the gross floor area of a building or at least 50 percent of the area of any works is damaged or destroyed so that the use cannot continue without the building or works being reconstructed, the land must be used in conformity with this scheme, unless a permit is granted to continue the use, and to construct or carry out buildings or works.
PROOF OF CONTINUOUS USE

If, in relation to an application or proceeding under the Act or this scheme, including an application for a certificate of compliance under Section 97N of the Act, the extent of any existing use right for a period in excess of 15 years is in question, it is sufficient proof of the establishment of the existing use right if the use has been carried out continuously for 15 years prior to the date of the application or proceeding.

An existing use right may be established under this clause even if the use did not comply with the scheme immediately prior to or during the 15 year period, unless either:

- At any time before or after commencement of the 15 year period the use has been held to be unlawful by a decision of a court or tribunal.
- During the 15 year period, the responsible authority has clearly and unambiguously given a written direction for the use to cease by reason of its non-compliance with the scheme.
DECISION GUIDELINES

Before deciding on an application under Clause 63.05, 63.08 or 63.10, in addition to the decision guidelines in Clause 65 and any other requirements of the Act, the responsible authority must consider the extent to which compliance can be achieved with all scheme requirements that can reasonably be met.
LAND USED FOR MORE THAN ONE USE

If land is used for more than one use and one is not ancillary to the other, each use must comply with this scheme.
LAND USED IN CONJUNCTION WITH ANOTHER USE

If a provision of this scheme provides that a use of land must be used ‘in conjunction with’ another use of the land:

- there must be an essential association between the two uses; and
- the use must have a genuine, close and continuing functional relationship in its operation with the other use.
SUBDIVISION OF LAND IN MORE THAN ONE ZONE

If a provision of this scheme provides that a permit is required to subdivide land and the land is in more than one zone a permit may be granted even if one of the lots does not comply with the minimum lot size requirements of a zone.

Permit Requirement

A permit may be granted to create one lot smaller than specified in the scheme if all of the following are met:

- The lot to be subdivided is in more than one zone and cannot comply with the minimum lot area specified in the scheme.
- The proposed subdivision does not create lots where any lot extends into more than one zone. This does not apply to any lots created for the following purposes:
  - To comply with the requirements of the Urban Floodway Zone.
  - To provide access to a road.
- The remainder of the proposed lots must comply with the minimum lot area specified in the scheme.
DECISION GUIDELINES

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.
APPROVAL OF AN APPLICATION OR PLAN

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

- The matters set out in section 60 of the Act.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

This clause does not apply to a VicSmart application.
APPROVAL OF AN APPLICATION TO SUBDIVIDE LAND

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

This clause does not apply to a VicSmart application.
REFERRAL AND NOTICE PROVISIONS

Scope

These provisions set out the 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 <em>Land Act 1958</em></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 <em>Heritage Act 2017</em></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 watersupply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority’s requirements and relevant legislation at the time.
- All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
- The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

This requirement does not apply to a permit granted to subdivide land into lots each containing an existing dwelling or car parking space.

**Referrals under the Subdivision Act – certification of plans**

For the purpose of Section 8(1)(a) of the Subdivision Act 1988 referral of a plan is required if:

- A referral is required by a permit issued under this scheme. The plan must be referred to the relevant referral authority.
- A plan creates, varies or removes an easement or restriction likely to be of interest to a referral authority. The plan must be referred to the relevant referral authority.
- The only access to a lot on a plan is over Crown land and the Minister administering the Land Act 1958 has not consented or provision has not been made for a road to be reserved or proclaimed. The plan must be referred to that Minister.
- In the opinion of the Council the plan may affect existing sewerage, water, drainage or other works. The plan must be referred to the referral authority responsible for those works.
USE AND DEVELOPMENT REFERRALS

An application of the kind listed in the tables below must be referred to the person or body specified as the referral authority. The tables below specify whether the referral authority is a determining referral authority or a recommending referral authority.

Works approval or licence

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>For a use or development requiring any of the following:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Works approval in accordance with Section 19A of the</td>
<td>Environment Protection Authority</td>
<td>Determining referral</td>
</tr>
<tr>
<td>Environment Protection Act 1970.</td>
<td></td>
<td>authority</td>
</tr>
<tr>
<td>• A licence to discharge or emit waste in accordance with Section 20 of the</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Amendment of a licence under Section 20A of the</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</td>
<td>Secretary to the Department of Environment, Land, Water and Planning (as</td>
<td>Recommending</td>
</tr>
<tr>
<td>defined in the Guidelines for the removal, destruction or lopping of native</td>
<td>constituted under Part 2 of the Conservation, Forests and Lands Act 1987)</td>
<td>referral authority</td>
</tr>
<tr>
<td>• To remove, destroy or lop native vegetation if a property vegetation plan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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</td>
</tr>
<tr>
<td></td>
<td>If the site is located within a special</td>
<td>Determining referral</td>
</tr>
<tr>
<td></td>
<td>water supply catchment area under the</td>
<td>authority</td>
</tr>
<tr>
<td></td>
<td>Catchment and Land Protection Act 1994,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>the relevant water authority under the</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Water Act 1989 and the Secretary to the</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Department administering the Catchment and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Land Protection Act 1994</td>
<td></td>
</tr>
<tr>
<td></td>
<td>If the number of cattle is 5000 or more,</td>
<td>Determining referral</td>
</tr>
<tr>
<td></td>
<td>the Environment Protection Authority</td>
<td>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 or warehouse

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use land for an industry or warehouse for a purpose listed in the table to Clause 53.10 shown with a Note 1 or if the threshold distance is not to be met.</td>
<td>Environment Protection Authority</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use land for an industry or warehouse for a purpose listed in the table to Clause 53.10 shown with a Note 2 and if any of the following apply:</td>
<td>Environment Protection Authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>A fire protection quantity is exceeded under the Dangerous Goods (Storage and Handling) Regulations 2012.</td>
<td>The Victorian WorkCover Authority</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>
### Stone Extraction

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use or develop land for stone extraction.</td>
<td>Secretary to the Department administering the <em>Heritage Act 1995</em>.&lt;br&gt;Secretary to the Department administering the <em>Mineral Resources (Sustainable Development) Act 1990</em></td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To use or develop land for stone extraction on Crown land or land abutting Crown land, other than a government road.</td>
<td>Secretary to the Department administering the <em>Land Act 1958</em>, <em>Crown Land (Reserves) Act 1978</em>, <em>National Parks Act 1975</em> and <em>Forests Act 1958</em>.</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To use or develop land for stone extraction:</td>
<td>Secretary to the Department administering the <em>Catchment and Land Protection Act 1994</em>.</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- In Special Areas declared under Section 27 of the <em>Catchment and Land Protection Act 1994</em>.</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></td>
<td></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></td>
<td></td>
</tr>
<tr>
<td>To use or develop land for stone extraction:</td>
<td>Secretary to the Department administering the <em>Flora and Fauna Guarantee Act 1988</em></td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>In areas with communities or taxa listed or critical habitat determined under the <em>Flora and Fauna Guarantee Act 1988</em>.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>On land which has been identified in this scheme as containing sites of flora or fauna significance.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To use or develop land for stone extraction on land which has been identified in this scheme as flood prone.</td>
<td>Secretary to the Department administering Section 201 of the <em>Water Act 1989</em></td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To use or develop land for stone extraction if the land is intended to be used for land fill at a future date.</td>
<td>Environment Protection Authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To use or develop land for stone extraction:</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 <em>Road Management Act 2004</em> and if the development is expected to increase traffic movement at the intersection of the local road and the declared road by ten percent or more.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>On land which abuts a road declared as a freeway or an arterial road under the <em>Road Management Act 2004</em>. This does not apply to a development which generates less than one hundred commercial trips per day, with roadworks at the entrance to the site built in accordance with the requirements of the Roads Corporation and the declared road is not a freeway.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Geothermal energy extraction

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use or develop land for geothermal energy extraction.</td>
<td>Secretary to the Department administering the Geothermal Energy Resources Act 2005</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>

### Greenhouse gas sequestration

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use or develop land for greenhouse gas sequestration.</td>
<td>Secretary to the Department administering the Greenhouse Gas Geological Sequestration Act 2008</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>

