PURPOSE AND VISION

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

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

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

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

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

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

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.
Settlement

Objective

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

Strategies

Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.

Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.


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

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

Create and reinforce settlement boundaries.

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

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

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

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

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

- Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.
- Developing settlements that will support resilient communities and their ability to adapt and change.
- Balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level.
- Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.
- Encouraging an integrated planning response between settlements in regions and in adjoining regions and states in accordance with the relevant regional growth plan.
- Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan.
- Improving transport network connections in and between regional cities, towns and Melbourne.

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

Limit urban sprawl and direct growth into existing settlements.
Promote and capitalise on opportunities for urban renewal and infill redevelopment.
Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.
Ensure retail, office-based employment, community facilities and services are concentrated in central locations.
Ensure land that may be required for future urban expansion is not compromised.

Policy documents
Consider as relevant:
- Central Highlands Regional Growth Plan (Victorian Government, 2014)
- G21 Regional Growth Plan (Geelong Region Alliance, 2013)
- Gippsland Regional Growth Plan (Victorian Government, 2014)
- Great South Coast Regional Growth Plan (Victorian Government, 2014)
- Hume Regional Growth Plan (Victorian Government, 2014)
- Loddon Mallee North Regional Growth Plan (Victorian Government, 2014)
- Loddon Mallee South Regional Growth Plan (Victorian Government, 2014)
- Wimmera Southern Mallee Regional Growth Plan (Victorian Government, 2014)
Victoria Settlement Framework
11.01-1R Settlement - Gippsland

Strategies

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

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

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

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

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

Plan for increased seasonal demand on services and infrastructure in towns with high holiday home ownership.
Gippsland Regional Growth Plan

**SETTLEMENTS**
- Regional city - Latrobe City
- Regional centre
- Town
- Small town
- Promote growth
- Support growth
- Sustainable change
- Designated identified growth centre in Plan Melbourne (1)
- Sub regional network
- Areas within 100 km of central Melbourne
- Melbourne's urban area

**CONNECTIVITY AND TRANSPORT**
- Networks supporting movement and access
- Potential freight and logistics precincts
  - Key road corridor
  - Key rail corridor
  - Arterial road
  - Airport
  - Port

**ECONOMIC DEVELOPMENT**
- Food manufacturing hubs
- Key agriculture and forestry land
- Macalister Irrigation District
- Brown coal reserves
- Power station
- Longford gas plant
- Australian Paper Maryvale
- Organic recycling facility
- University
- Hospital
- Fishing port

**STRATEGIC TOURISM INVESTMENT AREAS**
1. Phillip Island
2. Bunurong Coast
3. Wilsons Promontory National Park
4. Tierra-Bulga National Park
5. Australian Alps
6. Gippsland Lakes
7. Croajingolong National Park

**ENVIRONMENT**
- Areas containing high value terrestrial habitat
- Public land
- Lakes
- Rivers
Supply of urban land

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

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

Ensure that sufficient land is available to meet forecast demand.

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

Planning for urban growth should consider:

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

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

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

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

Policy guidelines
Consider as relevant:

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

Objective
To facilitate the orderly development of urban areas.

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

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

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

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

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

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

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

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

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

Support opportunities to co-locate facilities.

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

Policy documents
Consider as relevant:

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

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

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

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

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

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

Give clear direction on preferred locations for investment.

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

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

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

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

Encourage economic activity and business synergies.

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

Policy documents
Consider as relevant:

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

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

Strategies
Concentrate urban expansion into growth areas that are served by high-capacity public transport.
Implement the strategic directions in the Growth Area Framework Plans.
Encourage average overall residential densities in the growth areas of a minimum of 15 dwellings per net developable hectare, and over time, seek an overall increase in residential densities to more than 20 dwellings per net developable hectare.
Deliver timely and adequate provision of public transport and local and regional infrastructure and services, in line with a preferred sequence of land release.
Provide for significant amounts of local employment opportunities and in some areas, provide large scale industrial or other more regional employment generators.
Create a network of mixed-use activity centres that are high quality, well designed and create a sense of place.
Provide a diversity of housing type and distribution.
Retain unique characteristics of established areas impacted by growth.
Protect and manage natural resources and areas of heritage, cultural and environmental significance.
Create well planned, easy to maintain and safe streets and neighbourhoods that reduce opportunities for crime, improve perceptions of safety and increase levels of community participation.
Develop Growth Area Framework Plans that will:
- Include objectives for each growth area.
- Identify the long term pattern of urban growth.
- Identify the location of broad urban development types, for example activity centre, residential, employment, freight centres and mixed use employment.
- Identify the boundaries of individual communities, landscape values and, as appropriate, the need for discrete urban breaks and how land uses in these breaks will be managed.
- Identify transport networks and options for investigation, such as future railway lines and stations, freight activity centres, freeways and arterial roads.
- Identify the location of open space to be retained for recreation, and/or biodiversity protection and/or flood risk reduction purposes guided and directed by regional biodiversity conservation strategies.
- Show significant waterways as opportunities for creating linear trails, along with areas required to be retained for biodiversity protection and/or flood risk reduction purposes.
- Identify appropriate uses for constrained areas, including quarry buffers.
Develop precinct structure plans consistent with the Precinct Structure Planning Guidelines (Growth Areas Authority, 2009) approved by the Minister for Planning to:
- Establish a sense of place and community.
- Create greater housing choice, diversity and affordable places to live.
- Create highly accessible and vibrant activity centres.
- Provide for local employment and business activity.
- Provide better transport choices.
- Respond to climate change and increase environmental sustainability.
- Deliver accessible, integrated and adaptable community infrastructure.

**Policy documents**

Consider as relevant:

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

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

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

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

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

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

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

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

Improve connections to regional and metropolitan transport services.
Coastal settlement

Objective
To plan for sustainable coastal development.

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

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

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

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

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

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

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

Policy documents
Consider as relevant:

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

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

**Strategies**
Recognise the significant geographic and physical features of these areas.
Recognise the important role these areas play in the state as tourist destinations.
Protect the identified key values and activities of these areas.
Support use and development where it enhances the valued characteristics of these areas.
Avoid use and development that could undermine the long-term natural or non-urban use of land in these areas.
Protect areas that are important for food production.

Develop Localised Planning Statements for the Bellarine Peninsula, Macedon Ranges, Mornington Peninsula and the Yarra Valley and Dandenong Ranges.

**Policy documents**
Consider as relevant:
Regional and local places

Objective
To facilitate integrated place-based planning.

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

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

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

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

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

Objective

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

Strategies

Use biodiversity information to identify important areas of biodiversity, including key habitat for rare or threatened species and communities, and strategically valuable biodiversity sites.

Strategically plan for the protection and conservation of Victoria’s important areas of biodiversity.

Ensure that decision making takes into account the impacts of land use and development on Victoria’s biodiversity, including consideration of:

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

Avoid impacts of land use and development on important areas of biodiversity.

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

Assist in the identification, protection and management of important areas of biodiversity.

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

Policy guidelines

Consider as relevant:

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

Policy documents

Consider as relevant:


- *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017)

- Any applicable biodiversity strategies, including the relevant Regional Catchment Strategy (prepared under Part 4 of the *Catchment and Land Protection Act 1994*)
Native vegetation management

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

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

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

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

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

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

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

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

Apply the hierarchy of principles for coastal planning and management:

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

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

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

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

Encourage revegetation of cleared land abutting coastal reserves.

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

Avoid disturbance of coastal acid sulfate soils.

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

Policy guidelines
Consider as relevant:

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

Policy documents
Consider as relevant:

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

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

Strategies
Ensure that use and development on or adjacent to coastal foreshore Crown land:
- Maintains safe, equitable public access and improves public benefit.
- Protects local environmental and social values.
- Demonstrates need and coastal dependency.
- Minimises impact on the coast by locating within a defined activity or recreation node.

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

Policy documents
Consider as relevant:
- Victorian Coastal Strategy (Victorian Coastal Council, 2014)
Bays

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

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

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

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

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

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

Policy documents
Consider as relevant:

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

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

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

Policy documents
Consider as relevant:
- *Maribyrnong River Valley Design Guidelines* (Department of Planning and Community Development, 2010)
- *Healthy Waterways Strategy* (Melbourne Water, 2013)
High value water body assets - Gippsland

Strategy

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Policy guidelines**
Consider as relevant:

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

**Policy documents**
Consider as relevant:

- The Memorandum of Understanding in relation to the Co-operative Management of the Australian Alps National Parks, agreed to by the member states and territories of Victoria, Australian Capital Territory and New South Wales
Environmentally sensitive areas

Objective
To protect and conserve environmentally sensitive areas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy guidelines
Consider as relevant:

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

Policy documents
Consider as relevant:

- Victorian Coastal Strategy (Victorian Coastal Council, 2014)
Bushfire planning

Policy application

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

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

Objective

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

Strategies

Protection of human life

Give priority to the protection of human life by:

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

Bushfire hazard identification and assessment

Identify bushfire hazard and undertake appropriate risk assessment by:

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

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

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

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

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

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

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

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

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

Areas of biodiversity conservation value

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

Use and development control in a Bushfire Prone Area

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

- Subdivisions of more than 10 lots.

- Accommodation.

- Child care centre.

- Education centre.

- Emergency services facility.

- Hospital.

- Indoor recreation facility.

- Major sports and recreation facility.

- Place of assembly.

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

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

- Consider the risk of bushfire to people, property and community infrastructure.
- Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.
- Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.

Policy guidelines
Consider as relevant:

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

Policy documents
Consider as relevant:

- *AS 3959-2009 Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2009)
- *Building in bushfire-prone areas - CSIRO & Standards Australia* (SAA HB36-1993, 1993)
- Any bushfire prone area map prepared under the *Building Act 1993* or regulations made under that Act
Floodplain management

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

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

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

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

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

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

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

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

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

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

Policy documents
Consider as relevant:

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

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

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

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

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

Policy guidelines
Consider as relevant:

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

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

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

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

Prevent inappropriate development in areas affected by groundwater salinity.

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

Policy documents
Consider as relevant:
Noise abatement

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

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

Policy documents
Consider as relevant:

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

Objective
To assist the protection and improvement of air quality.

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

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

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

Policy documents
Consider as relevant:

- State Environment Protection Policy (Air Quality Management)
- Recommended Separation distances for industrial residual air emissions (Environment Protection Authority, 2013)
Land use compatibility

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

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

Policy documents
Consider as relevant:

Recommended separation distances for industrial residual air emissions (Environment Protection Authority, 2013).
Major hazard facilities

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

Strategies
Ensure major hazard facilities are sited, designed and operated to minimise risk to surrounding communities and the environment.
Consider the risks associated with increasing the intensity of use and development within the threshold distance of an existing major hazard facility.
Apply appropriate threshold distances from sensitive land uses for new major hazard facilities and between major hazard facilities.
Protect registered or licenced major hazard facilities as defined under Regulation 5 of the Occupational Health and Safety Regulations 2017 from encroachment of sensitive land uses.

Live music

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

Strategies
Identify areas where live music venues are encouraged or where there are high concentrations of licensed premises or clusters of live music venues.
Implement measures to ensure live music venues can co-exist with nearby residential and other noise sensitive land uses.

Policy guidelines
Consider as relevant:
- The social, economic and cultural benefits to the community of:
  - Retaining an existing live music venue.
  - The development of new live music entertainment venues.
  - Clustering licensed premises and live music venues.
NATURAL RESOURCE MANAGEMENT

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

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

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

Strategies
Identify areas of productive agricultural land, including land for primary production and intensive agriculture.
Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.
Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
Protect productive farmland that is of strategic significance in the local or regional context.
Protect productive agricultural land from unplanned loss due to permanent changes in land use.
Prevent inappropriately dispersed urban activities in rural areas.
Protect strategically important agricultural and primary production land from incompatible uses.

Limit new housing development in rural areas by:
- Directing housing growth into existing settlements.
- Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
- Encouraging consolidation of existing isolated small lots in rural zones.

Identify areas of productive agricultural land by consulting with the Department of Economic Development, Jobs, Transport and Resources and using available information.

In considering a proposal to use, subdivide or develop agricultural land, consider the:
- Desirability and impacts of removing the land from primary production, given its agricultural productivity.
- Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
- Compatibility between the proposed or likely development and the existing use of the surrounding land.
- The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
- Land capability.

Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.
Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.
Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.
Protection of agricultural land - Gippsland

Strategy

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

Objective

To encourage sustainable agricultural land use.

Strategies

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

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

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

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

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

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

Facilitate ongoing productivity and investment in high value agriculture.

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

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

Policy documents

Consider as relevant:

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

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

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

Policy documents
Consider as relevant:

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

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

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

Policy 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)

- Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999)
Water quality

Objective
To protect water quality.

Strategies
Protect reservoirs, water mains and local storage facilities from potential contamination.
Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.
Discourage incompatible land use activities in areas subject to flooding, severe soil degradation, groundwater salinity or geotechnical hazards where the land cannot be sustainably managed to ensure minimum impact on downstream water quality or flow volumes.
Prevent the establishment of incompatible land uses in aquifer recharge or saline discharge areas and in potable water catchments.
Encourage the siting, design, operation and rehabilitation of landfills to reduce impact on groundwater and surface water.
Use the mapped information available from the Department of Environment, Land, Water and Planning to identify the beneficial uses of groundwater resources and have regard to potential impacts on these resources from proposed land use or development.

Policy documents
Consider as relevant:

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

Objective

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

Strategies

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

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

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

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

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

Policy documents

Consider as relevant:

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

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

Strategies
Provide for the long-term protection of natural resources in Victoria.
Protect the opportunity for exploration and extraction of natural resources where this is consistent with overall planning considerations and acceptable environmental practice.
Recognise the possible need to provide infrastructure for the exploration and extraction of natural resources.
Ensure planning schemes do not impose conditions on the use or development of land that are inconsistent with the Mineral Resources (Sustainable Development) Act 1990, the Greenhouse Gas Geological Sequestration Act 2008, the Geothermal Energy Resources Act 2005, or the Petroleum Act 1998.
Develop and maintain buffers around mining and quarrying activities.
Ensure planning permit applications clearly define buffer areas appropriate to the nature of the proposed extractive uses, which are to be owned or controlled by the proponent of an extractive industry.
Determine buffer areas between extractive activities and sensitive land uses on the following considerations:
- Appropriate limits on effects can be met at the sensitive locations using practical and available technology.
- Whether a change of land use in the vicinity of the extractive industry is proposed.
- Use of land within the buffer areas is not limited by adverse effects created by the extractive activities.
- Performance standards identified under the relevant legislation.
- Types of activities within land zoned for public use.
Protect the brown coal resource in Central Gippsland by ensuring that:
- Changes in use and development of land overlying coal resources, as generally defined in Framework for the Future (Minister for Industry, Technology and Resources and Minister for Planning and Environment, 1987) and the Land Over Coal and Buffer Area Study (Ministry for Planning and Environment, 1988), do not compromise the winning or processing of coal.
- Coal-related development is adequately separated from residential or other sensitive uses and main transport corridors by buffer areas to minimise adverse effects such as noise, dust, fire, earth subsidence and visual intrusion.
- Use and development within the buffer areas are compatible with use and development adjacent to these areas.