### Integrated Public Transport Planning

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>An application to subdivide land, to construct a building or to construct or carry out works for any of the following:</td>
<td>Head, Transport for Victoria</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- A residential development comprising 60 or more dwellings or lots.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A residential building comprising 60 or more lodging rooms.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A residential village comprising 60 or more dwellings.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A retirement village comprising 60 or more dwellings or lots.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A new retail premises of 4000 or more square metres of leasable floor area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- An increase of more than 1000 square metres to the leasable floor area of an existing retail premises which is 4000 or more square metres leasable floor area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- An office development of 10,000 or more square metres of leasable floor area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A place of assembly comprising 400 or more seats or 600 or more square metres of gross floor area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- An education centre.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A major sports and recreation facility.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Any alteration or development of public transport infrastructure or stops, unless undertaken for the Head, Transport for Victoria.</td>
<td></td>
<td></td>
</tr>
</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>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>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>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>Clause 44.05-6 (SBO)</td>
<td>An application under the overlay within the waterway management district of Melbourne Water Corporation.</td>
<td>Melbourne Water Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause</td>
<td>Kind of application</td>
<td>Referral authority</td>
<td>Type of referral authority</td>
</tr>
<tr>
<td>--------</td>
<td>---------------------</td>
<td>-------------------</td>
<td>---------------------------</td>
</tr>
</tbody>
</table>
| Clause 44.06-6 (BMO) | An application to construct a building or carry out works associated with a dwelling. This does not apply to a non habitable outbuilding that meets the following requirements:  
- The outbuilding is ancillary to a dwelling,  
- 10 metres of defendable space is provided around the outbuilding in accordance with the vegetation management requirements at Table 6 of Clause 53.02,  
- The canopy of each tree within the defendable space is separated by at least 2 metres, and  
- Where the outbuilding is located less than 10 metres from a dwelling the outbuilding construction requirements at Table 7 of Clause 53.02 are met. | Relevant fire authority | Recommending referral authority |
<p>| Clause 44.07-4 (SRO) | An application of the kind specified in a schedule to the overlay. | Referral authority specified in a schedule to the overlay | Determining referral authority |
| Clause 45.01-3 (PAO) | An application under the overlay. | Acquiring authority specified in the schedule to the overlay | Determining referral authority |
| Clause 45.07-6 (CLPO) | An application under the overlay. | Roads Corporation | Determining referral authority |
| Clause 52.05 | An application to display an animated or electronic sign within 60 metres of a freeway or arterial road declared under the Road Management Act 2004. | Roads Corporation | Determining referral authority |
| Clause 52.27 | An application under the Clause in association with a bar, hotel or nightclub that is to operate after 1am. | Victorian Commission for Gambling and Liquor Regulation | Determining referral authority |</p>
<table>
<thead>
<tr>
<th>Clause</th>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 52.29</td>
<td>An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or an arterial road under the <em>Road Management Act 2004</em>, land owned by the Roads Corporation for the purpose of a road, or land in a PAO if the Roads Corporation is the acquiring authority for the land, subject to exemptions specified in the clause.</td>
<td>Roads Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td></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>Schedule 2 to Clause 37.01 (SUZ)</td>
<td>All applications.</td>
<td>Secretary to the Department of Economic Development, Jobs, Transport and Resources</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Secretary to the Department administering the Catchment and Land Protection Act 1994.</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Schedule 1 to Clause 42.01 (ESO)</td>
<td>Buildings and works requiring a permit under Schedule 1 to Clause 42.01 for advice regarding potential impacts and actions to avoid, minimise and mitigate impacts.</td>
<td>Department of Environment, Land, Water and Planning</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Glenelg Hopkins CMA within the catchment area.</td>
<td>Recommending referral authority</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Corangamite CMA within the catchment area.</td>
<td>Recommending referral authority</td>
</tr>
<tr>
<td>Schedule 2 to Clause 45.02 (AEO)</td>
<td>Uses listed in Schedule 2 to the Clause.</td>
<td>Airport owner.</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Schedule 6 to Clause 42.01 (ESO)</td>
<td>Buildings and works requiring a permit under Schedule 6 to Clause 42.01 for advice regarding potential impacts and actions to avoid, minimise and mitigate impacts.</td>
<td>Department of Environment, Land, Water and Planning</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Schedule 1 to Clause 42.02 (VPO)</td>
<td>Removal of native vegetation requiring a permit under Schedule 1 to Clause 42.02 for advice regarding potential impacts and actions to avoid, minimise and mitigate impacts.</td>
<td>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>

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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.
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:

- 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.
SCHEDULE TO CLAUSE 72.01 RESPONSIBLE AUTHORITY FOR THIS PLANNING SCHEME

1.0 Responsible authority for administering and enforcing this planning scheme:
The Moyne Shire Council is the responsible authority for administering and enforcing the planning scheme, except for matters specified in Clause 72.01-1 and matters listed in this schedule.

2.0 Responsible authority for administering and enforcing a provision of this planning scheme:
None specified.

3.0 Person or responsible authority for issuing planning certificates:
Minister for Planning.

4.0 Responsible authority for VicSmart applications:
The Chief Executive Officer of Moyne Shire Council is the responsible authority for considering and determining VicSmart applications to which Clause 71.06 applies, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.
WHAT AREA IS COVERED BY THIS PLANNING SCHEME?

This planning scheme applies to the municipal district or other area specified in the schedule to this clause.
Area covered by this planning scheme:
All of the area of the municipal district of the Shire of Moyne.
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. 1SLO
2. 2HO, 2SLO
3. 4
5. 6, 6HO, 6BMO
7. 7BMO
8. 8HO, 8BMO
9. 9BMO
10. 11HO, 11BMO
12. 12HO
13. 13HO, 13ESO, 13BMO
14. 14HO, 14BMO
15. 15DDO, 15HO, 15BMO
16. 16DDO, 16HO
17. 18, 18HO, 18ESO, 18BMO, 18SCO
19. 19ESO, 19BMO
20. 20BMO
21. 21ESO, 21BMO
22. 23, 23AEO, 23ESO, 23VPO, 23DDO, 23DPO, 23HO, 23BMO
24.
26. 26BMO
27. 27HO
28.
29.
30. 30BMO
31.
32. 32ESO, 32SLO, 32BMO, 32SCO
33. 33ESO, 33HO
34. 34ESO, 34DDO, 34DPO, 34EMO, 34HO, 34LSIO-FO, 34PAO, 34SLO, 34BMO, 34SCO
35. 35HO, 35DDO, 35DPO, 35EMO, 35ESO, 35LSIO-FO, 35PAO, 35RXO
- 36, 36DDO, 36EAO, 36HO, 36LSIO-FO, 36RXO
- 37, 37HO, 37ESO, 37VPO, 37SLO, 37DPO, 37AEO, 37DDO, 37BMO
- 38, 38HO, 38SLO, 38DPO
- 39, 39ESO, 39HO, 39SLO, 39BMO
- 40, 40HO, 40BMO
- 41, 41SCO
- 42
- 43, 43ESO, 43SLO, 43BMO
- 44, 44DDO, 44ESO, 44HO, 44SLO, 44BMO
- 45, 45HO
- 46, 46DDO, 46ESO, 46HO, 46LSIO-FO, 46SLO, 46BMO
DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME

The documents listed in the table and the schedule to this clause are incorporated documents under section 6(2)(j) of the *Planning and Environment Act 1987*.

An incorporated document forms part of this planning scheme.

If a document is not listed in the table or the schedule, it is not an incorporated document.

A document is not incorporated in this planning scheme by reason only that it is referred to in the scheme.

*Note:* Clause 72.08 contains a list of background documents relevant to this planning scheme. A background document does not form part of the planning scheme.

### Table to Clause 72.04

<table>
<thead>
<tr>
<th>Name of document</th>
<th>Introduced by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>A ‘Good Neighbour’ Code of Practice for a Circus or Carnival, October 1997</td>
<td>V3</td>
</tr>
<tr>
<td>A Code of Practice for Telecommunications Facilities in Victoria, July 2004</td>
<td>VC26</td>
</tr>
<tr>
<td>Apiary Code of Practice, May 2011</td>
<td>VC81</td>
</tr>
<tr>
<td>Australian Standard AS2890.2-2002 Parking facilities: Off-street commercial vehicle facilities, Standards Australia 2002</td>
<td>VC77</td>
</tr>
<tr>
<td>Australian/New Zealand Standard AS/NZS1158.3.1:1999, Road lighting, Part 3.1: Pedestrian Area (Category P) lighting – Performance and installation design requirements. Standards Australia/Standards New Zealand 1999</td>
<td>VC12</td>
</tr>
<tr>
<td>Building in bushfire-prone areas - CSIRO &amp; Standards Australia (SAA HB36-1993), May 1993</td>
<td>NPS1</td>
</tr>
<tr>
<td>Code of Practice for Bushfire Management on Public Land, 2012</td>
<td>VC101</td>
</tr>
<tr>
<td>Code of Practice for Timber Production 2014</td>
<td>VC101</td>
</tr>
<tr>
<td>Construction Techniques for Sediment Pollution Control, Environment Protection Authority May 1991</td>
<td>NPS1</td>
</tr>
<tr>
<td>Design Vehicles and Turning Path Templates, Austroads, 1995 (AP-34/95)</td>
<td>VC12</td>
</tr>
<tr>
<td>Growth Area Framework Plans, Department of Sustainability and Environment, September 2006</td>
<td>VC41</td>
</tr>
<tr>
<td>Guide to Road Design, Part 6A: Pedestrian and Cycle Paths, Austroads</td>
<td>VC77</td>
</tr>
<tr>
<td>Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management (Publication 891.4, Environment Protection Authority, 2016)</td>
<td>VC132</td>
</tr>
<tr>
<td>Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning 2017)</td>
<td>VC138</td>
</tr>
<tr>
<td>Local Government Planning Guide for Dry Land Salinity - Department Conservation and Natural Resources, 1995</td>
<td>NPS1</td>
</tr>
<tr>
<td>Name of document</td>
<td>Introduced by:</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Pavement Design - A Guide to the Structural Design of Road Pavements, Austroads, (AP-17/92)</td>
<td>VC12</td>
</tr>
<tr>
<td>Planning requirements for racing dog keeping and training (Department of Environment, Land, Water and Planning, August 2017)</td>
<td>VC139</td>
</tr>
<tr>
<td>Principal Public Transport Network 2017 (State Government of Victoria, 2017)</td>
<td>VC132</td>
</tr>
<tr>
<td>Principal Public Transport Network Area Maps (State Government of Victoria, August 2018)</td>
<td>VC151</td>
</tr>
<tr>
<td>Private Tennis Court Development Code of Practice – Revision 1, March 1999</td>
<td>VC5</td>
</tr>
<tr>
<td>Victorian Code for Broiler Farms 2009 (plus 2018 amendments)</td>
<td>VC60</td>
</tr>
<tr>
<td>Victorian Code for Cattle Feedlots, August 1995</td>
<td>NPS1</td>
</tr>
<tr>
<td>Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines (Department of Economic Development, Jobs, Transport and Resources, June 2018)</td>
<td>VC150</td>
</tr>
<tr>
<td>Victorian Low Density Mobile Outdoor Pig Farm Planning Permit Guidelines (Department of Economic Development, Jobs, Transport and Resources, June 2018)</td>
<td>VC150</td>
</tr>
</tbody>
</table>
## SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME

### Incorporated documents

<table>
<thead>
<tr>
<th>Name of document</th>
<th>Introduced by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>228 Griffiths Street Port Fairy – Use and Development Controls, 2009</td>
<td>C50</td>
</tr>
<tr>
<td>Mortlake Heritage Precincts Incorporated Document January 2016</td>
<td>C61</td>
</tr>
<tr>
<td>Moyne Shire Heritage Overlay Planning Permit Exemptions Incorporated Document March 2015</td>
<td>C55</td>
</tr>
<tr>
<td>Otway Basin Carbon Capture and Storage Project, Nirranda, April 2007</td>
<td>C28</td>
</tr>
<tr>
<td>Port Fairy Local Floodplain Development Plan 2013</td>
<td>C54</td>
</tr>
<tr>
<td>Shaw River Power Station, Orford, October 2010</td>
<td>C36</td>
</tr>
<tr>
<td>Site Specific Provisions Applying To Land At Survey Lane and Rocks Road, Killarney 12 August 1999</td>
<td>NPS1</td>
</tr>
<tr>
<td>Tarrone Power Station, Incorporated Document December 2011</td>
<td>C62</td>
</tr>
<tr>
<td>Warrnambool Line Upgrade - Incorporated Document, December 2019</td>
<td>GC121</td>
</tr>
</tbody>
</table>
WHEN DID THIS PLANNING SCHEME BEGIN?

This planning scheme began on the date specified in the schedule to this clause.
SCHEDULE TO CLAUSE 72.05 WHEN DID THIS PLANNING SCHEME BEGIN?

1.0

Date this planning scheme began:

6 January 2000
EFFECT OF THIS PLANNING SCHEME

Land may be used or developed only in accordance with this planning scheme.

Land must not be developed unless the land as developed can be used in accordance with this planning scheme.

If this planning scheme allows a particular use of land, it may be developed for that use provided all requirements of the scheme are met.
DETERMINATION OF BOUNDARIES

If a boundary in this planning scheme is not precisely shown on a planning scheme map or is not otherwise defined, the certificate issuing authority must determine the boundary if asked to do so and must notify the applicant within 60 days.
BACKGROUND DOCUMENTS

The documents listed in the table and the schedule to this clause are background documents. The table and the schedule to this clause must specify the amendment that listed the background document and may specify the clause of this planning scheme that the background document relates to.

A background document may:

- Have informed the preparation of, or an amendment to, this planning scheme.
- Provide information to explain the context within which a provision has been framed.
- Assist the understanding of this planning scheme.

A background document does not form part of this planning scheme.

A background document may be referenced elsewhere in this planning scheme without being listed in the table or schedule to this clause.

Table to Clause 72.08

<table>
<thead>
<tr>
<th>Name of background document</th>
<th>Amendment number - clause reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>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>
# 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.
The following table lists general terms which may be used in this planning scheme. A term listed in the first column, under the heading "General term", has the meaning set out beside that term in the second column, under the heading "Definition".