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

Policy documents
Consider as relevant:
- Mineral Resources (Sustainable Development) Act 1990
Resource exploration and extraction - Gippsland Coal Resource

Policy application

This policy applies to the land identified as protected coal resource areas and coal buffers as shown on the Gippsland Coalfields Policy Area map. The protected coal resource areas are indicated in the planning scheme as either Special Use Zone or State Resource Overlay. The coal buffers are indicated in the planning scheme as an Environmental Significance Overlay.

Objective

To protect the Gippsland brown coal resource and associated buffer areas.

Coal resource strategies

Ensure the extraction and use of coal is the primary planning consideration in protected coal resource areas.

Minimise the social and environmental impact of coal development.

Encourage land uses that do not impede coal development in the protected coal resource areas.

Use the following categorisations to identify the location and staging of when the coal resource may be used:

- Category A coal fields – first stage for coal development.
- Category B coal fields – second stage for coal development.
- Category C coal fields – third stage for coal development.
- Uncategorised coal fields – allocated for development at any time.

Ensure coal excavations, overburden dumps and other associated developments are planned, managed and progressively rehabilitated to facilitate the highest practicable future use.

Provide for use and development in coal resource areas identified on the Gippsland Coalfields Policy Area map that does not compromise the existing and future use of the coal resource.

Manage land in the coal resource areas to mutually protect urban amenity and coal resource development.
Discourage non-coal related land use or development in coal resource areas that would be costly or difficult to remove.

Prevent established towns and urban areas from being subject to coal mining, and direct urban growth away from coal resource areas.

Protect and maintain main transport corridors.

Ensure coal resource development complements and integrates with water supply and river systems and underground waters.

Minimise fire risk to open cuts, coal related industries and storage of coal.

Ensure that timber production maximises effective fire protection for the coal resource.

Encourage grazing, animal production and other rural land uses.

Encourage existing uses on coal resource areas to continue until such time as the land is required for coal winning or processing.

Discourage the encroachment of incompatible use or development on coal resource areas.

Ensure that coal excavations, overburden dumps and other associated developments are planned, managed and progressively rehabilitated to facilitate the highest practicable future use.

Discourage uses that could prejudice the winning or processing of the protected coal resource, including:

- Urban uses.
- Non-coal related industrial uses.
- Major overburden dumps.
- Rural living and rural residential uses.
- Commercial uses.

Coal buffer strategies

Maintain adequate buffer widths, based on:

- Buffer areas that extend for 750 (+ or -75) metres from any urban settlement boundary to the perimeter of a 250 metre wide coal operational area.

- The total separation area between an urban settlement boundary and the crest of any future open cut development should not be less than 1 kilometre in width.

Separate existing and future coal related development from urban settlement and main transport corridors within the buffer areas.

Maintain buffers that protect urban areas and main transport corridors from the adverse effects of existing and potential coal-related industry, energy generation and mining.

Maintain buffers that protect coal resource areas and associated development from encroachment by adjacent urban areas.

Provide buffers between existing and proposed urban zones and coal resource areas that reduce the likely effects of earth subsidence, noise emission, dust, fire hazard and visual intrusion.

Protect coal buffers from inappropriate use and development within the buffer.

Encourage high amenity and low intensity uses such as farming and broad scale recreation within buffer areas.

Discourage incompatible use and development within buffer areas, including:

- Residential including rural living.
Commercial.

Industrial unless ancillary to coal development and within 250 metres of the coalfield side of the buffer.

Design development in buffer areas to minimise the potential impact from coal mining activity such as earth subsidence, noise, dust, fire hazard and visual intrusion through, for example, landscaping, building design and orientation.

Ensure the management, use or development of land in buffer areas minimises the potential fire risk to open cut mining.

**Coal resource policy guidelines**

Consider as relevant:

- The broader social and economic context and the physical resources of the region when planning for the management of land overlying the coal resource, to maximise community wellbeing for the region.
- Places of recognised value for nature conservation, recreation, tourism and landscape quality in planning for coal resource development.
- Temporary use or development in the coal resource areas that will not compromise the development of the coal resource, having regard to the following factors:
  - When the land is expected to be required for development of the coal resource.
  - The nature and scale of the use or development.
  - The relationship between the proposed use or development and development of the coal resource.
  - Whether the proposed use or development can be located elsewhere.
  - Protection of the coal resource area from fire.
  - The financial or social cost of removal of the use or development.

**Coal buffer policy guidelines**

Consider as relevant:

- Discouraging the subdivision of land to create lots of less than one hectare.
- Discouraging the subdivision of land that would create average lot densities of more than one lot per 10 hectares.
- Discouraging the construction of a house on a lot of less than one hectare created prior to 13 April 1988.
- Ensuring that rural living within the buffer is within 200 metres of the nearest urban side of the buffer area boundary.
- Discouraging the construction of a house more than 200 metres from the nearest urban side of the urban buffer unless:
  - the land is vacant;
  - the land existed as a separate lot prior to 13 April 1988;
  - there are no suitable building sites within 200 metres of the nearest urban side of the urban buffer boundary.
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
Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.

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 respecting the:

- Pattern of local urban structure and subdivision.
- Underlying natural landscape character and significant vegetation.
- Neighbourhood character 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.
Housing supply

Objective
To facilitate well-located, integrated and diverse housing that meets community needs.

Strategies
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.

Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.

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

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

Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.

Encourage the development of well-designed housing that:

- Provides a high level of internal and external amenity.
- Incorporates universal design and adaptable internal dwelling design.

Support opportunities for a range of income groups to choose housing in well-serviced locations.

Plan for growth areas to provide for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.

Policy documents
Consider as relevant:

Housing affordability

Objective
To deliver more affordable housing closer to jobs, transport and services.

Strategies
Improve housing affordability by:

- Ensuring land supply continues to be sufficient to meet demand.
- Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
- Promoting good housing and urban design to minimise negative environmental impacts and keep costs down for residents and the wider community.
- Encouraging a significant proportion of new development to be affordable for households on very low to moderate incomes.

Increase the supply of well-located affordable housing by:

- Facilitating a mix of private, affordable and social housing in suburbs, activity centres and urban renewal precincts.
- Ensuring the redevelopment and renewal of public housing stock better meets community needs.

Facilitate the delivery of social housing by identifying surplus government land suitable for housing.

Policy documents
Consider as relevant:

Rural residential development

Objective
To identify land suitable for rural residential development.

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

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

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

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

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

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

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

Encourage consolidation of existing isolated small lots in rural zones.

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

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

**Objective**

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

**Strategies**

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

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

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

Strategies
Recognise that residential aged care facilities contribute to housing diversity and choice, and are an appropriate use in a residential area.

Recognise that residential aged care facilities are different to dwellings in their purpose and function, and will have a different built form (including height, scale and mass).

Ensure local housing strategies, precinct structure plans and activity centre structure plans provide for residential aged care facilities.

Ensure that residential aged care facilities are located in residential areas, activity centres and urban renewal precincts, close to services and public transport.

Encourage planning for housing that:

- Delivers an adequate supply of land or redevelopment opportunities for residential aged care facilities.
- Enables older people to live in appropriate housing in their local community.

Provide for a mix of housing for older people with appropriate access to care and support services.

Ensure that proposals to establish residential aged care facilities early in the life of a growth area are in locations that will have early access to services and public transport.

Ensure that residential aged care facilities are designed to respond to the site and its context.

Promote a high standard of urban design and architecture in residential aged care facilities.

Policy guidelines
Consider as relevant:

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

Planning is to provide for a strong and innovative economy, where all sectors are critical to economic prosperity.

Planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.
Diversified economy

Objective
To strengthen and diversify the economy.

Strategies
Protect and strengthen existing and planned employment areas and plan for new employment areas.
Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities.
Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.
Improve access to jobs closer to where people live.
Support rural economies to grow and diversify.
Diversified economy - Gippsland

Strategies

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

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

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

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

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

Facilitate opportunities within aviation-related industries.
Innovation and research

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

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

Strategies

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

Support development of the region’s research and development capacity in places with an established presence including Churchill and Ellinbank.
Business

Objective
To encourage development that meets the community’s needs for retail, entertainment, office and other commercial services.

Strategies
Plan for an adequate supply of commercial land in appropriate locations.
Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.
Locate commercial facilities in existing or planned activity centres.
Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.
Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.
Provide outlets of trade-related goods or services directly serving or ancillary to industry that have adequate on-site car parking.
Locate cinema based entertainment facilities within or on the periphery of existing or planned activity centres.
Apply a five year time limit for commencement to any planning permit for a shopping centre or shopping centre expansion of more than 1000 square metres leasable floor area.
Commercial centres - Gippsland

Strategy

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

Objective

To manage out-of-centre development.

Strategies

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

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

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

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

Objective
To ensure availability of land for industry.

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

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

Protect and carefully plan existing industrial areas to, where possible, facilitate further industrial development.
Avoid approving non-industrial land uses that will prejudice the availability of land in identified industrial areas for future industrial use.

Policy documents
Consider as relevant:
- Recommended separation distances for industrial residual air emissions (Environment Protection Authority, 2013)
Industrial land supply - Gippsland

Strategy
Facilitate the release of additional industrial zoned land in towns including Warragul, Leongatha, Sale, Lakes Entrance, Paynesville and Mallacoota.
17.03-2S  Sustainable industry

Objective
To facilitate the sustainable operation of industry.

Strategies
Ensure that industrial activities requiring substantial threshold distances are located in the core of industrial areas.

Encourage activities with minimal threshold requirements to locate towards the perimeter of the industrial area.

Minimise inter-industry conflict and encourage like industries to locate within the same area.

Protect industrial activity in industrial zones from the encroachment of commercial, residential and other sensitive uses that would adversely affect industry viability.

Encourage industrial uses that meet appropriate standards of safety and amenity to locate within activity centres.

Provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.

Encourage manufacturing and storage industries that generate significant volumes of freight to locate close to air, rail and road freight terminals.

Policy documents
Consider as relevant:

- *Recommended separation distances for industrial residual air emissions* (Environment Protection Authority, 2013)
State significant industrial land

Objective
To protect industrial land of state significance.

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

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

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

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

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

Strategies
Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.

Seek to ensure that tourism facilities have access to suitable transport.

Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.

Create innovative tourism experiences.

Encourage investment that meets demand and supports growth in tourism.

Policy guidelines
Consider as relevant:

- Any applicable regional tourism development strategy.

Policy documents
Consider as relevant:

Tourism - Gippsland

Strategies

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

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

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

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

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

Policy documents
Consider as relevant:

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

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

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

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

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

- Ensuring equitable access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.

- Coordinating improvements to public transport, walking and cycling networks with the ongoing development and redevelopment of urban areas.

- Requiring integrated transport plans to be prepared for all new major residential, commercial and industrial developments.

- Focussing major government and private sector investments in regional cities and centres on major transport corridors, particularly railway lines, in order to maximise the access and mobility of communities.

Integrate public transport services and infrastructure into new development.

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

Policy documents
Consider as relevant:

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

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

Strategies
Reserve land for strategic transport infrastructure.

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

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

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

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

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

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

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

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

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

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

Policy guidelines
Consider as relevant:

- Any applicable highway strategy published by VicRoads.

Policy documents
Consider as relevant:


Transport system - Gippsland

Strategy

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

Objective
To promote the use of sustainable personal transport.

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

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

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

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

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

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

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

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

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

Policy documents
Consider as relevant:

Public Transport

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

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

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

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

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

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

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

Selectively expand and upgrade the road network to provide for:

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

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

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

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

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

Strategies
Allocate or require land to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking.
Encourage the efficient provision of car parking by consolidating car parking facilities.
Design and locate local car parking to:

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

Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.
Make adequate provision for taxi ranks as part of activity centres, transport interchanges and major commercial, retail and community facilities.

Policy documents
Consider as relevant:

- Public Transport Guidelines for Land Use and Development (Victorian Government, 2008)
Planning for ports

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

Strategies
Provide for the ongoing development of ports at Melbourne, Geelong, Hastings and Portland in accordance with approved Port Development Strategies.
Identify and protect key transport corridors linking ports to the broader transport network.
Manage any impacts of a commercial trading port and any related industrial development on nearby sensitive uses to minimise the impact of vibration, light spill, noise and air emissions from port activities.

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

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

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

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

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

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

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

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

Ensure that any use or development within port environs:

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

Policy documents
Consider as relevant:

- *Port Futures* (Victorian Government, 2009)
- *Port of Portland - Port Land Use Strategy* (Port of Portland Pty Limited, 2009)
- *Port of Geelong - Development Strategy* (Victorian Regional Channels Authority, 2013)
- *Port Development Strategy 2035 Vision* (Port of Melbourne Corporation, 2009)
18.04 AIRPORTS

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Planning for airports and airfields

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

**Strategies**
Protect airports from incompatible land uses.

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

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

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

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

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

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

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

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

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

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

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

Plan for areas around all airfields such that:

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

**Policy documents**
Consider as relevant:

- *National Airports Safeguarding Framework* (as agreed by Commonwealth, State and Territory Ministers at the meeting of the Standing Council on Transport and Infrastructure on 18 May 2012)
- *Avalon Airport Master Plan* (Avalon Airport Australia Pty Ltd, 2015)

- *Avalon Airport Strategy* (Department of Business and Employment/AeroSpace Technologies of Australia, 1993) and its associated Aircraft Noise Exposure Concepts
Freight links

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

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

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

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

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

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

Link areas of production and manufacturing to export markets.

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

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

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

Minimise negative impacts of freight movements on urban amenity.

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

Policy documents
Consider as relevant:

Freight links - Gippsland

Strategies

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

Support development of freight and logistics precincts at Morwell and Bairnsdale and improve key transport links.
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.
Energy supply – Gippsland

Strategy

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

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

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

Policy documents
Consider as relevant:

Pipeline infrastructure

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Facilitate the establishment and expansion of primary and secondary education facilities to meet the existing and future education needs of communities.

Recognise that primary and secondary education facilities are different to dwellings in their purpose and function and can have different built form (including height, scale and mass).

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.

Consider the existing and future transport network and transport connectivity.

Develop libraries as community based learning centres.
Cultural facilities

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

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

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

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

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

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

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

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

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

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

Ensure that open space networks:

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

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

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

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

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

Protect large regional parks and significant conservation areas.

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

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

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

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

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

Develop open space to maintain wildlife corridors and greenhouse sinks.