<table>
<thead>
<tr>
<th>General term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural production</td>
<td>Any form of primary production of renewable commodities. It does not include Stone extraction, Mineral extraction, or timber production from native forest.</td>
</tr>
<tr>
<td>Anemometer</td>
<td>A wind measuring device.</td>
</tr>
<tr>
<td>Apartment</td>
<td>A dwelling located above the ceiling level or below the floor level of another dwelling and is part of a building containing two or more dwellings.</td>
</tr>
<tr>
<td>Approval date</td>
<td>The date this scheme began, or the date of notice in the Victoria Government Gazette of approval of an amendment to this scheme.</td>
</tr>
<tr>
<td>Basement</td>
<td>A storey below ground level, or that projects no more than 1.2 metres above ground level.</td>
</tr>
<tr>
<td>Building height</td>
<td>The vertical distance from natural ground level to the roof or parapet at any point.</td>
</tr>
<tr>
<td>Carriageway</td>
<td>The area of a street reserve which is provided for the movement or parking of vehicles. It is determined by the invert of a kerb and channel and the point adjacent to the pavement edge for kerb (only) and edge strips.</td>
</tr>
<tr>
<td>Central Highlands region</td>
<td>The area covered by the Ararat, Ballarat, Golden Plains, Hepburn, Moorabool and Pyrenees planning schemes.</td>
</tr>
<tr>
<td>Clear to the sky</td>
<td>An unroofed area or area roofed with material that transmits 90 per cent of light.</td>
</tr>
<tr>
<td>Defendable space</td>
<td>An area of land around a building where vegetation is modified and managed to reduce the effects of flame contact and radiant heat associated with bushfire.</td>
</tr>
<tr>
<td>Deflection angle</td>
<td>The angle between two tangent sections of a carriageway.</td>
</tr>
<tr>
<td>Design speed</td>
<td>The speed fixed for the design and correlation of the geometric features of a carriageway that influence vehicle operation. It is the speed which is not exceeded by 85 per cent of vehicles.</td>
</tr>
<tr>
<td>Domestic services normal to a dwelling</td>
<td>A domestic appliance or apparatus that is normal to and services a dwelling. It includes disabled access ramps and handrails, an air conditioner, cooling or heating system, a hot water service, security systems and cameras, shade sails, a 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>Gaming machine</td>
<td>Has the same meaning as it has in the Gambling Regulation Act 2003.</td>
</tr>
</tbody>
</table>
| Garden area                  | Any area on a lot with a minimum dimension of 1 metre that does not include: \(\text{a) a dwelling or residential building, except for:}\)  
  - an eave, fascia or gutter that does not exceed a total width of 600mm;  
  - a pergola;  
  - unroofed terraces, patios, decks, steps or landings less than 800mm in height;  
  - a basement that does not project above ground level;  
  - any outbuilding that does not exceed a gross floor area of 10 square metres; and  
  - domestic services normal to a dwelling or residential building; \(\text{b) a driveway; or}\) \(\text{c) an area set aside for car parking.}\)                                                                                     |
<p>| Geelong G21 region           | The area covered by the Colac Otway, Golden Plains, Greater Geelong, Queenscliffe and Surf Coast planning schemes.                                                                                                                                                                                                                       |
| Gippsland region             | The area covered by the Bass Coast, Baw Baw, East Gippsland, Latrobe, South Gippsland and Wellington planning schemes.                                                                                                                                                                                                                       |
| Great South Coast region     | The area covered by the Corangamite, Glenelg, Moyne, Southern Grampians and Warrnambool planning schemes.                                                                                                                                                                                                                                  |
| Gross floor area             | The total floor area of a building, measured from the outside of external walls or the centre of party walls, and includes all roofed areas.                                                                                                                                                                                                   |
| Ground level                 | The natural level of a site at any point.                                                                                                                                                                                                                                                                                                  |
| Habitable room               | Any room of a dwelling or residential building other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, lobby, photographic darkroom, clothes drying room and other space of a specialised nature occupied neither frequently nor for extended periods.                                                                                                    |
| High quality productive      | Land which is used for animal husbandry or crop raising, and is capable of continuing to sustain agricultural production, and: (\text{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}) (\text{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.}) |
| agricultural land            |                                                                                                                                                                                                                                                                                                                                       |
| Hume region                  | The area covered by the Alpine, Benalla, Greater Shepparton, Indigo, Mansfield, Mitchell, Moira, Murrindindi, Strathbogie, Towong, Wangaratta and Wodonga planning schemes.                                                                                                                                                                           |
| Land capability assessment   | The assessment of the physical ability of the land to sustain specific uses having regard to its management, and without long term on-site detriment to the environment.                                                                                                                                                        |</p>
<table>
<thead>
<tr>
<th>General term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leasable floor area</td>
<td>That part of the net floor area able to be leased. It does not include public or common tenancy areas, such as malls, verandahs, or public conveniences.</td>
</tr>
<tr>
<td>Loddon Mallee North region</td>
<td>The area covered by the Buloke, Campaspe, Gannawarra, Mildura and Swan Hill planning schemes.</td>
</tr>
<tr>
<td>Loddon Mallee South region</td>
<td>The area covered by the Central Goldfields, Greater Bendigo, Loddon, Macedon Ranges and Mount Alexander planning schemes.</td>
</tr>
<tr>
<td>Lot</td>
<td>A part (consisting of one or more pieces) of any land (except a road, a reserve, or common property) shown on a plan, which can be disposed of separately and includes a unit or accessory unit on a registered plan of strata subdivision and a lot or accessory lot on a registered cluster plan.</td>
</tr>
<tr>
<td>Mean building height</td>
<td>The vertical distance between the mean ground level and the finished roof height at its highest point.</td>
</tr>
<tr>
<td>Mean ground level</td>
<td>One half the sum of the highest and lowest levels along ground level of the outer surface of all external building walls.</td>
</tr>
<tr>
<td>Metropolitan Melbourne</td>
<td>The area covered by the Banyule, Bayside, Borroondara, Brimbank, Cardinia, Casey, Darebin, Frankston, Glen Eira, Greater Dandenong, Hobsons Bay, Hume, Kingston, Knox, Manningham, Maribyrnong, Maroondah, Melbourne, Melton, Monash, Moonee Valley, Moreland, Mornington Peninsula, Nillumbik, Port of Melbourne, Port Phillip, Stonnington, Whitehorse, Whittlesea, Wyndham, Yarra and Yarra Ranges Planning Schemes and the area within the urban growth boundary in the Mitchell Planning Scheme.</td>
</tr>
<tr>
<td>Mineral</td>
<td>Any substance which occurs naturally as part of the earth's crust, including: a) oil shale and coal; and b) hydrocarbons and mineral oils contained in oil shale or coal, or extracted from oil shale or coal by chemical or industrial processes. It does not include water, stone, or petroleum.</td>
</tr>
<tr>
<td>Movable building</td>
<td>A structure, other than a tent, caravan, or vehicle, which is designed to be moved from place to place on more than one occasion.</td>
</tr>
<tr>
<td>Native vegetation</td>
<td>Plants that are indigenous to Victoria, including trees, shrubs, herbs, and grasses.</td>
</tr>
<tr>
<td>Net floor area</td>
<td>The total floor area of all floors of all buildings on a site. It includes half the width of any party wall and the full width of all other walls. It does not include the area of stairs, loading bays, accessways, or car parking areas, or any area occupied by machinery required for air conditioning, heating, power supply, or lifts.</td>
</tr>
<tr>
<td>Plot ratio</td>
<td>The gross floor area of all buildings on a site, divided by the area of the site.</td>
</tr>
<tr>
<td>Private open space</td>
<td>An outdoor area of a dwelling or residential building or land for the exclusive use of the occupants.</td>
</tr>
<tr>
<td>Property vegetation plan</td>
<td>A plan which relates to the management of native vegetation within a property, and which is contained within an agreement made pursuant to section 69 of the Conservation, Forests and Lands Act 1987.</td>
</tr>
<tr>
<td>General term</td>
<td>Definition</td>
</tr>
<tr>
<td>----------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Prostitution</td>
<td>The provision by one person to or for another person (whether or not of a different sex) of sexual services in return for payment or reward.</td>
</tr>
<tr>
<td>Public land manager</td>
<td>The Minister, government department, public authority or municipal council having responsibility for the care or management of public land. In relation to Crown land reserved under an Act and managed or controlled by a committee of management, other than Parks Victoria or a municipal council, it means the Minister administering that Act and does not include the committee of management.</td>
</tr>
<tr>
<td>Radio mast</td>
<td>A mast, for radio transmission or reception in a dwelling, that is: a) with antenna, more than 14 metres above the ground; b) if attached to a building, with antenna, more than 5 metres above the roof line; c) including antenna, wider than 6 metres; or d) excluding antenna, wider than 50 centimetres at any point exceeding 3 metres above the ground.</td>
</tr>
<tr>
<td>Retail</td>
<td>The sale of goods or materials, in any quantity or manner, other than by wholesale.</td>
</tr>
<tr>
<td>Secluded private open space</td>
<td>That part of private open space primarily intended for outdoor living activities which enjoys a reasonable amount of privacy.</td>
</tr>
<tr>
<td>Setback</td>
<td>The minimum distance from any allotment boundary to a building.</td>
</tr>
<tr>
<td>Sexual services</td>
<td>Has the same meaning as it has in the <em>Sex Work Act 1994</em>.</td>
</tr>
<tr>
<td>Site coverage</td>
<td>The proportion of a site covered by buildings.</td>
</tr>
<tr>
<td>Stone</td>
<td>Basalt, freestone, granite, limestone, sandstone, or other building stone, or rock, ordinarily used for building, manufacturing, road making, or construction; or clay (not fine clay, bentonite, or kaolin), earth, gravel, quartz (not quartz crystals), sand, soil, slate, or other similar material.</td>
</tr>
<tr>
<td>Storey</td>
<td>That part of a building between floor levels. If there is no floor above, it is the part between the floor level and ceiling. It may include an attic, basement, built over car parking area, and mezzanine.</td>
</tr>
<tr>
<td>Stormwater</td>
<td>The net increase in run-off from urban development due to water not being able to seep into the ground because of impervious surfaces, such as roofs and roads.</td>
</tr>
<tr>
<td>Street leg length</td>
<td>The distance between street intersections or junctions, or points and locations where vehicles must slow down, usually to a maximum speed of 20 kilometres per hour.</td>
</tr>
<tr>
<td>Street reserve</td>
<td>Land set aside for a street pavement and verge.</td>
</tr>
<tr>
<td>Sustainable agriculture</td>
<td>The use of farming practices and systems which maintain or enhance: a) the economic viability of agricultural production; b) the natural resource base; and c) other ecosystems which are influenced by agricultural activities.</td>
</tr>
<tr>
<td>General term</td>
<td>Definition</td>
</tr>
<tr>
<td>---------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Telecommunications line</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>Telecommunications network</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>Telecommunications tower</td>
<td>A tower, pole or mast used as part of a Telecommunications network.</td>
</tr>
<tr>
<td>Tenement</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>Utility service provider</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>Verge</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>Wall height</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>Wholesale</td>
<td>The sale of goods or materials, to be sold by others.</td>
</tr>
<tr>
<td>Wimmera Southern Mallee region</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.</td>
</tr>
<tr>
<td></td>
<td>It does not include safety devices, platforms and lighting structures.</td>
</tr>
<tr>
<td></td>
<td>If the sign does not move or rotate, the area is one side only.</td>
</tr>
<tr>
<td>Animated sign</td>
<td>A sign that can move, contains moving or scrolling parts, changes its message, flashes, or has a moving or flashing border.</td>
</tr>
<tr>
<td>Bed and breakfast sign</td>
<td>A sign at a dwelling that advertises bed and breakfast accommodation in the dwelling.</td>
</tr>
<tr>
<td>Bunting sign</td>
<td>An advertisement that consists of bunting, streamers, flags, windvanes, or the like.</td>
</tr>
<tr>
<td>Business identification sign</td>
<td>A sign that provides business identification information about a business or industry on the land where it is displayed. The information may include the name of the business or building, the street number of the business premises, the nature of the business, a business logo or other business identification information.</td>
</tr>
<tr>
<td>Direction sign</td>
<td>A sign not exceeding 0.3 square metre that directs vehicles or pedestrians. It does not include a sign that contains commercial information.</td>
</tr>
<tr>
<td>Electronic sign</td>
<td>A sign that can be updated electronically. It includes screens broadcasting still or moving images.</td>
</tr>
<tr>
<td>Floodlit sign</td>
<td>A sign illuminated by external lighting provided for that purpose.</td>
</tr>
<tr>
<td>High-wall sign</td>
<td>A sign on the wall of a building so that part of it is more than 10 metres above the ground.</td>
</tr>
<tr>
<td>Home based business sign</td>
<td>A sign at a dwelling that advertises a home based business carried on in the dwelling, or on the land around the dwelling.</td>
</tr>
<tr>
<td>Internally illuminated sign</td>
<td>A sign illuminated by internal lighting or which contains lights or illuminated tubes arranged as an advertisement.</td>
</tr>
<tr>
<td>Major promotion sign</td>
<td>A sign which is 18 square metres or greater that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited.</td>
</tr>
<tr>
<td>Panel sign</td>
<td>A sign with an advertisement area exceeding 10 square metres.</td>
</tr>
<tr>
<td>Pole sign</td>
<td>A sign:</td>
</tr>
<tr>
<td></td>
<td>a) on a pole or pylon that is not part of a building or another structure;</td>
</tr>
<tr>
<td></td>
<td>b) that is no more than 7 metres above the ground;</td>
</tr>
<tr>
<td>Sign term</td>
<td>Definition</td>
</tr>
<tr>
<td>-----------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>c) with an advertisement area not exceeding 6 square metres; and</td>
</tr>
<tr>
<td></td>
<td>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:</td>
</tr>
<tr>
<td></td>
<td>a) on or above the roof of a building, but not a verandah;</td>
</tr>
<tr>
<td></td>
<td>b) fixed to the wall of a building and which projects above the wall; or</td>
</tr>
<tr>
<td></td>
<td>c) fixed to a structure (not a building) so that part of it is more than 7 metres above the ground.</td>
</tr>
</tbody>
</table>
LAND USE TERMS

The table to this clause lists terms which may be used in this planning scheme in relation to the use of land. A term describing a use or activity in relation to land which is not listed in the table must not be characterised as a separate use of land if the term is obviously or commonly included within one or more of the terms listed in the table.