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

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

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

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

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

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

Plan open space areas for multiple uses, such as community gardens, sports and recreation, active transport routes, wildlife corridors and flood storage basins.
DEVELOPMENT INFRASTRUCTURE
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.
Integrate developments with infrastructure and services, whether they are in existing suburbs, growth areas or regional towns.
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.
MUNICIPAL PROFILE

Location

The Baw Baw Shire Council was created on December 2, 1994 from the former Shires of Buln Buln, Narracan and Warragul and part of the Upper Yarra Shire. With an area of 4,027 square kilometres, the Shire is located in West Gippsland in south-east Victoria between Melbourne’s south eastern growth corridor and the Latrobe Valley. The Shire is a municipality of great natural beauty and is bordered by the Great Dividing Range to the north and the Strzelecki Ranges to the south. It has some of Australia’s finest agricultural land at its heart.

People

The population of the Baw Baw Shire in 2011 was 42,864, of which 28,229 resided in the six largest towns being Warragul, Drouin, Trafalgar, Yarragon, Longwarry and Neerim South. The projected population for the Shire to the year 2036 is estimated to be about 71,683. In common with State trends, the older age groups (70 years and above) are projected to increase at a greater rate than younger age groups.

Natural Environment

The Shire’s natural environment contains pristine areas of high habitat value, supports high quality water catchments, is endowed with excellent scenery and extensive areas for ecologically sustainable timber production. These natural environments, whether as contiguous catchments, roadside vegetation or remnants on public and other land, are an intrinsic good in themselves. They also provide spiritual, cultural and health benefits to residents and visitors. The remainder of the Shire’s environments have been extensively modified for urban and agricultural development but also comprise highly valued landscapes. When these features and qualities are combined with the assets and facilities of the towns they provide a substantial quality of life. However some activities, although bringing economic and social benefits to residents of and visitors to the region, can have significant adverse environmental impacts on downstream users both within the Shire and in other municipalities. The Shire is also the home of several threatened flora and fauna species.

The high quality of the natural resource base, vulnerable habitats and the reliance on the natural environment for economic sustainability are major factors in policy development.

The high quality agricultural land located within the Shire and the region is an influential factor.

With continuing growth, particularly in Warragul and Drouin, there has been strong pressure to use high quality agricultural land for residential purposes.

Economic Activity

The Shire has highly productive agricultural land and extensive agricultural infrastructure and investment.

It has a great capacity to support tourism given the Shire’s proximity to Melbourne and its natural advantages (ski fields, parks, lakes, mountains, historic towns and local produce).

The development of tourism infrastructure such as alpine-based recreation, including skiing, has strengthened tourism. Now tourism in the Shire has a strong focus on nature-based activities, the landscape, rural ambience, produce of the area and the historic gold mining settlement at Walhalla.

The location and resources of the region provide a significant range of employment opportunities within the Shire in agriculture, horticulture, service industries, administration, and the region’s education and health facilities

Transport and Infrastructure

The Shire is well positioned to regional transport and infrastructure links with population and employment centres in the form of accessible telecommunication linkups, a high quality highway system, efficient railway links and direct access to Melbourne’s ports.
These transport links are focussed along the main east-west Princes Freeway transport corridor with a need to provide public transport and other inter town links for communities in the north and south of the Shire.

Reference Documents


'Baw Baw 2050 Community Vision 2010’, Baw Baw Shire Council
MUNICIPAL VISION

Baw Baw Shire Council’s Baw Baw 2050 – Community Vision describes the following vision for the municipality:

- Happy, healthy people
- sharing prosperity and knowledge from living sustainably and in harmony with our rural identity
- thriving villages
- and productive and inspiring landscapes.

BawBaw2050 – Community Vision identifies the Shire’s future aspirations. Baw Baw Shire Council is committed to implementing the six directions identified by BawBaw 2050 – Community Vision, being:

- Managing Growth
- Life Learning, Education, Skills Development and Knowledge
- Vibrant Community Living
- Valuing Our Environment
- Building Responsible Leadership
- Building Prosperity.

The directions of BawBaw2050 – Community Vision namely Managing Growth, Vibrant Community Living, Valuing our Environment and Building Prosperity are most relevant to the Baw Baw Planning Scheme.

Managing Growth

Maintaining the integrity of the land resource and its protection from unplanned urban and residential encroachment is vital for the long term economic prosperity of the Shire and its people.

Vibrant Community Living

Recognising the attractive rural landscape of forested mountains, cleared hills and river flats together with the amenities of the towns, provide a high quality lifestyle for residents and opportunities for tourism.

Opportunities for social interaction are provided in our neighbourhoods, shopping areas, community places and spaces and in recreation and cultural groups or on the sports field.

The health and wellbeing of the community is improved through access to good food, arts and entertainment and opportunities for an active lifestyle.

Valuing our Environment

Protecting the Shire’s wealth of natural attributes, including its tall Ash forests with shady fern gullies and cool mountain streams, its undulating alpine herb fields its leafy reserves and parks, and its native animal species is key to ensuring the conservation of the natural environment and rural character of the Shire.

The Shire comprises some of Australia’s most fertile and productive rural land.

Planning decisions are to assist in the conservation and sustainable use of the Shire’s natural resources, including threatened species and habitats.

The planning scheme should be managed so it facilitates development whilst recognising the importance of our natural and built resources.
Building Prosperity
Protecting and further developing of the Shire’s resources particularly those relating to dairying, horticulture, grazing, timber production, tourism and the capacity to supply high quality water is key to ensuring future prosperity.

Transport and Infrastructure
Building on the Shire’s strategic location as one of Victoria’s major transport corridors being between the Melbourne metropolitan area and the State’s energy centre, the Latrobe Valley, will enhance the economic viability of the Shire.

Recognising the availability of advanced high speed information and communication technology will assist to develop prosperity.

Reference Documents
VISION

Council will consider planning applications and make decisions in accordance with the following vision:

To develop a network of integrated, sustainable and resilient communities where people will want to live, work and play, while providing for compatible growth and development.

SETTLEMENT OVERVIEW

The rural character and heritage of the towns of the Shire and their hinterland are highly valued by the community.

Quality of life is a significant factor that has attracted people to the area. The Shire offers many choices in housing and caterers for the needs of the population in terms of community services, retail and business services, recreation and cultural activities. It also provides a range of employment opportunities within the Shire in agriculture, administration, education, health and the service industry. The education and health facilities are at a very high standard.

The Shire’s environment provides the resources for agricultural production, recreation, tourism and further investment and a high quality of life, valued by the residents and admired by visitors.

The Shire has attractive lifestyle choices in urban or rural settings close to Melbourne and the Latrobe Valley. This location has seen the Shire experiencing some of the highest growth rates in Victoria.

Residents value and enjoy the lifestyle provided in the rural and urban areas with access to community services, proximity to recreational areas (mountains and the coast) and a rural aspect.

Population growth has centred on the two largest towns, Warragul and Drouin which are within five kilometres of each other. They are developing complementary roles as a combined Regional Centre, with Drouin taking a secondary role. The development of Warragul’s role within West Gippsland has seen it take on regional service provision in activities such as education, health and medical services and agricultural research.

Longwarry, Trafalgar, Yarragon and Neerim South are medium-sized townships with strong local service roles.

The Shire is characterised by a large number of small towns and rural settlements including Neerim, Neerim Junction, Willow Grove, Noojee, Buln Buln, Darnum, Nilma, Thorpdaile, Erica, Rawson, Walhalla, Jindivick and Rokeby with local service centres reflecting the intensive nature of surrounding primary industries.

The population increase to the year 2036 will be largely accommodated within the main towns of Warragul and Drouin. Strategically planned incremental expansion of the remaining towns will also occur.

Plans in Clause 21.04 identify land on the periphery of the main towns of Drouin, Warragul, Trafalgar, Longwarry, Yarragon and Neerim South which is considered to be suitable for future urban use, and which may be rezoned to enable it to be developed as and when required.

The crucial issue is to accommodate people within the main townships that have reticulated infrastructure, such as water, sewerage and stormwater drainage.

Provision for population growth within the main township areas should:

- Prevent further reduction of water quality within the Proclaimed Water Catchments actively used for water supply.
- Maximise the use of infrastructure.
- Lessen conflict in agricultural areas between agriculture and non-agricultural land uses.
- Maximise the efficient use of community services and facilities.
- Assist in increasing the viability of such facilities.
- Ensure the viability of local businesses and shopping areas.
- Improve service delivery due to increased population in urban centres.

Priority for urban expansion should be given to a consolidation of development in areas which are currently in an urban zone and provided with the required services infrastructure. This includes the redevelopment of Brownfield sites. Land beyond these areas should only be rezoned and made available for urban development where this is within the prescribed township boundary, where appropriate precinct structure plans have been prepared, and where it has been demonstrated that development will proceed on an orderly sequential basis.

Urban growth areas have been identified in a number of locations on the urban peripheries to help ensure that there will be a diversity of settlement opportunities to meet the lifestyle preferences and needs of the residents. The co-ordinated provision of infrastructure, together with a consideration of community need and market forces, should be the key determinants as to which areas of the towns are developed at any point of time. The role of Council and other authorities will be to facilitate and guide the planning and development process while balancing competing demands. This will ensure that the highest possible standards of urban design are achieved and the most effective use of physical and community infrastructure is maintained.

**Town Roles:**

![Map of Baw Baw Planning Scheme](image)
Directions for Growth

Based on the proposed settlement directions up to 2036 the main growth centres are:

- Warragul and Drouin, which will develop as sustainable high-growth settlements.
- Trafalgar, Yarragon and Longwarry, which will accommodate a medium level of growth consistent with their more limited infrastructure.
- Neerim South, which will experience only moderate growth, due to the environmentally sensitive setting.

The smaller communities, particularly those outside the Princes Freeway corridor, are expected to have less pronounced amounts of growth over the period including:

- Modest to limited growth for Willow Grove and Thorpdale curtailed by reticulated sewer capacity or availability.
- Limited to restricted growth in Erica, Rawson and Noojee to support tourism uses while recognising the risk of bushfire.
- Low or no growth for smaller settlements Tanjil Bren and Walhalla which are the subject to environmental and servicing constraints.
- Limited or restricted growth for the other small settlements and localities

These strategic directions are shown in the plan below:

Objective 1

Build a close-knit community which appreciates the unique country town character of the settlements in the Shire.

Strategies

1.1 Guide population and development to settlements where land has already been zoned or committed (i.e. within a planning framework) for residential purposes and has ready access to existing infrastructure and services.

1.2 Achieve population growth and development in a manner that respects the distinctive character-defining attributes of the respective settlements.
Encourage housing design solutions that provide a diversity of dwelling types that is responsive to emerging demographic trends and associated lifestyle needs.

Respect the existing rural village character of smaller towns while providing for infill development.

Maintain clear distinctions and physical separations between settlements in the Shire.

Limit further dispersed housing on agricultural land by defining preferred locations for rural lifestyle living within and surrounding existing settlements.

Promote sufficient growth for smaller communities to support viability of town services and retail functions and provide tourism opportunities.

Provide public open space, including parks, squares and trails, to reflect the rural identity of the Shire while providing amenity and active links to commercial and industrial areas.

Establish defined edges to urban areas where they meet rural land.

Facilitate intensification of residential development within a 300m-700m radius of town centres and railway stations, while respecting heritage and town character.

Ensure services and infrastructure are planned and delivered efficiently in association with new residential development.

Encourage the clustering of community and civic services including schools, sporting and recreation facilities to create local activity centres.

Promote formal and informal hubs, spaces and places that bring people together and enhance the experience of neighbourhood and township living.

Facilitate walking, cycling and forms of non-motorised transport as an integral part of urban life.

Retain high visual quality of rural landscapes, including preservation of view corridors and vantage points within the urban area.

**Objective 2**

Encourage employment and consolidate industry

**Strategies**

2.1 Build on the geographic advantages and transport infrastructure of the Shire as a key processing and distribution hub servicing the metropolitan and Gippsland regions.

2.2 Protect agricultural land and activities to maintain their long-term sustainable use.

2.3 Encourage niche agricultural industries and intensive farming and manufacturing and processing industries in appropriate locations.

2.4 Minimise future investment requirements for infrastructure by guiding population and development to settlements that have capacity in existing services and good accessibility to major transport routes.

2.5 Encourage mixed-use development, including residential in Commercial Zones for the townships where infrastructure is available.

2.6 Encourage appropriate economic development in areas of the Shire that has tourism, recreation or environmental attractions.

2.7 Ensure sufficient commercial land is provided to allow towns to play an appropriate retail role as their population increases, providing employment and reducing escape expenditure.

2.8 Ensure sufficient industrial land supply is available to meet the future demand and support the economic base of the Shire.

2.9 Provide sufficient land, including agricultural, commercial and industrial, to enable an increase in job opportunities in the Shire and ensure land supply does not constrain economic development.

2.10 Facilitate improved local public transport systems and links to connect the main towns with small settlements.

**Objective 3**

Conserve and protect natural environments and minimise risks as a result of future growth

**Strategies**

3.1 Ensure sustainable management of agriculture and productive rural land use activities and existing natural attributes.

3.2 Protect native vegetation on private and public land.

3.3 Support tourism based on the Shire's environmental values.

3.4 Protect local sensitive environments such as waterways within and around townships.

3.5 Direct population and development to the existing settlements so that natural attributes and attractive landscapes are not detrimentally affected.
3.6 Provide residential opportunities in settlements where there are limited environmental risks e.g. flooding, erosion and landslip and bushfire risk.

3.7 Protect declared water supply catchments through directing development to settlements where reticulated sewer systems are available.

3.8 Direct population growth and development away from high risk bushfire locations.

**Reference Documents**

MAIN TOWNS

Vision
Council will consider planning applications and make decisions in accordance with the following vision:

- To ensure affordable, liveable, and sustainable communities for existing and future residents of Baw Baw.
- To develop clear directions and strategies through consultation with the community ensuring sustainable and balanced development.

Overview
The co-ordinated planning and development of the six largest urban areas is important for the efficient provision of infrastructure and services, the management of residential, industrial and commercial development, the continuing development of the transport network and the provision of community facilities and services.

In 2013 Council prepared the ‘Baw Baw Settlement Management Plan (SMP)’ which provided a Shire wide settlement framework and directions for growth to 2036. A key base document of this was the 2005 ‘Growth Management Strategy and Structure Plans - Warragul and Drouin’ which was updated to include additional areas for growth which will be planned and released through a detailed Precinct Structure Planning process.

This process will ensure growth areas are effectively planned to provide individual neighbourhoods with access to active and passive open space and local services. This process will also ensure all necessary infrastructure is provided by development with minimal liability on Council and the ratepayer.

The SMP provides key directions for growth for the remaining towns of Trafalgar, Yarragon, Longwarry and Neerim South which reflect their respective constraints. These directions have been included in specific town structure plans. In some cases urban design and traffic considerations require further investigation.

Zoned industrial lands supply for individual towns has been based on a low annual rate of industrial land consumption between 2006 to 2012, however as local resident population increases so will the requirement for additional employment land to ‘service’ the resident population needs. In addition, there is the likelihood of ‘export’ related industry development that would require industrial land.

Objectives
- To provide the flexibility for development to occur in each town to accommodate the needs of its population as well as to facilitate the Settlement network
- To facilitate development in accordance with the specific town plans attached to this clause.

Warragul

Context
Warragul is a regional centre providing residential, commercial, health, education, cultural and industrial activities. It began as a railway town in the 1870s serving the pioneering timber and farming communities. Its distinct character is provided by a collection of heritage buildings, trees and structures, hilly topography, farmland setting and garden suburb development.

The township boundary provides for a long term supply (to about the year 2050) of residential land for the town.
Residential
Any further residential rezoning of land within the growth areas will be subject to Precinct Structure Plans providing integrated neighbourhoods and clarity on infrastructure provision.

Commercial
- Take into account the principles of the Warragul Town Centre Urban Design Framework and Station Precinct Masterplan, April 2010 when assessing development within the Warragul town centre.
- Consolidate retail and other commercial uses within the existing town centre. However, longer term considerations should include some retail components in activity nodes in the north and south growth areas to meet convenience shopping needs of residents.

Industrial
- Consolidate industrial development on land already provided for the medium term (potentially 15 years supply from 2012).
- Future industrial growth to be to the east of the existing Industrial 1 Zone land in Albert Road.
Drouin

**Context**

Drouin is a sub-regional centre providing for residential, commercial and industrial development, and provides educational, recreational and cultural facilities. It began as a railway town in the 1870s serving the pioneering timber and dairying industries. Its urban character can be attributed
to views to surrounding farmland and mountain ranges, garden suburb development in the older parts of the town, a collection of buildings, trees and structures of heritage significance and flowering gum lined boulevards.

The township boundary provides for a long term supply (to about the year 2050) of residential land for the town (secondary role to Warragul).

**Residential**

Any further residential rezoning of land within the growth areas will be subject to Precinct Structure Plans providing integrated neighbourhoods and clarity on infrastructure provision.

**Commercial**

- Consolidate retail and other commercial uses within the existing CBD. However, longer term considerations should include some retail components in activity hubs in the north and south growth areas to meet convenience shopping needs of residents.

- Consider the recommendations of the Drouin Town Centre Strategy November 2010 when assessing development within the Drouin town centre.

**Industrial**

- Consolidate industrial development in the existing Industrial 1 Zone to the west of the town in the medium term (potentially 15 years supply from 2012).

- Future industrial growth to be the west of existing Industrial 1 Zone.
Trafalgar

Context

Trafalgar is a town providing a wide range of commercial, industrial, educational, recreational and residential services to residents and the surrounding community. It began as a railway town serving the surrounding farming area. Set at the base of the Strzelecki Ranges, its urban character
is attributed to its farmland setting with views to adjacent hills and distant ranges, flat topography, garden suburb residential settings in the older parts of town, a range of buildings of heritage significance particularly along the main streets.

There is sufficient residential land supply available within the zoned areas of the township to meet the projected demand to the year 2036.

**Residential**

- A development plan for the entire western Residential 1 Zone expansion area is required to establish strategic planning aims and effective integration with the existing urban area. This area should include a centrally-located community hub.

- Rezone, at an appropriate time, the Industrial 1 Zone area within the western residential expansion area to the General Residential Zone. An Environmental Audit Overlay will be required for the rezoned land.

- Discourage any further linear spread (east or west) of the town along the Freeway given the town is already 3 kilometres wide. Further linear spread will impact town character and landscape buffers.

**Commercial**

- Support mixed use style development or in-fill townhouse style medium-density housing in the town centre.

**Industrial**

- Encourage industrial development within the nominated industrial precinct to the north of and along Waterloo Road.
Yarragon

Context

Yarragon is the fourth largest town in the Baw Baw Shire and is mostly residential, with a strong tourist-oriented shopping destination, recreation facilities, school, hall and industrial and commercial land. It is located amidst farmland, with the floodplain of the Moe River to the north and the north
face of the Strzelecki Ranges to the south. Most buildings date from the 20th century, and while
detached housing in established gardens is the predominant streetscape, buildings with heritage
significance add character to the town.

The township boundary is to be retained in its current position in the short to medium term but
expansion areas to the east, west and south of the town should be considered to provide residential
land supply post 2026 (indicative timing).

The timing is provided to ensure existing drainage issue within the town are resolved through

Further rezoning outside the existing urban areas will only be considered after mitigation works
are in place to reduce the existing inundation issue and provided the proposed rezoning does not
impose pressure on the drainage network.

All drainage works for the rezone areas are to be investigated, designed, and constructed at the
developers’ cost.

Long term implications of all infrastructure provision (drainage, sewer and water) should be
considered and planned for before expansion of the township boundary occurs.

The Yarragon Structure Plan 2010 provides important guidelines for development and urban
design.

Residential

- Direct residential growth to the south of the Princes Freeway.
- Preferred directions for growth to be supported which will provide long term supply while
  maintaining town character and providing housing choice:
  - West - Standard residential densities through the application of the General Residential
    Zone
  - East - A mix of uses and housing forms though the application of the General Residential
    Zone and Commercial 1 Zone
  - South – lifestyle housing through the application of the Low Density Residential Zone
- Given the southern growth area will not trigger required sewer and water upgrades for township
  expansion this area will most likely be the first stage of growth. Subject to detail investigation
  and design, it may be possible that only minimal upgrade to the proposed Hazeldean Road
  retardation basin as identified in the Yarragon Drainage Strategy is required.
- Land rezoned in the east and west should also have a Design and Development Overlay (or
  similar control) to ensure development enhances town gateways.
- Locate medium density residential development close to commercial centres and community
  facilities.
- Encourage integrated development through the participation of servicing authorities to define
  areas in Yarragon that can be readily supplied with infrastructure.
- Encourage increased densities for properties fronting Campbell Street. The large lots (up to
  1800sqm) are adjacent to the retail strip and could accommodate medium density housing
  development. The large lot abutting laneway reserves present access options.

Commercial

- Consolidate existing commercial and industrial lots to allow further development. This includes
  the transition of residential properties within the Commercial and Industrial 1 zones.
- Encourage bulky goods businesses in the Commercial 2 Zone land fronting the Princes Freeway
  east of Rollo Street.
Encourage infill residential or mixed-use development within the township, particularly adjacent the commercial precinct.

Consider the expansion of the town centre to the east (south of existing Commercial 2 Zone land) to support the future population in the long term

Refer to the Yarragon Structure Plan 2010 and relevant Design and Development Overlay for style guides for new development within the commercial zones.

**Industrial**

- Concentrate industrial development on the Industrial 1 Zone land to the north of the Princes Freeway
- Encourage a high standard of urban design, signage control and landscaping for industrial sites.
Longwarry

Context

Longwarry is a town located amid farm land east of the Bunyip River and fulfils a residential, commercial, retail and industrial role for its hinterland and the wider region. Its urban character is a mix of housing styles and ages located around the retail and industrial activities, centred on the railway and main roads. Street trees and wide road reserves with views to farmland, distant hills and ranges emphasise its country town atmosphere.
Longwarry has sufficient land supply to meet the projected demand to 2036. Further expansion of the township boundary is not favoured due to existing flooding constraints and downstream impacts.

**Residential**
- Encourage development on underutilised residential land, which has access to reticulated sewerage and community facilities.

**Commercial**
- Improve the relationship between the retail centres on either side of the railway line through the development of a town centre urban design framework.

**Industrial**
- Investigate a future employment area further north adjoining the Freeway for a logistics precinct servicing the Shire and region. Any value adding businesses that provide an attractive gateway to the Shire, with limited amenity impacts to adjoining residents, could also be considered. A key consideration for this area will be on-site water retention and drainage and Melbourne Water comments on any downstream impacts. Given the existing shared gas and water easement traversing this area, early engagement of authorities is required.
- Investigate a northern road connection to service future residents and limit heavy vehicles moving through the town centre. This could be partially funded by developers of the proposed future Rural Living area where the road would service future residents.
- Consider an opportunity to connect this road to the existing undeveloped industrial subdivision to the east (IN3Z). Negotiation with the landowner is required to facilitate this link that would allow convenient truck access from the development to the Freeway, bypassing the town centre.
Neerim South

Context

Neerim South is a town providing for industrial, commercial, education, health, recreational, community and residential uses on the main road north from Warragul. It is attractively located atop a ridgeline to the east of the Tarago Reservoir and Bunyip State Forest, and views to the Reservoir, surrounding bush and countryside is a key to its identity. Heritage buildings and established plantings add to its urban character.
Sufficient land supply exists within urban zoned areas to meet projected demand to 2036.

**Commercial**

- Rezone Low Density Residential Zone land to the west of the town centre at the intersection of Main Neerim Road and Neerim East Road to Mixed Use Zone (or similar zone). This would allow for retail development at the street frontage and the potential for development of mixed density housing at the rear.

- These recommendations will be finalised through the urban design framework for the town centre.
Reference Documents:

- Baw Baw Settlement Management Plan, August 2013
- Trafalgar 2030 Land Use Strategy Plan Review April 2009
- Yarragon Structure Plan October 2010
- Yarragon Drainage Strategy 2013
- Baw Baw Shire Development Contribution Plan, 23 March 2007
- Drouin Town Centre Strategy – November 2010
- Warragul Town Centre Urban Design Framework and Station Precinct Masterplan – April 2010
- Warragul Town Centre Masterplan – May 2011
- Warragul Urban Drainage Strategy, 26 February 2007
SMALL TOWNS AND RURAL SETTLEMENTS

Vision
Council will consider planning applications and make decisions in accordance with the following vision:

- To ensure affordable, liveable, and sustainable communities for existing and future residents of Baw Baw.
- To develop clear directions and strategies through consultation with the community ensuring sustainable and balanced development.

Overview
The small towns and settlements of Willow Grove, Thorpdale, Rawson, Darnum, Nilma, Buln Buln, Noojee, Erica, Tanjil Bren, Walhalla, Neerim, Neerim Junction, Jindivick and Rokeby provide an attractive lifestyle choice in a rural setting as well as providing a local service role and tourism networks.

Whilst a number of residents from these small towns and settlements work in the nearby main towns of Baw Baw Shire, they often use the shops, schools and community facilities in the small towns.

A structure plan has been prepared for Willow Grove and review of planning controls in Walhalla is taking place in 2014 to identify development potential.

Bushfire risk and/or the absence or limited capacity of sewer infrastructure within some small towns and settlements is a significant limitation to new growth and development opportunities

Objectives
- To provide the flexibility for limited development to occur in each town to accommodate the needs of its population as well as to contribute to the Settlement network.
- To ensure new development enhances the amenity and unique character of its neighbourhood and environs.
- To facilitate development in accordance with the specific structure plan or directions attached to this clause.

Willow Grove

Context
Willow Grove is a small town and service centre, a role which is set to continue, with potential as a dormitory town for nearby employment centres and a tourism and recreation destination due to its Lakeside location. Willow Grove began as a pastoral district in the 1870s and the town formed in the following decades, serving the farming community, particularly dairying. Gold mining also figures in the district’s history. The town is located overlooking Blue Rock Lake, with the forested foothills of the Baw Baw Ranges rising behind it and farmland below it. The town is sewered but with a limited capacity.

Willow Grove’s character is defined by these elements:
- Views to mountains, surrounding farmland and Blue Rock Lake.
- Wide, open main street with houses mostly well set back, contrasting with commercial strip having lesser setbacks.
- Streetscapes consistent with a quiet country town.
Residential and Commercial

- Encourage master planning or a suitable design guideline for the Willow Grove and Blue Rock Lake interface to facilitate residential, tourism and commercial development subject to infrastructure capacity.
- Liaise with agency stakeholders when preparing master plans or design guidelines.
- Explore augmenting existing sewerage or finding alternative solutions.
- Support the integration of Willow Grove with Blue Rock Lake reserves with vehicle, pedestrian and visual links.
- Limit urban development to no further east than Daveys Road, in order to preserve rural land.
Thorpdale

Context
Thorpdale is a small town nestled amongst green hills in the Strzelecki Ranges. It began as service centre at the end of the now defunct railway line from Moe in the 1880s and now continues to provide a local service and community role, including a primary school, to residents and the surrounding farming community and businesses, and is on a key connecting road to South Gippsland. Its location in a proclaimed water supply catchment limits further development unless reticulated sewerage is provided throughout the town.

Thorpdale’s character is defined by these elements:

- A picturesque grouping of commercial buildings from the late nineteenth and early twentieth centuries along the main street, some with post supported verandas, and including the landmark hotel at the southern end. This comprises the historic town centre precinct.
- Views to surrounding hills and farms
- Local road reserves and parks enhanced by established plantings
- A compact urban area offering a country town lifestyle.
- Plantings particularly in the town’s Pioneer Park complement the town and the surrounding rural streetscape.

Residential, Commercial and industrial

- Confine residential, commercial and industrial growth to existing urban zoned areas subject to waste management capacities
- Development potential within the Narracan proclaimed water catchment should be indentified in consultation with the catchment manager.
- Support industrial land development along the west side of Station Street and the Mirboo-Thorpdale Road. Development to be village in scale, and of supporting agriculture.
- Maintain and enhance the heritage streetscape of the town centre

Rawson

Context
Rawson is a small modern town set high in the Mountain Rivers region, close to the Thomson Dam and snowfields, state forest, National Parks and farm land. Its beginnings as a completely planned and constructed ‘model town’ has left a legacy of excellent civic and community facilities. It provides retail services for daily needs, modest health and emergency needs, and a wide variety of accommodation options for tourists and visitors. Proximity to the Alpine National Trial, snowfields, Thomson Dam and other attractions are a drawcard for visitors and tourists. A strategic bushfire risk restricts future growth areas.

Rawson’s character is defined by these elements:

- Picturesque scenery and abundant wildlife provided by the mountain and bushland setting, and enhanced by walking trails and open spaces.
- Compact town setting based on a distinctive late 20th century subdivision layout, with homogenous housing styles and streetscape treatments around the Crater Lake neighbourhood
- Low key commercial centre with discreet signage recognised as heritage precinct

Residential and Commercial

- Encourage residential growth to be accommodated within the existing urban zoned settlement
- Encourage commercial growth to retain a local service role and also promote accommodation for nearby snowfields, parks and historic destinations such as Walhalla.
- Support walking and cycling infrastructure and networks for residents, tourists and visitors, including the retention of the original footpath network.
- Enhance the streetscape and public areas of Rawson through landscaping and discreet signage.

**Darnum**

**Context**

Darnum is a small town that provides ‘country town’ lifestyle with a variety of lot sizes for residents. Beginning as a timber town on the railway line and presently surrounded by rich farmland, it now provides community facilities and a daily service role, including a primary school, recreation ground, hotel, shop and hall. Due to lack of infrastructure at present, future growth will be limited to taking up land within the Township Zone rather than expanding beyond. Town beautification is an issue and opportunity given the wide road reserves and nature strips.