Meaning of terms

A term listed in the first column, under the heading "Land use term", has the meaning set out beside that term in the second column, under the heading "Definition".

No definition of listed term indicates ordinary meaning

A term listed in the first column, under the heading "Land use term", which does not have a meaning set out beside that term in the second column, under the heading "Definition", has its ordinary meaning.

Terms which specifically include other listed terms

A term listed in the first column, under the heading "Land use term", which has other terms listed beside it in the third column, under the heading "Includes", includes any term so listed in the third column and any term included within that term in the third column, but does not include any other term listed in the first column.

A term listed in the first column which has other terms listed beside it in the third column may also include other terms which are not listed in the first column.

All terms listed in the third column are also listed in the first column.

Terms which do not specifically include other listed terms

If a term listed in the first column, under the heading "Land use term", does not have any term listed beside it in the third column, under the heading "Includes", that term does not include any term listed in the first column.

However, a term listed in the first column which does not have any term listed beside it in the third column may include other terms which are not listed in the first column.

Terms which are included within other listed terms

A term listed in the first column, under the heading "Land use term", which has a term listed beside it in the fourth column, under the heading "Included in", is included within the term so listed in the fourth column and any term which includes that term in the fourth column.

All terms listed in the fourth column are also listed in the first column.

Terms which are not included within other listed terms

If a term listed in the first column, under the heading "Land use term", does not have a term listed beside it in the fourth column, under the heading "Included in", that term is not included within any other term listed in the first column.