Darnum’s character is defined by the following elements:
- Township setting on relatively high ground surrounded by countryside
- Princes Freeway splitting the town in two
- Significant views to surrounding ranges, farmland and mountains
- Wide streets and a variety of housing with deep setbacks.
- Approaches to Darnum enhanced by roadside vegetation

**Residential and Commercial**

- To reinforce the local service role of Darnum for its hinterland and as a stop-off for travellers
- To encourage in-fill development of Darnum within the limitations of infrastructure and existing urban zoned settlement
- To enhance the streetscapes of Darnum where possible so new development contributes to their improvement through landscaping and discreet signage.

**Nilma**

**Context**

Nilma is a small town split by the Princes Freeway, providing for residential development at a variety of densities, with some small business. It began as a timber town in the 1870s.

Nilma’s character is defined by these elements:
- Distinct neighbourhoods each with their own character and uniform development type.
- Older parts of Nilma comprising a variety of interwar and post war detached housing set on large blocks with established gardens, contrasting with the newer parts of modern housing on large low density parcels.
- Views to surrounding countryside and Warragul township
- Wide road reserves and a mix of gravel and sealed roads.

**Residential and Commercial**

- Retain a defined separation of green space between the residential areas of Warragul and Nilma, north and south of the Freeway.
- Consolidate urban development within the existing urban zoned area, appropriately managed with consideration of infrastructure constraints.
Buln Buln

Context

Buln Buln is a small dormitory town surrounded by hills and originally centred on the 1890s Warragul-Noojee railway line, now gone. It is encircled by high quality agricultural land. Residents in the town and the surrounding area are served by community facilities such as a recreation ground, primary school and church.

Buln Buln’s character is defined by these elements:

- Views to nearby farmland on surrounding and higher hills
- Trees and buildings with heritage significance
- Mostly low density residential development of detached houses on large lots in garden settings.

Residential and Commercial

- Contain urban development within existing urban zoned boundaries to conserve surrounding farmland
- Encourage development to stay clear of ridgelines and hill tops to retain rural character of the town

Noojee

Context

Noojee is a small town set around the Latrobe River at the foothills of Mt Toorongo, and fulfils a service and community role to local residents, weekenders and tourists, as well as supporting the timber industry, and has a hall, shops and a primary school. Its forested environment (presenting a strategic bushfire risk) and lack of reticulated sewerage infrastructure provides challenges for increased development. Settlement began in the 1860s following gold and tin mining, and later timber and farming became important. The town was largely razed in the 1939 bushfires.

Noojee’s character is defined by the following elements:

- A quiet town surrounded by a forested and mountainous landscape arranged in a linear fashion around the 1890s rail line, now closed.
- The sounds and sights of wildlife from adjacent forest
- The existence of walking tracks and tranquil settings for residents and visitors
- Evidence of the town’s heritage in a range of buildings and relics

Residential and Commercial

- Consolidate development within existing urban zoned area with no further growth beyond existing zoned township
- Encourage short stay accommodation to facilitate tourism and small business
- Consider mapping flood risk along along the Latrobe River to better inform development proposals along its floodplain.

Erica

Context

Erica is a small town set high in the foothills of the Baw Baw Ranges, spread out over a hillside. It provides for daily needs and community services for residents, and services and accommodation for visitors and tourists. This role is likely to continue. The town has a hall, shops and preschool.
The town began in the 1880s following gold mining in the district, and its growth was sustained by the timber industry during the 20th century. The lack of sewerage infrastructure and strategic bushfire risk restricts future growth areas.

Erica’s character is defined by the following elements:

- The setting in cleared farmland bounded by forest in the middle distance
- Views to the mountains and ranges nearby
- The historic central part comprising a relatively intact pre-World War 2 small town centre of residential, commercial and community buildings
- Detached housing of various ages set in larger lots with established gardens
- Rail trail to Walhalla,

**Residential and Commercial**

- Encourage urban growth to be contained within existing urban zoned areas
- Identify development potential for the town within the Tyers River proclaimed water supply catchment in consultation with the catchment manager.
- Investigate the connection of reticulated sewer from Rawson which has additional capacity. This would allow for the subdivision of existing zoned areas providing high amenity housing. Vegetation controls should also be placed on these areas to contain bushfire risk.
- Encourage short stay accommodation to enhance tourism and build on the ‘mountain retreat’ appeal of the town.

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**21.05-11**

**Tanjil Bren**

**Context**

Tanjil Bren is an isolated sub-alpine town set in forest (presenting a strategic bushfire risk) on the Mt Baw Baw Tourist Road on the side of Mt Baw Baw. It began as a timber camp then timber town, and later figured in the beginnings of the ski and wilderness industry on the Baw Baw Plateau. Many of the houses are weekenders rather than permanently occupied.

Tanjil Bren’s character is defined by the following elements:

- Detached housing at low density set amongst and surrounded by tall, wet and damp forest, providing a distinct lifestyle of isolation and retreat
- A clearing around the road providing for limited visitor and tourism services
- An area of natural beauty that provides habitat for an abundance of wildlife
- Visual links to the past timber and gold history in and nearby Tanjil Bren

**Residential and Commercial**

Encourage the retention of Tanjil Bren as an isolated town surrounded by National Park with low key services and population growth.

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**21.05-12**

**Walhalla**

**Context**

Walhalla township is one of the State’s most important heritage assets. Its long term protection and development as a major heritage resource and tourism attraction is supported. Walhalla is located in a complex landscape that is subject to multiple hazards, including bushfire.
Residential, commercial and industrial

- Maintain the steep valley setting by minimising modification to the valley’s slopes.
- Maintain the form of the mullock heaps.
- Maintain the appearance of forest surrounding the town by retaining forest on the majority of land above the level of the tramway tracks.
- Maintain the appearance of nature reclaiming the township and maintain the stability of the slopes by removing vegetation below the tramway tracks only where development requires it e.g. for buildings, gardens, fire buffers and views.
- Enhance the historic landscape character and reduce fire hazard by using appropriate exotic and native species on cleared private and public land up to the tramway tracks.
- Preserve significant 19th century vegetation.
- Preserve significant buildings and encourage their restoration and adaptation to modern needs.
- Preserve physical remnants of Walhalla dating from 19th Century and 20th Century which have been which have been identified as having historic significance.
- Retain, where possible, physical remnants of lesser significance which provide evidence of Walhalla’s past.
- Complement the historic character of the township through complementary siting, forms, materials, colours and details.
- Maintain the historic character of the township by replicating encouraging the reconstruction of buildings of the gold-era (1863-1915 1870-1914), particularly in the Historic Town Centre.
- Ensure that new development is planned appropriately in response to bushfire risk.
- Manage residential development as it is detrimental to the sensitive cultural and natural environment.
- Strengthen links with Erica and Rawson for providing accommodation.
- Protection environmental systems through sustainable and cost effective wastewater management.
- Prevent accelerated erosion of hillsides and creeks.
- Maintain the winding nature of the Walhalla/Main Road, recreate the 19th Century footpaths, and, elsewhere, maintain informal verges.
- Preserve and encourage the use of stone walling and use of timber balustrades on bridges.
- Stage parking area development in association with growth in tourist numbers and provision of non-car based transport with the aim of minimal parking be available in the town centre and the main car parks being located to the south of the town.
- Enhance key open space areas to provide a high level of visual and user amenity.
- Provide camping opportunities at designated locations with appropriate facilities. Maintain and enhance, where necessary, land immediately adjacent to Stringers Creek.,
- Provide public facilities adequate to manage visitor impacts e.g. bins for litter, toilets.
- The Department Environment, Land, Water and Planning is to be consulted if an application is for land adjacent to Crown Land.
Neerim

Context
Neerim is a small settlement providing for rural lifestyle choice and some community facilities for the surrounding rural area. The district has its origins in gold, timber and farming, and today farming is its predominating industry, and the settlement started as a service centre for the district. Its expansion is constrained by a lack of reticulated sewerage, given much of it being located within a water supply catchment.

Neerim’s character is defined by the following elements:

- Low density residential development with substantial plantings
- Surrounded by farmland
- Views to West Gippsland, Bunyip State forest and the Baw Baw ranges
- Wide nature strips offset somewhat the busy main road traffic

Residential

- Contain further residential development of the settlement within the area zoned Rural Living Zone.
- Minimise further development within the Tarago Water Supply Catchment Area, except on lots created in accordance with the Neerim Restructure Allotment Plan - April 2007.
- Minimise the impact of further development on the character of the settlement by ensuring any further subdivision is in accordance with schedules 1 and 3 to the Rural Living Zone.

Neerim Junction

Context
Neerim Junction is a small settlement providing for daily service needs of residents, visitors and travellers, and a rural lifestyle. Neerim Junction is in a district which has its origins in gold, timber and farming, particularly dairying, and farming today continues as the predominate industry locally. The settlement’s expansion is constrained by a lack of reticulated sewerage, gives its location within a water supply catchment.

Neerim Junction’s character is defined by the following elements:

- Main-street buildings with heritage significance
- Roadside vegetation and planting
- Low density residential development on large parcels, contrasting with commercial buildings set close to the street frontage.
- Views to the surrounding forest and farmland

Residential

- Contain further development of the settlement within the area zoned Rural Living Zone.
- Minimise further development within the Tarago Water Supply Catchment Area, except on lots created in accordance with the Neerim Junction Restructure Allotment Plan - April 2007.
Jindivick

Context
Jindivick is a settlement that fills the role of daily convenience retail needs and community facilities (school, hall, recreation facilities) for residents in the town and from the wider area. It also has tourism enterprises enjoyed by visitors and residents alike. It began as a stopping place on the stock route from Melbourne to Sale in the 1850s although gold also attracted settlers. It is now a farming area. The settlement is constrained by lack of reticulated sewerage.

Jindivick’s character is defined by the following elements:

- A settlement spread along a ridgeline with expansive views to the surrounding farmland, forests and distant panoramas
- Low density development set amid established gardens on large lots
- Several buildings and structures of heritage significance contributing to the visual amenity of the streetscape
- Wide road reserves and established trees

Residential and Commercial
- Encourage population growth to support existing services and facilities through subdivision within town boundaries.
- Encourage provision of appropriate short-stay accommodation (for example, B’&’B, host farm).

Rokeby

Context
Rokeby is a settlement with basic community facilities spread over two hills next to the Tarago River. Its origins are in pioneer stock routes from the 1860s, the 1890s railway line, and timber and farming. Today it is a largely a dormitory settlement, expansion constrained by the lack of reticulated sewerage services.

Rokeby’s character is defined by the following elements

- A layout oriented around the 1890s rail line to Noojee
- The park and community facilities centrally located
- Views to the surrounding hills and farmland, with winding roads and revealed bushland vistas
- Some buildings of heritage significance

Residential and Commercial
- Consolidate development within current urban zoned areas with no proposed expansion of the township boundaries.
- Encourage development that contributes positively to the streetscape.

Reference Documents
- Other Township studies, including Shire of Narracan Planning Strategies Report, Urban Areas (1994).
Vision
Council will consider planning applications and make decisions in accordance with the following vision:

- To ensure the protection, conservation and sustainable management of the Shire’s natural environment.
- To recognise the State and National importance of the Shire’s resources while ensuring they are utilised in a way that maintains a high quality life for residents.
- To recognise the Shire’s natural environment as the habitat for a wide range of indigenous flora and fauna and the importance of providing for the long term survival of these species.

Overview
- The Shire contains mountainous country, rural areas and significant water catchments. These all play a significant role in the provision of the State’s water and natural resources.
- The natural environment of the Shire provides a variety of pastoral, rural and bushland landscapes which are greatly valued by residents and visitors for their recreational, economic, spiritual and cultural attributes.
- The natural environment provides flora and fauna habitats as described in Clause 21.06-3 Biodiversity that have cultural and biological significance. The utilisation of resources from these habitats requires informed and sensitive management in order to protect them in the long term.
- The demands on the natural environment to harvest its resources such as water, landscapes, timber and extractive materials, soil fertility – have an impact on its sustainable ecological management.

Baw Baw Shire falls mainly within two catchments, being the Western Port and West Gippsland catchments. Land use and development within catchments may have an impact on water quality, biodiversity and natural resource management both within and outside the Shire. Therefore a whole of catchment approach is required for the management of natural resources in the exercise of decision-making.
Biodiversity

Context

The Shire possesses a diverse assemblage of native biodiversity assets, including threatened flora and fauna, habitats and vegetation communities listed under Commonwealth and State legislation and within Victoria Threatened Species Advisory lists and regional Native Vegetation Plans. Some of these assets occur within the relatively pristine, vegetated mountain areas of the Shire (e.g., Baw Baw Frog, Leadbeaters Possum, Sooty Owl, Tall Astelia, Cool Temperate Rainforest, Sub-alpine Wet Heathland) whilst others continue to persist within landscapes extensively cleared for agriculture and urban development (e.g., Giant Gippsland Earthworm, Warragul Burrowing Crayfish, Southern Brown Bandicoot, Growling Grass Frog, Dwarf Galaxias, Australian Grayling and Strzelecki Gum).
The extent of remaining native vegetation cover on freehold land within the Shire is estimated to be 14% of pre-European settlement cover whilst the condition of a large portion of this vegetation is considered to be fragmented and degraded. The extent of vegetation clearing for agriculture and urban development has resulted in some flora having a threatened conservation status within the region, including the Strzelecki Gum and vegetation communities that support this species. Approximately 90% of the remaining population of Strzelecki Gum within the landscape occur as scattered trees on freehold land.

The Shire also comprises a unique assemblage of invertebrate species that live within the soil, including Giant Gippsland Earthworm, a diverse range of terrestrial burrowing crayfish (e.g., Warragul Burrowing Crayfish and Narracan Burrowing Crayfish) and the Trafalgar Millipede. Together with other soil invertebrates, these species play a significant role in long-term maintenance of soil fertility and structure within the Shire.

The Council acknowledges the link between the long-term productivity of its highly valued agricultural landscapes and the provision of vital services by natural ecosystems (e.g., provision of clean water from healthy streams and wetlands). With predictions of more intense weather patterns in the future, building resilience and connectivity into natural ecosystems is considered fundamental to the long-term sustainable use of land within the Shire.

**Objective 1**

To increase the quality and extent of native vegetation within the Shire.

- **Strategy 1.1** Protect, maintain and improve the condition of native vegetation remnants and scattered trees within Council’s key reserves.
- **Strategy 1.2** Encourage the protection, maintenance, improvement and recruitment of native vegetation on private land.
- **Strategy 1.3** Encourage the establishment of native vegetation on private land for use as stock shelter belts, creek and stream protection, soil stabilisation in areas prone to land slip and soil erosion and for production of sustainable wood products.
- **Strategy 1.4** Encourage and provide leadership for the protection or recruitment of stands of native vegetation on private land to service new and emerging environmental markets (e.g., BushBroker, Bush Tender, Eco Tender, carbon offsetting).

**Objective 2**

To protect and manage native flora, fauna and habitats across the Shire.

- **Strategy 2.1** Assist with the conservation of threatened species, habitats and communities identified under the Flora and Fauna Guarantee Act 1988.
- **Strategy 2.2** Address potentially Threatening Processes identified under the Flora and Fauna Guarantee Act 1988.
- **Strategy 2.3** Encourage the protection of native fauna on private land, with emphasis on threatened species, habitats and communities.
- **Strategy 2.4** Improve and maintain the condition of key Council reserves, with emphasis on threatened species, habitats and communities.
- **Strategy 2.5** Encourage and facilitate the development of biolinks or wildlife corridors across the Shire.
- **Strategy 2.6** Prepare an integrated biodiversity and native vegetation framework.

**Implementation**

- Apply guidelines contained in Victoria’s Native Vegetation Management – A Framework For Action (Department of Natural Resources and Environment, 2002).
- Apply planning scheme strategies to inform use and development in areas containing biodiversity assets, including revision or preparation of Environmental Significance and Vegetation Protection Overlays, land use zones, Structure Plans, Biodiversity Management Plans and Native Vegetation Precinct Plans.
Reference Documents

Natural Resource Base

Context
The long term ecologically sustainable management of the environment, including the maintenance of a high quality natural resource base, is the most important factor influencing the economy, lifestyle and recreational choices in the Shire.

Objective 1
To ensure development proposals demonstrate a positive contribution to the environment in terms of soil stability, erosion, flood and drainage management and the retention of native vegetation.

Strategy 1.1 Protect the high quality productive land within the Shire from unplanned urban encroachment.
Strategy 1.2 Recognise the high quality attributes of the natural environment and its significant link with every urban and rural area in the Shire.
Strategy 1.3 Ensure environmental quality and that expert advice is obtained on the potential impact of developments or land uses on the environment.
Strategy 1.4 Minimise the impact of pest plants and pest animals on environmental values.
Strategy 1.5 Encourage ecologically sustainable land uses and natural resource management practices.
Strategy 1.6 Encourage the involvement of the whole community in caring for the environment.
Strategy 1.7 Protect heritage places and environmentally sensitive areas from inappropriate development.

Actions
Establish partnerships with:
- Department of Environment and Primary Industries
- Environment Protection Authority.
- Catchment Management Authorities.
- Minister for Planning and Local Government and the Alpine Resorts Management Board and community groups, such as Landcare.

Water Catchments

Context
Most of Baw Baw Shire is in the headwaters of the Latrobe River system, forming part of the West Gippsland Regional Catchment Authority area. It is critical that water quality in streams be maintained through the management of runoff from urban, forest and rural areas. A smaller area on the western edge of the Shire lies in the Westernport Bay catchment area which is covered by the Port Phillip and Westernport Bay Regional Catchment Strategy. The Shire also takes in parts of the Tarwin Catchment on its southern edge.

Objective 1
To protect water catchments from inappropriate development.

Strategy 1.1 Prevent sediment loss from construction sites to minimise the impact of development on water quality in local waterways by facilitating the adoption of practices outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991) and Environmental Guidelines for Major Construction Sites (EPA, 1995).
Strategy 1.2 Ensure development does not detrimentally affect the water quality or riparian environment of stream systems.
Strategy 1.3 Ensure erosion is managed and reduced through appropriate measures.
Other Actions

- Support the development of improved sewage treatment solutions for unsewered towns and land uses producing inappropriately managed waste.
- Develop initiatives and gain government support for the more efficient use of water resources.
- Ensure the Shire’s public convenience facilities are maintained to prevent poor water quality outcomes.

Reference documents

- Planning Permit Applications In Open, Potable Water Supply Catchment Areas’ - DSE Publication November 2012
- Port Phillip and Westernport Bay Regional Catchment Strategy
- West Gippsland Regional Catchment Strategy

Farmland and Soil Quality

Context

A strong emphasis is on the protection of the Shire’s agricultural base and the retention of the high quality productive agricultural land. The protection of the productive capacity and the minimisation of land use conflicts with continued agricultural production is of strategic significance at the local and regional level.

The Shire’s soil resources, particularly highly productive soils identified in the Assessment of Agricultural Quality in Gippsland (Swan and Volum, 1984), are a major natural resource which should be protected and managed.

The Baw Baw Environmental Planning Study (2001) assessment of the characteristics and suitability of the Shire’s land resources for a range of agricultural enterprises was a refinement of the earlier, broader scale land assessment study by Swan and Volum (1984).

The 2001 study reported that the majority of the Shire’s agricultural land is suitable for and can support a wide range of agricultural enterprises to a high production level, with particularly well endowed areas around Ellinbank, Yarragon, Trafalgar, Neerim South, Noojee, Thorpdale, and Allambee. Practically all cleared land in the Shire is suited to high production pasture, currently supporting the major soil-based industries of dairying and beef cattle. The Shire’s farmland is strategically important to the regional economy.

Objective 1

To protect and maintain high quality agricultural land

Strategy 1.1 Encourage agricultural activity that is environmentally sustainable.
Strategy 1.2 Encourage development which supports the protection of the primary use of the land for agricultural production.
Strategy 1.3 Discourage subdivision practices that fragment farm properties and reduce the land supply for primary industry in the rural zones. Encourage the consolidation/restructuring of existing fragmented agricultural landholdings.
Strategy 1.4 Encourage soil based uses, and while encouraging non-soil based farming activities such as intensive animal husbandry and green houses, ensure soil is not blighted in the long term.
Strategy 1.5 Protect agricultural land from indiscriminate use and development unless alternative sites for the use or development cannot be identified.
Strategy 1.6 Consider the development of the land for non agricultural purposes where it is demonstrated that the land is required for the strategic extension of an urban area of a main town for residential development.
Objective 2
To ensure that the future of agricultural industries are not prejudiced by the removal or degradation of soils.

Strategy 2.1 Discourage practices that damage soil integrity, for example through inappropriate waste management or poor farm practices.

Strategy 2.2 Soil should only be removed from the actual site of a building or works permitted pursuant to this planning scheme and where it can be demonstrated that the retention of the soil would prejudice the proper construction of the building or work.

Strategy 2.3 For an application for a permit for the removal of soil, the responsible authority will seek the comments of the Department of Environment and Primary Industries and any relevant Drainage or Water Authority. The responsible authority will consider the comments received from such authorities prior to deciding an application.

Implementation
Apply Clause 22.01 Rural Zones Policy

References Document
- (1) Swan and Volum 1984, Assessment of agricultural quality of land in Gippsland, pg.22
- (2) Ibid., pg 22
- The Baw Baw Environmental Planning Study (2001)

Forestry Operations
Overview
The Shire’s timber resources are substantial and for most part comprises forest on public land. The Shire supports the ecologically sustainable management of those resources.

Objective 1
To develop the timber industry on a ecologically sustainable basis particularly where it can assist with environmental rehabilitation.

Strategy 1.1 Encourage agroforestry in sensitive environmental areas to support such environmental services as rectifying erosion and land slip and in improving water quality.

Strategy 1.2 Encourage only those forestry practices that support habitats for the continued survival of threatened and rare flora and fauna, including the Leadbeater’s Possum.

Implementation
- Apply Clause 52.18 Timber Production when dealing with a planning application involving agroforestry or timber production.

Other Actions
- Monitor the implementation of the Code of Practice for Timber Production 2007

Coal Resources
Overview
The Gippsland coalfields are an important energy resource suitable for the generation of electricity, and having potential for alternative fuels and other products. The coal resource of the Gippsland Coalfields Policy Area affects the region shown on policy map titled Natural Resources This policy relates to that part of the regional resource which occurs in the Baw Baw Shire, namely Cloverlea and Andersons Creek.
Objective 1
To protect designated coal resource areas.

Strategy 1.1 Ensure uses of coal resource areas are compatible with the potential future extraction of the resources.
Strategy 1.2 Discourage the use and development of the land for urban or non coal related industrial purposes, major overburden dumps or other uses which could prejudice the winning or processing of underlying coal in all designated coal resource areas.
Strategy 1.3 Consult with all relevant agencies about land use proposals which may impact on the reduction of coal resources in these areas.

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Stone Resources

Overview
The Trafalgar Sands deposits have been identified as a major resource of State significance and economic value and offer significant future development opportunities.

The Trafalgar Sands resource area occupies an area of approximately 31 square kilometres and contains a geological sand resource estimated to be 500 million tonnes. Within this total resource the most prospective region has an indicated sand resource of almost 200 million tonnes within an area of 850 hectares. This is a resource of State significance. The Trafalgar Sands area has the potential for development as a major sand supply region to the Melbourne Metropolitan Area and the Gippsland Region in the medium to long term.

Objective 1
To protect significant stone (including sand) resources to ensure an adequate supply of stone (including sand) in future years.

Strategy 1.1 Ensure uses of sand resource areas are compatible with the potential future extraction of the resources
Strategy 1.2 Consult with all relevant agencies about land use proposals which may impact on the reduction of stone resources in these areas.
Strategy 1.3 Facilitate areas of sand deposits to be extracted in a manner which protects environmental and social values.
**ECONOMIC ACTIVITY**

**Vision**
Council will consider planning applications and make decisions in accordance with the following vision:

- To provide leadership and to facilitate a well connected, inter-active economic environment in which to do business.

**Overview**
The Shire has a strong economic base derived from versatile, high quality agricultural land, the local processing of product and the expansion of services to support production. It is one of the richest agricultural areas in the nation and has major tourism development opportunities.

The Shire is strategically positioned at the gateway to Gippsland and within one and a half hour drive of central Melbourne and 30 minutes from the Latrobe Valley towns. This location provides substantial advantages in terms of developing partnerships within the region and beyond in value-added industry, education, health, transport, tourism and marketing.

The role of the tertiary sector, agricultural service industries and manufacturing in providing employment means the role of the towns is critical to the economy of the Shire.

Agriculture and rural employment is gradually declining in common with Statewide trends in the restructuring of these industries. However this decline in employment does not reflect a decline in overall production. Australian Bureau of Statistics data indicates that for the year to June 2013 overall agricultural production (excluding value-adding) was $384 million compared to $370 million to the year June 2011, when there was more people employed in the agricultural sector.

However the fall in agricultural employment is expected to continue and be counterbalanced by growth in tertiary sector employment.

The Shire’s employment pattern is dominated by the tertiary sectors, especially in community services and public administration. These sectors are represented in extensive education institutions, health services and the Warragul central business district.

**Objective 1**
To establish and maintain a strong, dynamic economy and employment base by building on the comparative advantages in primary industry, timber, transport, tourism, education, manufacturing, service industry and commerce.

**Strategy 1.1** Encourage investment and establish value added industry both within the Shire and in the region, particularly those which relate to the agricultural base and the natural resources.

**Strategy 1.2** Develop a co-operative and co-ordinated approach to economic development with other municipalities and Gippsland regional development agencies and community development services.

**Strategy 1.3** Capitalise on the Shire’s heritage, environment and produce by improving the promotion of the Shire as a tourism area.

**Strategy 1.4** Support world class land management practices to ensure production of export quality.

**Strategy 1.5** Reinforce local retail and business services to meet local and regional needs.

**Strategy 1.6** Encourage high speed information and communication technology to be made available and used to develop prosperity and social inclusion.

**Strategy 1.7** Ensure land supply is managed to facilitate resilient primary, secondary and tertiary industries in the Shire, supported by relevant and current planning scheme policy.

**Objective 2**
To ensure the community and local business is ready to take advantage of opportunities arising from the carbon economy.
21.07-3

Primary Production

Overview

Baw Baw is part of the Gippsland region that represents an important critical mass of agricultural productivity at the National and State level and associated value added industries and employment opportunities.

The Shire is a major agricultural producer in the West Gippsland region. Agricultural output in the Shire is highly valued.

Dairying is the strength of the economy of the Shire. The south-west area of Gippsland within which the Shire is located, produces a substantial amount of Victoria’s dairy production and a significant proportion of the State’s vegetables.

Many opportunities exist for the further economic development of the Shire. Such opportunities include traditional produce, cut flowers, fresh fruit, nuts, bulbs, potato seeds and the timber industry. Such products will also assist in the further development of the Shire as a centre for agricultural production, research and education.

Demands on the Shire’s resources from a range of industries will continue to influence the Shire’s development. These include the maintenance of water resources, biodiversity values, environmental hazards, the impact of the timber industry and mining and the expansion of agriculture, horticulture and silviculture.

The economic strength of the Shire will continue to lie in agricultural production, principally in dairying and in a range of support services and industries. The requirements of traditional agriculture are rapidly changing with practices such as high input farming techniques and improved stock through genetic enhancement coupled with an increase in the average size of establishments.

Increased land values have resulted in some commercial farmers relocating out of the Shire where land prices are lower and the pressures from urban development are less. These changes and the popularity of alternative agricultural pursuits mean that there should be a more flexible approach to facilitating agricultural production.

The future of agriculture for the Shire not only lies locally, but overseas. The agricultural sector will increasingly think globally for its continued prosperity. The needs and standards expected by these markets in quality produce and food processing will strongly influence the Shire’s development and economy.

Objective 1

To enhance rural based economic activity in agriculture, horticulture and silviculture.

| Strategy 1.1 | Facilitate opportunities to expand and value add to raw products. |
| Strategy 1.2 | Develop the concept of the Shire as a centre for high quality agricultural production. |
| Strategy 1.3 | Co-ordinate and continue the development of agricultural research, education and marketing facilities. |
| Strategy 1.4 | Discourage uses and developments likely to impact detrimentally on agriculture and the environment. |
| Strategy 1.5 | Encourage land subdivision only where it enhances primary industry productivity and sustainability. |

21.07-4

Secondary and Tertiary Sectors

Overview

The service industry sector and its links with agriculture provide a solid and diversified economic future for the Shire. The Shire acts as a centre for agricultural production and research.
Natural resources and raw materials from the Shire’s forests and farms are often processed outside the Shire. Economic development will be assisted by increased local processing.

Future opportunities for major industrial activity particularly that which adds value to the Shire’s primary products, are important to the economic development of the region.

The Shire is home to several substantial educational and health establishments, which, by themselves and through supporting businesses, provide many employment opportunities. These establishments are also significant attractors for new residents to the region.

**Objective 1**

To recognise and support manufacturing, service industries and the tertiary sector (education, administration, retailing, services) as major contributors to the local economy.

**Strategy 1.1**
Support these industries by targeting Warragul and Drouin as twin towns and as the main tertiary and service centres.

**Strategy 1.2**
Support Trafalgar and Yarragon as important centres for manufacturing, service industries and the tertiary sector.

**Strategy 1.3**
Protect the amenity of residents by appropriate design and siting requirements and pursuit of minimum impact techniques.

**Strategy 1.5**
Provide for future large scale plants processing local agricultural product in the Princes Highway transport corridor. Development is to be subject to environmental requirements, in particular how it treats and disposes of waste and ensures that water quality is not affected.