Table to Clause 73.03

<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abattoir</td>
<td>Land used to slaughter animals, including birds. It may include the processing of animal products.</td>
<td>Rural industry</td>
<td></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>
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<td>----------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Adult sex product shop | Land used to sell or hire sexually explicit material, including:  
 a) publications classified as restricted under the *Classification (Publications, Films and Computer Games) (Enforcement) Act 1995*; and  
 b) materials and devices (other than contraceptives and medical treatments) used in conjunction with sexual behaviour.                                                                                                                                                                                                                                         | Shop                                                                     |                                                                            |
| Agriculture     | Land used to:  
 a) propagate, cultivate or harvest plants, including cereals, flowers, fruit, seeds, trees, turf, and vegetables;  
 b) keep, breed, board, or train animals, including livestock, and birds; or  
 c) propagate, cultivate, rear, or harvest living resources of the sea or inland waters.                                                                                                                                                                                                                                                        | Animal husbandry  
 Aquaculture  
 Crop raising                                                                 |                                                                            |
| Airport         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Transport terminal                                                                 |                                                                            |
| Amusement park  | A building that contains:  
 a) three or more coin, card, or token operated amusement machines;                                                                                                                                                                                                                                                                                                                                     | Outdoor recreation facility                                                                 |                                                                            |
| Amusement parlour | A building that contains:  
 a) three or more coin, card, or token operated amusement machines;                                                                                                                                                                                                                                                                                                                                     | Place of assembly                                                                 |                                                                            |
<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal husbandry</td>
<td>Land used to keep, breed, board, or train animals, including birds.</td>
<td>Animal production</td>
<td>Agriculture</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Animal training</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Apiculture</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Domestic animal husbandry</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Horse husbandry</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Racing dog husbandry</td>
<td></td>
</tr>
<tr>
<td>Animal production</td>
<td>Land used to keep or breed farm animals for the production of livestock, eggs, fibre, meat, milk or other animal products.</td>
<td>Grazing animal production</td>
<td>Animal husbandry</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Intensive animal production</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pig farm</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Poultry farm</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Poultry hatchery</td>
<td></td>
</tr>
<tr>
<td>Animal training</td>
<td>Land used to train animals, other than domestic animals, horses, or racing dogs.</td>
<td></td>
<td>Animal husbandry</td>
</tr>
<tr>
<td>Apiculture</td>
<td>Land used to keep honeybee hives and to extract honey or other bee hive products.</td>
<td></td>
<td>Animal husbandry</td>
</tr>
<tr>
<td>Aquaculture</td>
<td>Land used to keep or breed aquatic animals, or cultivate or propagate aquatic plants.</td>
<td></td>
<td>Agriculture</td>
</tr>
<tr>
<td>Art and craft centre</td>
<td>Land used to manufacture, display, and sell, works of art or craft, such as handicrafts, paintings, and sculptures.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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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></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>A dwelling used, by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence.</td>
<td></td>
<td>Dwelling</td>
</tr>
<tr>
<td>Bed and breakfast</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>Betting agency</td>
<td>Land used to store boats, caravans, or vehicle-towed boat trailers.</td>
<td></td>
<td>Store</td>
</tr>
<tr>
<td>Boat and caravan storage</td>
<td>Land used to launch boats into the water and to retrieve boats from the water.</td>
<td>Boat ramp slipway</td>
<td>Recreational boat facility</td>
</tr>
<tr>
<td>Boat launching facility</td>
<td>Boat launching facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boat ramp</td>
<td>Bottle shop</td>
<td>Shop</td>
<td></td>
</tr>
<tr>
<td>Bottle shop</td>
<td>Land used to allow accommodation in caravans, cabins, tents, or the like.</td>
<td></td>
<td>Accommodation</td>
</tr>
<tr>
<td>Broiler farm</td>
<td>Brothel</td>
<td></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></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>Caretaker's house</td>
<td>A dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation, or plant.</td>
<td></td>
<td>Dwelling</td>
</tr>
<tr>
<td>Carnival</td>
<td>Land, other than an Exhibition centre or trade fair, used for a temporary fair or amusements which provide entertainment such as side shows, merry-go-rounds, and stalls for games or snacks.</td>
<td>Place of assembly</td>
<td></td>
</tr>
<tr>
<td>Car park</td>
<td>Land used to park motor vehicles. It may include charging of electric vehicles.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Car sales</td>
<td></td>
<td>Motor vehicle, boat, or caravan sales</td>
<td></td>
</tr>
<tr>
<td>Car wash</td>
<td></td>
<td>Service industry</td>
<td></td>
</tr>
<tr>
<td>Cattle feedlot</td>
<td>Land used for a cattle feedlot as defined by the Victorian Code for Cattle Feedlots 1995.</td>
<td>Intensive animal production</td>
<td></td>
</tr>
<tr>
<td>Cemetery</td>
<td>Land used to dispose of human remains by burial. It may include funeral chapels or the like.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child care centre</td>
<td>Land used to care for five or more children who are not permanently resident on the land.</td>
<td>Kindergarten</td>
<td>Education centre</td>
</tr>
<tr>
<td>Cinema</td>
<td>Land used to provide screen based entertainment or information to the public.</td>
<td>Place of assembly</td>
<td></td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td>Land used to provide screen based entertainment or information to the public, in association with the provision of meals or sporting, amusement, entertainment, leisure or retail facilities.</td>
<td>Place of assembly</td>
<td></td>
</tr>
<tr>
<td>Circus</td>
<td>Land used, by performers, to provide entertainment such as acrobatic feats, tricks of skill, and exhibiting animals.</td>
<td>Place of assembly</td>
<td></td>
</tr>
<tr>
<td>Commercial display area</td>
<td>Land used only to display goods.</td>
<td>Warehouse</td>
<td></td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Land used to provide accommodation and care services. It includes permanent, temporary</td>
<td>Residential building</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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<td>----------------------------</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></td>
<td>Function centre</td>
</tr>
<tr>
<td>Convenience restaurant</td>
<td>Land used to prepare and sell food and drink for immediate consumption, where substantial provision is made for consumption both on and off the premises.</td>
<td></td>
<td>Food and drink premises</td>
</tr>
<tr>
<td>Convenience shop</td>
<td>A building with a leasable floor area of no more than 240 square metres, used to sell food, drinks, and other convenience goods. It may also be used to hire convenience goods.</td>
<td></td>
<td>Shop</td>
</tr>
<tr>
<td>Corrective institution</td>
<td>Land used to hold and reform persons committed to it by the courts, such as a prison, remand centre, and other type of detention facility.</td>
<td></td>
<td>Accommodation</td>
</tr>
<tr>
<td>Crematorium</td>
<td>Land used to cremate human remains. It may include funeral chapels or the like.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crop raising</td>
<td>Land used to propagate, cultivate or harvest plants, including cereals, flowers, fruit, seeds, trees, turf, and vegetables.</td>
<td>Horticulture</td>
<td>Agriculture</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rice growing</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Timber production</td>
<td></td>
</tr>
<tr>
<td>Dance studio</td>
<td></td>
<td></td>
<td>Indoor recreation facility</td>
</tr>
<tr>
<td>Data centre</td>
<td></td>
<td></td>
<td>Utility installation</td>
</tr>
<tr>
<td>Department store</td>
<td></td>
<td></td>
<td>Shop</td>
</tr>
<tr>
<td>Dependent person's unit</td>
<td>A movable building on the same lot as an existing dwelling and used to provide accommodation for a person dependent on a resident of the existing dwelling.</td>
<td></td>
<td>Accommodation</td>
</tr>
<tr>
<td>Display home centre</td>
<td>One or more buildings constructed as a dwelling, but used for display, to encourage people to buy or construct similar dwellings. It may include a sales office.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dog breeding</td>
<td></td>
<td></td>
<td>Domestic animal husbandry</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
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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></td>
<td>Domestic animal husbandry</td>
</tr>
<tr>
<td>Domestic animal husbandry</td>
<td>Land used to keep, breed, board or train domestic animals.</td>
<td>Dog breeding Domestic animal boarding</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>Service industry</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>Shop</td>
</tr>
<tr>
<td>Dwelling</td>
<td>A building used as a self-contained residence which must include: a) a kitchen sink; b) food preparation facilities; c) a bath or shower; and d) a toilet and wash basin. It includes outbuildings and works normal to a dwelling.</td>
<td>Bed and breakfast Caretaker's house</td>
<td>Accommodation</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</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>exploration</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Geothermal energy exploration</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Included in</td>
<td></td>
</tr>
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<td>----------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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<td></td>
</tr>
<tr>
<td>Electoral office</td>
<td>An office used for electioneering by a candidate in a local, State, or Federal Government election.</td>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Emergency services facility</td>
<td>Land used to provide facilities for emergency services, such as fire prevention and ambulance services. It may include administrative, operational or storage facilities associated with the provision of emergency services.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employment training centre</td>
<td></td>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td>Energy generation facility</td>
<td>Land used to generate energy for use off site other than geothermal energy extraction. It includes any building or other structure or thing used in or in connection with the generation of energy.</td>
<td>Renewable energy facility</td>
<td></td>
</tr>
<tr>
<td>Equestrian supplies</td>
<td></td>
<td>Restricted retail premises</td>
<td></td>
</tr>
<tr>
<td>Exhibition centre</td>
<td>Land used to display works of art, artefacts, or historical, cultural, or other like works or artefacts.</td>
<td>Art gallery</td>
<td></td>
</tr>
<tr>
<td>Extractive industry</td>
<td>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:</td>
<td>Earth and energy resources industry</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• the rehabilitation of the land; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• 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</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>
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<td>----------------------------------</td>
</tr>
<tr>
<td>Food and drink premises</td>
<td>Land used to prepare and sell food and drink for immediate consumption on, or off, the premises.</td>
<td>Bar</td>
<td>Retail premises</td>
</tr>
<tr>
<td></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></td>
<td></td>
<td>Solid fuel depot</td>
<td></td>
</tr>
<tr>
<td>Fuel depot</td>
<td></td>
<td></td>
<td>Warehouse</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>
</tr>
<tr>
<td>-------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------</td>
<td>----------------------------------</td>
</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>Outdoor recreation facility</td>
<td></td>
</tr>
<tr>
<td>Golf driving range</td>
<td></td>
<td>Outdoor recreation facility</td>
<td></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 <em>Greenhouse Gas Geological Sequestration Act 2008</em>.</td>
<td>Earth and energy resources industry</td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td>exploration</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group accommodation</td>
<td>Land, in one ownership, containing a number of dwellings used to accommodate persons away from their normal place of residence.</td>
<td>Accommodation</td>
<td>Accommodation</td>
</tr>
<tr>
<td>Hairdresser</td>
<td></td>
<td>Shop</td>
<td></td>
</tr>
<tr>
<td>Hall</td>
<td></td>
<td>Place of assembly</td>
<td></td>
</tr>
<tr>
<td>Helicopter landing site</td>
<td>Land used for the take-off and landing of a helicopter, with or without a permanent landing pad, 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>Transport terminal</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 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 stables</td>
<td>Animal husbandry</td>
</tr>
<tr>
<td>Horse riding school</td>
<td></td>
<td>Horse husbandry</td>
<td></td>
</tr>
<tr>
<td>Horse stables</td>
<td></td>
<td>Horse husbandry</td>
<td></td>
</tr>
<tr>
<td>Horticulture</td>
<td>Land used to propagate, cultivate, or harvest flowers, fruit, vegetables, vines, or the like.</td>
<td>Market garden</td>
<td>Crop raising</td>
</tr>
<tr>
<td>Hospital</td>
<td>Land used to provide health services (including preventative care, diagnosis, medical and surgical treatment, and counselling) to persons admitted as in-patients. It may include the care or treatment of out-patients.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Host farm</td>
<td>An agricultural property used to provide accommodation for persons, away from their normal place of residence, to experience living on land used for agricultural purposes.</td>
<td>Accommodation</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
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</tr>
<tr>
<td>Hotel</td>
<td>Land used to sell liquor for consumption on and off the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling.</td>
<td></td>
<td>Food and drink premises</td>
</tr>
<tr>
<td>Indoor recreation facility</td>
<td>A building used for indoor leisure, recreation, or sport.</td>
<td>Dancing studio</td>
<td>Minor sports and recreation facility</td>
</tr>
<tr>
<td>Industry</td>
<td>Land used for any of the following operations:</td>
<td>Materials recycling</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) any process of manufacture;</td>
<td>Refuse disposal</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) dismantling or breaking up of any article;</td>
<td>Transfer station</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) treating waste materials;</td>
<td>Research and development centre</td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) winning clay, gravel, rock, sand, soil, stone, or other materials (other than Mineral, stone, or soil extraction);</td>
<td>Rural industry</td>
<td></td>
</tr>
<tr>
<td></td>
<td>e) laundering, repairing, servicing or washing any article, machinery, or vehicle, other than on-site work on a building, works, or land; or</td>
<td>Service industry</td>
<td></td>
</tr>
<tr>
<td></td>
<td>f) any process of testing or analysis.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>If on the same land as any of these operations, it also includes:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) storing goods used in the operation or resulting from it;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) providing amenities for people engaged in the operation;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) selling by wholesale, goods resulting from the operation; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) accounting or administration in connection with the operation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>If Materials recycling, goods resulting from the operation may be sold by retail.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td>Land open to the public and used by non-paying persons for leisure or recreation, such as a cycle track, park, picnic or barbecue area, playground, plaza, and walking or jogging track.</td>
<td></td>
<td>Minor sports and recreation facility</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
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</tr>
</tbody>
</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  
Intensive dairy farm | Animal production                                                                                                                                   |
| **Intensive dairy farm**                          | Land used for intensive animal production where cattle are kept or bred for the production of milk.                                                                                                           | Intensive animal production                  |                                                |
| **Jetty**                                         |                                                                                                                                                                                                          | Marina                                        |                                                |
| **Kindergarten**                                  |                                                                                                                                                                                                          | Child care centre                             |                                                |
| **Landscape gardening supplies**                  | Land used to propagate, grow, and sell plants, or sell and distribute garden supplies.                                                                                                                     | Garden supplies  
Plant nursery | Retail premises                                                                                                                                  |
| **Laundromat**                                    | Land used to clean or launder clothing or household items using self-service machines.                                                                                                                    | Shop                                          |                                                |
| **Leisure and recreation**                        | Land used for leisure, recreation, or sport.                                                                                                                                                              | Major sports and recreation facility  
Minor sports and recreation facility  