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**Tourism**

**Overview**

There are many opportunities for expanding tourism. Baw Baw National Park contains the closest downhill skiing facility to Melbourne and also provides opportunities for other recreational pursuits. Walhalla, an isolated old gold mining town in the north of the Shire, presents visitors with a journey through history with great potential to accommodate visitors in the nearby picturesque towns of Rawson and Erica. The existing day-visit or weekend stay businesses present an excellent foundation for linking tourism with the area’s produce and other natural and cultural attractions.

Baw Baw Shire Council seeks to attract high quality tourist development that is compatible with the environmental attributes of the area. Development should be designed to be unobtrusive and ensure that current environmental and aesthetic values are retained and not degraded. Landscape features such as the Strzelecki Ranges, Mount Baw Baw and the numerous ranges and hills are important to the tourism industry.

Development should build on the strengths of the area in terms of expanding the accommodation and conference base and continue to offer a wide range of recreational activities and accommodation types.

Strip development along major highways and roads should not be supported. The appearance of the environment is important to the tourism industry.

In order to promote active recreation and tourism, Council strongly supports the development and maintenance of a network of cycling, walking and horse riding trails including Rail Trails, as proposed in the Shire Bicycle and Walking Paths Development Plan, 1998.

**Objective 1**

Seek to attract high quality tourist development that is compatible with the environmental values of the area.

**Strategy 1.1**
Develop and promote tourism based on natural and built resources. Building design and location should take into account the attributes of the natural environment and local character.
Strategy 1.2 Ensure that infrastructure is supplied to the site to treat and contain all wastes, provide potable water, have all weather vehicle access and install appropriate on site fire fighting facilities.

Strategy 1.3 Support and encourage the utilisation of the Shire’s resources for tourism where they are consistent with the sustainable management of the natural resource base, the provision of infrastructure and without compromising service provision and amenity for residents.

Strategy 1.4 Develop a coordinated Tourist Strategy encompassing the key tourism features of the Shire.

Strategy 1.5 Support tourism through improvements to accessibility of the ski fields at Mount Baw Baw/ Mount St Gwinear, and linking Erica and Rawson with Walhalla by a tourist train and by heritage based development of Walhalla.

Strategy 1.6 Capitalise on the abundant tourism opportunities available in National Parks, State and Regional Parks.

Strategy 1.7 Implement a consistent signage theme and comprehensive directional and tourist signage system, complementing the Latrobe regional signage system.

Strategy 1.8 Support tourism based around agricultural assets.

Strategy 1.9 Support the improvement of access to places of interest to the public while protecting their quality by ecologically sustainable management practices.

Reference Documents

- Warragul Town Centre Urban Design Framework and Station Precinct Masterplan
  - April 2010
  - Warragul Town Centre Masterplan May 2011
  - Drouin Town Centre Strategy November 2010
- Other Township studies, including Shire of Narracan Planning Strategies Report, Urban Areas (1994).
TRANSPORT AND INFRASTRUCTURE

Vision

Council will consider planning applications and make decisions in accordance with the following vision:

To improve the quality of residential and rural lifestyles and support economic development through the timely provision of infrastructure.

Overview

Infrastructure is a key contributor to quality of life. Provision of appropriate infrastructure is fundamental to urban and rural living and to facilitating economic activity. Council’s planning scheme seeks to balance the competing objectives of achieving higher standards of living through economic development, protecting and enhancing the environment and striving for the equitable distribution of benefits provided by infrastructure.

Infrastructure provision should occur in a timely fashion to cater for the changing needs of the community and emerging needs of developing areas. As custodian of significant infrastructure assets, Council has adopted standards for infrastructure provision. Such standards help to optimize the life-cycle costs for each infrastructure asset and set a framework for the consistent provision and maintenance of infrastructure. This maximizes the benefit each infrastructure asset provides the community.

Transport

Overview

Transport facilities include roads, paths, rail networks and public transport. All are necessary to provide for economic production, social and cultural development, leisure, work and health. Transport networks involve public and private stakeholders. Transport networks contribute to lifestyle values and tourism growth.

The Shire is served by high quality infrastructure in the form of the Princes Freeway and the Gippsland rail line. A network of major roads serves the rural areas and various towns. These facilities provide the transportation basis for the Shire’s overall planning and development.

Pressures for residential, commercial or industrial development will be mainly experienced along the Princes Highway and Melbourne-Gippsland railway corridor servicing eastern Victoria and the Shire.

The Shire is strategically located in terms of its association with other highly productive agricultural areas in Gippsland and accessibility to major markets.

Council has limited input into public transport and major roads. Arterial roads and freeways are planned and managed by VicRoads whilst railways and bus services are controlled by the respective operators and the peak body Public Transport Victoria (PTV). Council has an important role in this process to lobby the responsible authorities to ensure ratepayers receive the best possible public transport services which harmonise with local requirements.

Objective 1

To develop an appropriate multi-modal transport network that works effectively, with positive outcomes for amenity, safety and environmental values.

Strategy 1.1 Support better access to tourist and recreation facilities.
Strategy 1.2 Support the Princes Highway and rail transport corridor as an efficient transport facility linking the main urban areas of the Shire with Melbourne and neighbouring employment centres.
Strategy 1.3 Recognise the importance of improved public transport community links.
Strategy 1.4 Support the improvement of access to places of interest by the public while protecting their quality by sound management practices.

Strategy 1.5 Provide for safe and direct access for pedestrians and cyclists in the design of residential subdivisions in order to reduce the need for use of motor vehicles and to assist in improving community health and wellbeing.

Implementation

- Use the Active by Design Subdivision Guidelines and Checklist for Residential Development – 2009. These provide guidelines on how to ensure ‘active by design’ standards are included in residential subdivisions. Compliance with the Guidelines will be deemed to satisfy the objectives under clause 56.05-2 Public open space provision objectives, clause 56.06-2 Walking and cycling network objectives, clause 56.06-5 Walking and cycling network detail objectives and contribute to satisfying other objectives.

- An opportunity exists to also use these guidelines to integrate industrial and commercial areas with neighbourhoods through active linkages.

21.08-4

Overview

Infrastructure Planning, Design and Construction

Infrastructure provides the basic services required for urban and rural living and production. Its provision has to meet standards and objectives relating to reliability, safety, cost, maintainability and economic efficiency but also environmental sustainability and quality. Infrastructure can be provided in a way that meets all needs, and adds positively to the urban or rural experience.

The design, management and delivery of infrastructure are key issues for Council. The Infrastructure Design Manual (IDM) prepared by the Local Government Infrastructure Design Association has been adopted by Council and includes guidelines for the design and construction of infrastructure within the municipality, including (among other things) roads, drainage, stormwater, car parking, landscaping, access, earthworks, public lighting and intersection infrastructure. The IDM complements the objectives and standards of Clause 56 for residential subdivision applications.

Objective 1

To support the maintenance of environmental quality by ensuring a co-ordinated approach on the location, layout, siting and timing of development and the provision of infrastructure.

Strategy 1.1 Rezone additional land in Warragul and Drouin, to accommodate expected demand for industrial, commercial and residential land.

Strategy 1.2 Develop a Shire-wide Strategy to set out a coordinated approach in infrastructure provision.

Strategy 1.3 Prepare and update development contributions schemes for infrastructure to co-ordinate the equitable provision of services.

Strategy 1.4 Enable the implementation of the National Broadband Network rollout to support the introduction of new technology.

Objective 2

To provide clear and consistent guidelines for the planning, design and construction of infrastructure.

Strategy 2.1 Encourage a consistent approach to the design and construction of infrastructure across the municipality.

Strategy 2.2 Encourage new subdivision and development that has regard to the objectives and requirements of the IDM or an approved Precinct Structure Plan.
Unsewered Land

Overview

Facilities to support the provision of high quality water and the treatment of effluent are critical for the economic well being of the Shire, protection of public health and the maintenance of environmental quality.

Objective 1

Advocate for the installation of reticulated sewerage systems in all urban areas where the population base supports the viability of the investment.

Strategy 1.1 Develop a partnership with Gippsland Water to install sewerage services in residential locations and townships where there is community support or major environmental problems to be overcome. Small towns (as defined by Council’s Settlement Management Plan 2013) currently not connected to sewer include:

- Darnum
- Nilma
- Erica
- Walhalla
- Thorpdale
- Buln Buln
- Noojee
- Tanil Bren

These small towns will not grow to a level to make reticulated sewer economically viable, however Council will continue to advocate for sewer services being provided through the Council’s Domestic Waste Water Management Plan.

Strategy 1.2 Ensure where possible future residential development to have fully reticulated sewerage services.

Objective 2

Development which cannot be serviced by a reticulated sewerage system must be designed, sited and developed to prevent pollution of land and water resources.

Strategy 2.1 A minimum lot size of 4000m\(^2\) will be required. Lots smaller than 4000m\(^2\) are considered high risk in relation to wastewater treatment and disposal. Applications to create lots smaller than 4000m\(^2\) must be supported by documentation that demonstrates they are capable of effective wastewater treatment and disposal.

Strategy 2.2 All wastewater (effluent) treatment and disposal systems must be installed in accordance with the Environment Protection Authority’s Guidelines for Environmental Management: Code of practice – Onsite wastewater management.

Strategy 2.3 Package treatment plants and other alternative methods of waste water treatment that recycle waste water for use in domestic gardens and irrigated areas should be considered where appropriate. Certification that the proposed systems are licensed to operate in Victoria must be provided.

Strategy 2.4 Topographic maps, detailing areas which may be irrigated without discharging waste water from the site, must be provided with each application.

Strategy 2.5 Septic tanks and other forms of waste water treatment must be managed to prevent effluent entering watercourses.

Strategy 2.6 Suitable reports for proposed density, design and location of septic tanks and/or soil tests for each lot may be required at the discretion of Council’s Environmental Health Surveyor.

Reference Documents

- Baw Baw Shire Development Contribution Plan, 23 March 2007
- Baw Baw Shire Community Services Planning Framework, January 2013
- Warragul Urban Drainage Strategy, 26 February 2007
**HERITAGE**

**Overview**

The *Baw Baw Shire Heritage Study Stage 2 (2011)* highlights the rich and diverse cultural heritage of the Shire, illustrating the historic use, development and occupation of the land since first contact between Indigenous people and the first European explorers and settlers. Key issues include:

- The appreciation of heritage places and their significant role in the culture of the municipality.
- The need to address the incremental loss of heritage places which would otherwise provide links to the history of the development of the Shire.
- Finding a way to retain heritage places while allowing the development of towns, districts and communities of the Shire.

**Objectives**

- To conserve the distinctive and often unique heritage characteristics that contribute to the identity of communities within Baw Baw Shire and to the identity of the municipality as a whole.
- To conserve the cultural significance of the heritage place or precinct by protecting and conserving the fabric that contributes to the significance of the place.

**Strategies**

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Description</th>
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<tbody>
<tr>
<td>1.1</td>
<td>Encourage a ‘best practice’ and a consistent approach to the conservation of heritage places that is based upon a clear understanding of the reasons for their significance.</td>
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<tr>
<td>1.2</td>
<td>Retain the historic character and fabric of heritage precincts and places throughout the Shire as important evidence of past development.</td>
</tr>
<tr>
<td>1.3</td>
<td>Ensure development and maintenance of public land [roads, parks, buildings, etc] respects and enhances heritage places and precincts it contains or abuts, as appropriate.</td>
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<tr>
<td>1.4</td>
<td>Encourage development that is respectful of the heritage place or precinct in terms of scale, bulk and detail.</td>
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<tr>
<td>1.5</td>
<td>Encourage new uses and accompanying buildings and works that are respectful of the heritage place or precinct that provides for the ongoing use of the heritage place.</td>
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<tr>
<td>1.6</td>
<td>Support the adaptive re-use of heritage places where this does not compromise the integrity of the heritage place.</td>
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<tr>
<td>1.7</td>
<td>Undertake a review of the Rural City of Warragul Heritage Study 1991 to determine whether the information for places already included in the Heritage Overlay is accurate and comprehensive and whether there are any additional heritage places of local heritage significance.</td>
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</tbody>
</table>

**Implementation**

- Apply Clause 43.01 Heritage Overlay to heritage places of local significance.
- Apply the Incorporated Plan *Heritage Permit Exemptions and Walhalla Design Permit and Exemption Guide, April 2015* to heritage places identified in the Schedule to Clause 43.01.
- Apply the following heritage policy to heritage places throughout the Shire.

**Heritage policy**

**Definitions**

The following definitions apply for the purposes of this policy:

- *Heritage Place*: A building (e.g., house, shop, factory etc), structure (e.g., memorial, bridge or tram poles), features (e.g., mine shafts and mullock heaps, street gutters and paving), private garden or public park, single tree or group of trees such as an avenue, group of buildings or sites, landscape, geological formation, fossil site, or habitat or other place of natural or cultural heritage significance and its associated land.
- **Heritage Precinct.** A defined area, which contains buildings and fabric representing a particular theme in the development of the Shire that are described in the statement of significance for the precinct.

- **Significant place:** A place (e.g., a building, structures, tree etc.) that has cultural heritage significance independent of its context. Significant places may also make a contribution to the significance of an area or heritage precinct.

- **Contributory place:** A place or feature (e.g., buildings, structures, trees etc.) that contributes to the significance of an area or heritage precinct.

- **Non-contributory place:** A place or feature (e.g., buildings, structures, trees etc.) that do not make a contribution to the significance of a Heritage Place. In some instances, a Significant place may be considered Non-contributory within a heritage precinct. For example, an important Modernist house within a Victorian era precinct.

- **Significant feature.** A Significant Feature is any feature (building, tree, structure etc.) that the Baw Baw Shire Heritage Study Stage 2A Volume 2 September 2011 or other relevant heritage study or report identifies as contributing to the significance of a heritage place.

- **Fabric** means all of the physical material of the place.

### Exercise of Discretion

#### Conservation of Character

It is policy to:

- Conserve the historic character of a heritage place or heritage precinct by encouraging the retention and restoration of Significant and Contributory places and their fabric. This includes original features, materials, details and the building envelopes, and surviving early fences and gates listed in the Description;

- Encourage the maintenance or redevelopment of Non Contributory places in a way that respects and is sympathetic to the streetscape of the precinct.

#### New Development

It is policy to:

- Encourage new development, including alterations and additions to existing heritage places, that respects the historic context by fitting in with the precinct in terms of scale, siting, design, form, materials and colours.

- Encourage new development that maintains and enhances the setting of heritage places and the visual relationship between heritage places. This includes views of and vistas to a heritage place from public places.

- Encourage new buildings in precincts where they:
  - Interpret the historic character and avoid the use of materials, forms, colours and building envelopes that strongly contrast with that character; and
  - Are single storey or have upper levels that are set back from the front façade or incorporated into the roof space to ensure they are unobtrusive elements

- Require new garages, carports and outbuildings to Contributory and Significant heritage places to be located so as to be relatively inconspicuous. They should be located in the rear yard of sites, freestanding, or, if beside the significant or contributory feature, set back a suitable distance away from it.