Motor racing track |                                                |
<p>| <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>
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<th>Included in</th>
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</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></td>
<td>Retail premises</td>
</tr>
<tr>
<td>Market garden</td>
<td></td>
<td></td>
<td>Horticulture</td>
</tr>
<tr>
<td>Materials recycling</td>
<td>Land used to dismantle, treat, process, store, recycle, or sell refuse, used or surplus materials.</td>
<td></td>
<td>Industry</td>
</tr>
<tr>
<td>Medical centre</td>
<td>Land used to provide health or surgical services (including preventative care, diagnosis, medical and surgical treatment, pathology services, and counselling) to out-patients only.</td>
<td></td>
<td>Office</td>
</tr>
<tr>
<td>Milk depot</td>
<td>Land used to receive milk and milk products for distribution to consumers, but where milk is not processed or pasteurised.</td>
<td></td>
<td>Warehouse</td>
</tr>
<tr>
<td>Mineral exploration</td>
<td>Land used for exploration as defined in the <em>Mineral Resources (Sustainable Development) Act 1990.</em></td>
<td></td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td>Mining</td>
<td>Land used for mining as defined in the <em>Mineral Resources (Sustainable Development) Act 1990.</em></td>
<td></td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td>Minor sports and recreation facility</td>
<td>Land used for leisure, recreation, or sport, without substantial provision for spectators, and which is usually open to non-paying spectators.</td>
<td>Indoor recreation facility, 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><strong>Mooring pole</strong></td>
<td>Land used to provide accommodation in serviced rooms for persons away from their normal place of residence, and where provision is made for parking guests’ vehicles convenient to the rooms.</td>
<td></td>
<td><strong>Marina</strong></td>
</tr>
<tr>
<td><strong>Motel</strong></td>
<td>Land used to provide accommodation in serviced rooms for persons away from their normal place of residence, and where provision is made for parking guests’ vehicles convenient to the rooms.</td>
<td></td>
<td><strong>Residential hotel</strong></td>
</tr>
<tr>
<td><strong>Motor racing track</strong></td>
<td>Land used to race, rally, scramble, or test, vehicles, including go-karts, motor boats, and motorcycles, and includes other competitive motor sports. It may include training.</td>
<td></td>
<td><strong>Leisure and recreation</strong></td>
</tr>
<tr>
<td><strong>Motor repairs</strong></td>
<td>Land used to repair or service motor vehicles, and includes the fitting of accessories.</td>
<td><strong>Panel beating</strong></td>
<td><strong>Service industry</strong></td>
</tr>
<tr>
<td><strong>Motor vehicle, boat, or caravan sales</strong></td>
<td>Land used to sell or hire motor vehicles, boats, or caravans. It may include the minor repair or servicing of motor vehicles, boats, or caravans, and the sale or fitting of accessories.</td>
<td><strong>Car sales</strong></td>
<td><strong>Retail premises</strong></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>Museum</td>
<td>Land used to display archaeological, biological, cultural, geographical, geological, historical, scientific, or other like works or artefacts.</td>
<td></td>
<td>Exhibition centre</td>
</tr>
<tr>
<td>Natural systems</td>
<td>Land in substantially its natural state which is used to maintain ecological systems, or to preserve an area of historic, scientific, aesthetic, or cultural significance.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nightclub</td>
<td>A building used to provide entertainment and dancing. It may include the provision of food and drink for consumption on the premises. It does not include the sale of packaged liquor, or gaming.</td>
<td>Place of assembly</td>
<td></td>
</tr>
</tbody>
</table>
| Office        | 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. | Bank  
Electoral office  
Medical centre  
Real estate agency  
Travel agency |  |
| Open sports ground | 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. | Minor sports and recreation facility |  |
| Outdoor recreation facility | Land used for outdoor leisure, recreation, or sport. It does not include an Open sports ground or Informal outdoor recreation. | Amusement park  
Golf course  
Golf driving range  
Paintball games facility  
Zoo | Minor sports and recreation facility |
<p>| Paintball games facility |  |  | Outdoor recreation facility |
| Panel beating | Land used to repair or replace damaged motor vehicle bodies and panels, and carry out any associated mechanical work or spray painting. |  | Motor repairs |</p>
<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
<tbody>
<tr>
<td>Party supplies</td>
<td>Land used for petroleum exploration as defined in the Petroleum Act 1998.</td>
<td></td>
<td>Restricted retail premises</td>
</tr>
<tr>
<td>Petroleum exploration</td>
<td>Land used for petroleum exploration as defined in the Petroleum Act 1998.</td>
<td></td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td>Petroleum production</td>
<td>Land used for petroleum production as defined in the Petroleum Act 1998.</td>
<td></td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td>Pier</td>
<td></td>
<td></td>
<td>Marina</td>
</tr>
<tr>
<td>Pig farm</td>
<td>Land used to keep or breed pigs.</td>
<td></td>
<td>Animal production</td>
</tr>
<tr>
<td>Place of assembly</td>
<td>Land where people congregate for religious, spiritual or cultural activities, entertainment, or meetings.</td>
<td>Amusement parlour, Carnival, Cinema, Cinema-based entertainment facility, Circus, Drive-in theatre, Exhibition centre, Function centre, Hall, Library, Nightclub, Place of worship, Restricted place of assembly</td>
<td></td>
</tr>
<tr>
<td>Place of worship</td>
<td>Land used for religious activities, such as a church, chapel, mosque, synagogue, and temple.</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Plant nursery</td>
<td>Land used to propagate, grow, and sell plants. It may include the sale of gardening equipment and horticultural products.</td>
<td></td>
<td>Landscape gardening supplies</td>
</tr>
<tr>
<td>Pontoon</td>
<td></td>
<td></td>
<td>Marina</td>
</tr>
<tr>
<td>Postal agency</td>
<td></td>
<td></td>
<td>Retail premises</td>
</tr>
<tr>
<td>Poultry farm</td>
<td>Land used to keep or breed poultry.</td>
<td>Broiler farm</td>
<td>Animal production</td>
</tr>
<tr>
<td>Poultry hatchery</td>
<td>Land used to incubate and hatch poultry eggs.</td>
<td></td>
<td>Animal production</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
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</tr>
<tr>
<td>Primary produce sales</td>
<td>Land used to display and sell primary produce, grown on the land or adjacent land. It may include processed goods made substantially from the primary produce.</td>
<td></td>
<td>Retail premises</td>
</tr>
<tr>
<td>Primary school</td>
<td></td>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td>Race course</td>
<td></td>
<td>Major sports and recreation facility</td>
<td></td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Land used to keep, breed, board or train racing dogs.</td>
<td>Racing dog training</td>
<td>Animal husbandry</td>
</tr>
<tr>
<td>Racing dog training</td>
<td></td>
<td></td>
<td>Racing dog husbandry</td>
</tr>
<tr>
<td>Railway station</td>
<td>Land used to assemble and distribute goods and passengers and includes facilities to park and manoeuvre vehicles. It may include the selling of food, drinks and other convenience goods and services.</td>
<td>Transport terminal</td>
<td></td>
</tr>
<tr>
<td>Real estate agency</td>
<td></td>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Reception centre</td>
<td></td>
<td>Function centre</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>
<td>Industry</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Marina</td>
<td></td>
</tr>
<tr>
<td>Refuse disposal</td>
<td>Land used to dispose of refuse, by landfill, incineration, or other means.</td>
<td></td>
<td>Industry</td>
</tr>
<tr>
<td>Renewable energy facility</td>
<td>Land used to generate energy using resources that can be rapidly replaced by an ongoing natural process. Renewable energy resources include the sun, wind, the ocean, water flows, organic matter and the earth’s heat. It includes any building or other structure or thing used in or in connection with the generation of energy by a renewable resource. It does not include a renewable energy facility principally used to supply energy for an existing use of the land.</td>
<td>Wind energy facility</td>
<td>Energy generation facility</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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</tr>
<tr>
<td>Research and development centre</td>
<td>Land used to develop or test electronic technology, biotechnology, or any other scientific discipline. It may include administration, promotion, conference, display, laboratory, assembly, and manufacturing areas.</td>
<td></td>
<td>Industry</td>
</tr>
<tr>
<td>Research centre</td>
<td>Land used only for scientific research.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reservoir</td>
<td>A natural or artificial lake used as a source of water supply that is owned or managed by a public authority.</td>
<td></td>
<td>Utility installation</td>
</tr>
<tr>
<td>Residential aged care facility</td>
<td>Land used to provide accommodation and personal or nursing care for the aged. It may include recreational, health or laundry facilities and services for residents of the facility.</td>
<td></td>
<td>Accommodation</td>
</tr>
<tr>
<td>Residential building</td>
<td>Land used to accommodate persons, but does not include camping and caravan park, corrective institution, dependent person's unit, dwelling, group accommodation, host farm, residential village or retirement village.</td>
<td>Community care accommodation, Residential hotel, Rooming house</td>
<td>Accommodation</td>
</tr>
<tr>
<td>Residential hotel</td>
<td>Land used to provide accommodation in serviced rooms for persons away from their normal place of residence. If it has at least 20 bedrooms, it may include the sale of liquor for consumption on, or off, the premises, function or conference rooms, entertainment, dancing, amusement machines, and gambling.</td>
<td>Motel</td>
<td>Residential building</td>
</tr>
<tr>
<td>Residential village</td>
<td>Land, in one ownership, containing a number of dwellings, used to provide permanent accommodation and which includes communal, recreation, or medical facilities for residents of the village.</td>
<td></td>
<td>Accommodation</td>
</tr>
<tr>
<td>Restaurant</td>
<td>Land used to prepare and sell food and drink, for consumption on the premises. It may include:</td>
<td></td>
<td>Food and drink premises</td>
</tr>
<tr>
<td></td>
<td>a) entertainment and dancing; and</td>
<td></td>
<td></td>
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<tr>
<td>Land use term</td>
<td>Definition</td>
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</tr>
<tr>
<td>Restricted place of assembly</td>
<td>Land used by members of a club or group, or by members’ guests, for religious or cultural activities, entertainment, or meetings. It may include food and drink for consumption on the premises, and gaming.</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Restricted recreation facility</td>
<td>Land used by members of a club or group for leisure, recreation, or sport, such as a bowling or tennis club, gymnasium and fitness centre. It may include food and drink for consumption on the premises, and gaming. It may also include use by members’ guests, or by the public on payment of a fee.</td>
<td></td>
<td>Minor sports and recreation facility</td>
</tr>
<tr>
<td>Restricted retail premises</td>
<td>Land used to sell or hire: a) automotive parts and accessories; b) camping, outdoor and recreation goods c) electric light fittings; d) animal supplies including equestrian and pet goods; e) floor and window coverings; f) furniture, bedding, furnishings, fabric and manchester and homewares; g) household appliances, household electrical goods and home entertainment goods; h) party supplies; i) swimming pools; j) office equipment and supplies; k) baby and children’s goods, children’s play equipment and accessories;</td>
<td>Equestrian supplies Party supplies</td>
<td>Shop</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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</tr>
<tr>
<td></td>
<td>l) sporting, cycling, leisure, fitness goods and accessories; or m) goods and accessories which:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Require a large area for handling, display and storage of goods; or • Require direct vehicle access to the building by customers for the purpose of loading or unloading goods into or from their vehicles after purchase or hire.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>It does not include the sale of food, clothing and footwear unless ancillary to the primary use.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail premises</td>
<td>Land used to: a) sell goods by retail, or by retail and wholesale; b) sell services; or c) hire goods.</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>Retirement village</td>
<td>Land used to provide permanent accommodation for retired people or the aged and may include communal recreational or medical facilities for residents of the village.</td>
<td>Accommodation</td>
<td></td>
</tr>
<tr>
<td>Rice growing</td>
<td></td>
<td>Crop raising</td>
<td>Transport terminal</td>
</tr>
<tr>
<td>Road freight terminal</td>
<td></td>
<td></td>
<td>Residential building</td>
</tr>
<tr>
<td>Rooming house</td>
<td>Land used for a rooming house as defined in the <em>Residential Tenancies Act 1997</em>.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rural industry</td>
<td>Land used to: a) handle, treat, process, or pack agricultural produce;</td>
<td>Abattoir Sawmill</td>
<td>Industry</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>---------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>-------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td></td>
<td>b) service or repair plant, or equipment, used in agriculture; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) manufacture mud bricks.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rural store</td>
<td>Land used to store unprocessed agricultural produce, or products used in</td>
<td></td>
<td>Store</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></td>
</tr>
<tr>
<td>Sawmill</td>
<td>Land used to handle, cut, and process timber from logs.</td>
<td></td>
<td>Rural industry</td>
</tr>
<tr>
<td>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</td>
<td></td>
</tr>
<tr>
<td></td>
<td>include the:</td>
<td>vehicle accessories or</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) selling of motor vehicle accessories or parts;</td>
<td>parts;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) selling of food, drinks and other convenience goods;</td>
<td>b) selling of food,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) hiring of trailers;</td>
<td>drinks and other</td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) servicing or washing of motor vehicles; and</td>
<td>convenience goods;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>e) installing of motor vehicle accessories or parts.</td>
<td>c) hiring of trailers;</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>d) servicing or washing</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>of motor vehicles; and</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>e) installing of motor</td>
<td></td>
</tr>
<tr>
<td>Shipping container</td>
<td>Land used to store shipping containers. It may include the cleaning,</td>
<td>Land used to store</td>
<td>Store</td>
</tr>
<tr>
<td>storage</td>
<td>repair, servicing, painting or fumigation of the shipping containers.</td>
<td>shipping containers.</td>
<td></td>
</tr>
<tr>
<td>Shop</td>
<td>Land used to sell goods or services, or to hire goods. It includes:</td>
<td>Adult sex product shop</td>
<td>Retail premises</td>
</tr>
<tr>
<td></td>
<td>a) the selling of bread, pastries, cakes or other products baked on the</td>
<td>Beauty salon</td>
<td></td>
</tr>
<tr>
<td></td>
<td>premises;</td>
<td>Bottle shop</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) demonstrations of products including music performances in shops selling</td>
<td>Convenience shop</td>
<td></td>
</tr>
<tr>
<td></td>
<td>recorded music.</td>
<td>Dry cleaning agent</td>
<td></td>
</tr>
<tr>
<td></td>
<td>It does not include:</td>
<td>Department store</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) food and drink premises;</td>
<td>Hairdresser</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Laundromat</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>
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</tr>
<tr>
<td></td>
<td>gambling premises;</td>
<td>Restricted retail premises</td>
<td></td>
</tr>
<tr>
<td></td>
<td>landscape gardening supplies;</td>
<td></td>
<td>Supermarket</td>
</tr>
<tr>
<td></td>
<td>manufacturing sales;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>market;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>motor vehicle, boat, or caravan sales;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>postal agency;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>primary produce sales; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>trade supplies.</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) costeaning 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</td>
<td>Included in</td>
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<td>-----------------------------------------------</td>
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</tr>
<tr>
<td>Tramway</td>
<td>Land used to provide a system of transport in vehicles connected to a network of tracks, and includes tram stops, shunting areas and associated passenger facilities.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfer station</td>
<td>Land used to collect, consolidate, temporarily store, sort or recover refuse, used or surplus materials before transfer for disposal, recycling or use elsewhere.</td>
<td>Industry</td>
<td></td>
</tr>
<tr>
<td>Transport terminal</td>
<td>Land used to assemble and distribute goods or passengers. It includes facilities to park and manoeuvre vehicles. It does not include a Tramway.</td>
<td>Airport, Bus terminal, Heliport, Railway station, Road freight terminal, Wharf</td>
<td></td>
</tr>
<tr>
<td>Travel agency</td>
<td></td>
<td></td>
<td>Office</td>
</tr>
<tr>
<td>Utility installation</td>
<td>Land used:</td>
<td>Data centre, Minor utility installation, Reservoir, Telecommunications facility</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) for telecommunications;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) to transmit or distribute gas or oil;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) to transmit, distribute or store power, including battery storage;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) to collect, treat, transmit, store, or distribute water; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>e) to collect, treat, or dispose of storm or flood water, sewage, or sullage.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>It includes any associated flow measurement device or a structure to gauge waterway flow.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle store</td>
<td>Land used to park or store vehicles in connection with a goods or passenger transport business.</td>
<td></td>
<td>Store</td>
</tr>
<tr>
<td>Veterinary centre</td>
<td>Land used to:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) diagnose animal diseases or disorders;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) surgically or medically treat animals; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) prevent animal diseases or disorders.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>It may include keeping the animals on the premises for treatment.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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>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 Fuel depot Mail centre Milk depot 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:</td>
<td>Renewable energy facility</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) any turbine, building or other structure or thing used in or in connection with the generation of electricity by wind force</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) an anemometer.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>It does not include turbines principally used to supply electricity for domestic or rural use of the land.</td>
<td></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>Outdoor recreation facility</td>
<td></td>
</tr>
<tr>
<td>Zoo</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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

- Animal production
  - Animal training
  - Apiculture
    - Domestic animal husbandry
      - Domestic animal boarding
        - Dog breeding
    - Horse husbandry
      - Horse riding school
        - Horse stables
  - Racing dog husbandry
  - Racing dog training
- Aquaculture
  - Horticulture
    - Market garden
  - Crop raising
    - Rice growing
    - Timber production
Agriculture group (sub-group of Animal production)

Education centre group
Industry group

- Materials recycling
- Refuse disposal

Industry

Research and development centre

- Abattoir
- Sawmill
  - Car wash
  - Dry cleaner

Rural industry

Service industry

- Motor repairs
- Panel beating

Transfer station
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

Earth and energy resources industry
Place of assembly group

- Amusement parlour
- Carnival
- Cinema
- Cinema-based entertainment facility
- Circus

Drive-in theatre

- 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

- Recreational boat facility
  - Boat launching facility
    - Boat ramp
    - Slipway
  - Marina
    - Jetty
    - Mooring pole
    - Pier
    - Pontoon
Retail premises group

- Bar
- Convenience restaurant
- Hotel
- Restaurant
- Take away food premises
- Betting agency
- Gaming premises
- Garden supplies
- Plant nursery
- Manufacturing sales
- Market
- Motor vehicle, boat, or caravan sales
- Car sales
- Postal agency
- Primary produce sales
- See separate diagram for the sub-group of Shop
- 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
Land use terms that are not nested

Art and craft centre
Brothel
Car park
Cemetery
Crematorium
Display home centre
Emergency services facility
Freeway service centre
Funeral parlour
Helicopter landing site
Home based business
Hospital
Natural systems
Research centre
Saleyard
Service station
Sign
Tramway
Veterinary centre
Winery
APPLICATION OF ZONES, OVERLAYS AND PROVISIONS

The schedule to this clause must include a general explanation of the relationship between the Municipal Planning Strategy, the objectives and strategies in Clauses 10 to 19 and the controls on the use and development of land in this planning scheme.

A planning authority must take into account the schedule to this clause when it prepares an amendment to this planning scheme.

A responsible authority must not take into account the schedule to this clause when it makes a decision under this planning scheme.
FURTHER STRATEGIC WORK

The schedule to this clause may specify the planning authority’s approach to further strategic work. A planning authority may take into account the schedule to this clause when it prepares an amendment to this planning scheme.

The responsible authority must not take into account the schedule to this clause when it makes a decision under this planning scheme.
**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.
## SCHEDULE TO CLAUSE 45.12 SPECIFIC CONTROLS OVERLAY

### Specific controls

<table>
<thead>
<tr>
<th>PS Map Ref</th>
<th>Name of incorporated document</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCO1</td>
<td>228 Griffiths Street Port Fairy – Use and Development Controls, 2009.</td>
</tr>
<tr>
<td>SCO3</td>
<td>Warrnambool Line Upgrade - Incorporated Document, December 2019</td>
</tr>
</tbody>
</table>