- Avoid the distortion of historic evidence provided by heritage places by discouraging buildings which simply copy or replicate historic styles and detailing.
• Ensure additions to Contributory buildings within heritage precincts are not highly visible from the street, wherever possible. For example, by siting additions at the rear of buildings or first floor additions well back from the façade to ensure they are not conspicuous.

• Avoid new development of any kind that will become visually dominant or intrusive, eroding the significant character of the heritage precinct or place.

• Consider multi-unit developments on Non contributory sites within heritage precincts where the scale and form of the design is respectful of the surrounding heritage fabric.

• Consider multi-unit development on Significant or Contributory places within heritage precincts where the new buildings are designed and sited to respect the scale form and materials of the heritage place, retain the existing Significant or Contributory building and retain the original view of the site from the street.

• Avoid large, single buildings containing multiple dwellings in heritage precincts.

• Encourage front fences that are appropriate in style and form to the historic character of the heritage precinct or place. New front fences in heritage precincts should not exceed 1.2 m in height.

• Conserve historic public realm features such as basalt gutters, kerb or verge treatments and mature street trees where they form an integral part of the fabric of a heritage precinct.

• Encourage traffic management devices and road construction such as roundabouts within heritage precincts that are understated in their treatments but do not conflict with or detract from the historic context of a heritage precinct.

• Ensure that street tree species selection and placement, wherever possible, enhances the historic character of a heritage precinct.

Demolition

It is policy to:

• Strongly discourage the demolition of Significant and Contributory elements of heritage places and precincts.

• Only consider the demolition of heritage places where it can be demonstrated to the satisfaction of the responsible authority that, as appropriate:
  - The building is structurally unsound and cannot feasibly be repaired without undertaking substantial alterations that would diminish the integrity of the building; and,
  - The proposed replacement building embodies design excellence that is complementary in form, scale and materials to the heritage place and precinct but is clearly contemporary in approach. This does not apply where the whole of the heritage pace is to be demolished if it is not located in a heritage precinct.

• Only consider demolition of part of a Significant or Contributory heritage place when it can be demonstrated to the satisfaction of the responsible authority that its demolition or removal will not adversely affect the significance of the place

• Encourage the removal of non-significant alterations or additions to Significant or Contributory heritage places, particularly where this would assist in revealing the significance of the place.

Signage

It is policy to:

• Give preference to advertising signs in traditional forms and locations on buildings, and that are limited in number.
**Trees**

It is policy to:

- Support the maintenance and management of significant trees in a manner that ensures that they will survive in good condition according to their normally expected life span.

- Apply the Australian Standard AS4970-2009 ‘Protection of Trees on Development Sites’ to significant trees on sites affected by works.

- Avoid development within the area within the drip-line of the tree, i.e. under its canopy, for significant trees on sites subject to new buildings and works.

- Avoid development that would have an adverse effect on a significant tree or a tree that contributes to the setting of a heritage place or precinct.

**Subdivision**

It is policy to:

- Give preference to subdivision that is compatible with the historic subdivision pattern found in a heritage precinct, or relates to an approved multi-unit development.

- Consider subdivision of heritage places only if it maintains the significant fabric associated with that heritage place on a single lot.

**Managing Planning Applications**

It is policy that the following information may be required to support an application, as appropriate:

- For applications that may have an adverse impact upon the significance of the heritage place or precinct (Refer to Figure 1) a heritage impact statement prepared by a suitably qualified heritage consultant, which assesses the impact of the application upon the significance of the heritage place. This report should:
  - As part of the Site Analysis, describe the significant elements of the place having regard to the relevant heritage citation and how these have been considered in the preparation of the application.
  - If the application includes demolition, an assessment of whether the fabric is significant and, if so, provides reasons why it is to be removed.
  - On the basis of the above, an assessment of how the application will affect the significance of the heritage place or precinct.

*Note: It is possible that there may be significant fabric not specifically identified by an existing heritage study. Any additional fabric identified should be noted and assessed as part of the report.*

The types of applications that may have an adverse impact upon the significance of a heritage place include:

- Demolition of a Significant or Contributory building or feature;

- Major addition to or removal of all or part of a Significant or Contributory building or feature,

- Removal of a Significant tree, or

- Works affecting a Significant archaeological feature.

**Decision guidelines**

It is policy that before deciding upon an application the responsible authority must consider, as appropriate

- Whether the proposed demolition, buildings or works will assist in the long term conservation or maintenance of the place, or
Whether the proposed demolition, buildings or works will support the viability of the existing use of the place or will facilitate a new use that is compatible with the ongoing conservation of the building, or

**Other Actions**

It is policy to:

- Refer to and facilitate the recommendations of relevant heritage reference documents in preparing planning scheme amendments.
- Seek and retain the services of a heritage advisory officer or other advisory expert to guide the application of the Heritage Overlay.
- Work with stakeholders of public land to develop appropriate methods for the conservation and enhancement of heritage places on public land, such as parks, road reserves and public infrastructure.

**Reference Documents**

- Context Pty Ltd, Baw Baw Shire Heritage Study Stage 2A, August/September 2011 (Volumes 1 & 2) as amended.
LOCAL PLANNING POLICIES

The purpose of this section is to set out the local policies which the responsible authority should consider in assessing applications for the use or development of land.
RURAL ZONES POLICY

Farming Zone and Rural Activity Zone

This policy applies to all land in the Farming Zone and Rural Activity Zone

Policy basis

This policy builds on local strategy in clause 21.06-6 of the Municipal Strategic Statement (MSS) which aims to protect and maintain agricultural land.

It also builds upon local strategy which promotes a diverse economy based mainly upon varied agricultural production and processing, tourism and business and service industries.

Research undertaken by Agriculture Victoria in 2001 highlights that most rural land in the Baw Baw Shire is highly suitable for both intensive horticultural and broadacre pasture based farming due to its fertile soil types, high rainfall, temperate climate, varied topography and proximity to markets. The productive use of this land has resulted in agricultural production being the most significant contributor to the economy of the Shire. Clause 21.06-5 of the MSS highlights the importance of maintaining the contribution made by agriculture to the economy of the Shire.

The current lot pattern in the Shire has largely resulted from the subdivision of the original Crown Allotments which were mainly created in the late 1800s. In more recent times, this has been regulated through planning schemes. The significantly different subdivision provisions included in the former planning schemes is now reflected by the varied lot pattern around the Shire. A more intensive lot pattern is evident in the area of the former City of Warragul (which had a minimum lot area of 16 hectares) whilst a more extensive lot pattern is evident in the area of the former Narracan Shire (which had minimum lot areas of 50 and 60 hectares).

Whilst the development of dwellings in rural areas has been integral to the development of the Baw Baw Shire as a farming area, in more recent times there have been increasing pressures for subdivision and residential development of rural land, primarily for rural lifestyle rather than for farming purposes. The increasing pressures for land for rural lifestyle purposes has the potential to significantly impact on the way agricultural land is used in the Shire, particularly in regard to the continuation of broadacre farming such as dairying, and its contribution to the economy of the Shire.

The increasing number of dwellings in rural areas is altering the rural landscape of the Shire. Maintaining the rural character of the Shire by protecting the rural environment and landscape is one of the Baw Baw Shire Council’s core strategic objectives.

Objectives

- To support agriculture as a major contributor to the Shire’s economy.
- To retain the potential for large scale, broadacre based farming enterprises by encouraging the retention of large lots.
- To encourage a diverse range of agricultural enterprises which can use smaller landholdings.
- To support tourism use and development that is compatible with agricultural production and/or the environmental attributes of the area.
- To ensure that the development of dwellings and the creation of small lots for existing dwellings minimises the loss of productive agricultural land and does not prejudice activities associated with agricultural production.
- To protect the rural character of the Shire by minimising the visual intrusion of new buildings on the natural landscape, particularly hill top/ridgeline development.

Policy

Exercising discretion
All subdivisions
For all rural subdivisions, it is policy to:

- Require a written submission explaining how the proposal meets the zone purposes and decision guidelines and the objectives of this policy.
- Encourage subdivision which creates or retains lots over 40 hectares.
- Require a land capability assessment to be provided to substantiate that proposed lots less than 1 hectare can satisfy the requirements of the Environmental Protection Authority’s Guidelines for Environmental Management Code of Practice – Onsite Wastewater Management.

Dwelling excisions
Where the subdivision involves the creation of a small lot for an existing dwelling, it is policy to:

- Discourage the excision of a dwelling from an existing lot of less than 40 hectares unless the proposal involves the consolidation of remaining lots within a land holding or where the purpose of the subdivision is to make the residual lot available only for agricultural production and the applicant agrees to enter into a Section 173 agreement to prohibit a dwelling on the residual lot.
- Ensure that any small lot created for an existing dwelling has a maximum size of 2 hectares, except if the dwelling is directly associated with the management of an established intensive agricultural enterprise on the land comprising horticulture, crop raising or intensive animal husbandry as defined in the planning scheme.
- Discourage the creation of a small lot for an existing dwelling where it would be located within 100 metres of a farming activity node [dairy shed, effluent ponds, stock yards, etc], within the buffer distance of a use listed in clause 52.10 of the scheme or within the buffer distance of an approved broiler farm or cattle feedlot.
- Require any permit issued to be subject to a condition that a Section 173 Agreement be entered into requiring that each lot not be able to be used for any further dwelling.
- Require a plan to be submitted showing the location of all buildings on the land and on adjacent land in proximity to the small lot, the purpose of the buildings and the purpose for which the land and adjacent land is utilised.
- Require that any building used as the basis for the creation of a small lot for an existing dwelling, satisfies the definition of a dwelling in the planning scheme, has existing use rights as a dwelling and is in a habitable condition.

Re-subdivision
Where the subdivision involves the re-subdivision of existing lots, it is policy to:

- Support a proposal where it involves the realignment of boundaries between two lots and the boundaries are realigned so that less than 10 per cent of either lot is involved and the total size of the lots is less than 40 hectares.
- Discourage re-subdivision within a land holding, which comprises of more than one lot, where it would increase the overall development potential of the land, unless a Section 173 agreement is entered into to restrict the additional subdivision potential.
- Discourage the re-subdivision of existing lots where one or both of those lots was originally established for the purpose of a rail, road or other reserve.
- Encourage any small lot proposed primarily for rural living purposes to be 2 hectares or less in area.
- Support re-subdivision of lots which are proposed to contain an established rural business, where the area of the existing lot is excess to the requirements of the business.
- Limit to two the number of small lots created through the re-subdivision of a landholding comprising more than two lots, where they are proposed primarily for rural living purposes.

- Discourage re-subdivision proposals, which would result in fragmentation of a large farm holding, or abandonment of primary production on most of the land.

**Subdivision of land located within, abutting or divided by a township boundary**

Where the subdivision includes land located within, abutting or divided by a township boundary around any town in the Shire, it is policy to:

- Require the applicant to demonstrate that the subdivision is consistent with any Development Plan prepared for the area or, if there is no Development Plan prepared, to demonstrate that the subdivision would not compromise future potential residential development on the land.

- Ensure that subdivision of land within a township boundary does not increase the potential for conflict between the use of that land and the use of land abutting the township boundary for agricultural purposes.

- Ensure that subdivision of land abutting a township boundary does not increase the potential for conflict between the use of that land and the future use of land within the township boundary for residential purposes.

**Dwellings**

It is policy to:

- Require a proposal for a dwelling in the Farming Zone to be accompanied by a business plan and/or farm plan that justifies that the dwelling is an integral but ancillary part of the use of the land for a commercial farming purpose or for an approved tourism business that is intended to be carried out by the applicant.

- Discourage a proposal for a dwelling unless it can clearly be demonstrated through a business plan or farm management plan that it is required for a commercial farming purpose or for an approved tourism business. In general, a dwelling will not be supported if the farming enterprise comprises only small scale extensive animal husbandry unless it can be demonstrated that there are special management requirements relating to the grazing stock.

- Where a proposed dwelling would be an ancillary part of the use of the land for a commercial farming purpose, assess a business plan or farm plan, submitted with the proposal, having regard to issues including suitability of lot size, availability of a suitable water supply, suitability of topography and other natural features, as indicators of the site’s inherent potential for a commercial farming operation.

- Require any rural dwelling, together with its domestic outbuildings, yards, pool, garden, primary and secondary waste water envelopes etc to be contained within a 2000 square metre envelope.

- Require the owner of the lot on which the dwelling is proposed, to enter into an agreement under Section 173 of the Planning and Environment Act 1987, which ensures that the lot cannot be subdivided to create an additional lot and cannot be used for any further dwelling.

- Require consolidation of vacant lots within the property (being lots in the same ownership which adjoin each other or are separated only by a stream, stream reserve, or unmade or unused government road or rail reserve) on which the dwelling is proposed, where the property comprises of more than one lot.

- Discourage new dwellings being developed less than 100 metres from a neighbouring house or a farming activity node [stock yards, dairy shed, effluent treatment ponds etc].

- Consider a proposal for a new dwelling adjacent to two or more existing dwellings as constituting a ‘concentration’ or ‘proliferation’ of dwellings in the area when considering the Dwelling Issues Decision Guidelines under clause 35.07-6 of the Farming Zone.
Discourage new dwellings being developed on lots where wastewater cannot be retained and treated within the lot through use of a conventional on site septic tank system.

Discourage new buildings being located in visually prominent positions, including on ridgelines and hilltops. Where proposed buildings may be visible, ensure that they are visually blended into the landscape, through the use of non-reflective exterior material and cladding (in muted tones) and minimising the building height.

**Dwellings for conservation purposes**

Dwelling applications for conservation purposes (vegetated lots and/or steep land) should also be considered having regard to the location of the proposal in the Settlement framework. It is policy to:

- Discourage dwellings being located within isolated communities in the north of the Shire that have limited access, rough terrain and are surrounded by State forest and present a strategic bushfire risk, such as Happy-Go-Lucky, Maidentown and Coopers Creek.

- Encourage dwellings (provided other planning controls are met) on existing lots within the Strzelecki Ranges in the south of the Shire, which is an area with good access, proximate to the main towns and where population growth would lead to good outcomes for the local environment and surrounding communities.

Applications will be assessed against the following, as appropriate:

- The land has been identified as not being of good quality for extensive agriculture of cropping purposes due to steep slopes and soils which are prone to erosion and landslip. Provision is to be made for the rehabilitation and stabilisation of existing degraded land.

- The provision of a Land Management Plan or Native Vegetation Management Plan to the satisfaction of the responsible authority, including:
  - A description of the location and type of native vegetation or fauna habitat to be managed and protected, including a site map;
  - A schedule of actions to be undertaken to manage and protect the native vegetation or fauna habitat (e.g. fencing, weed control, pest control, revegetation);
  - The person(s) responsible for implementing the specified management actions;
  - Approximate timelines for the implementation of the management actions;
  - The method by which the management actions will be undertaken (e.g., spot spray target weeds);
  - The standard to which the management actions will be undertaken (e.g., control blackberry to < 1% cover).

- Protection of native vegetation or native fauna habitat that provides a significant contribution to biodiversity conservation and/or land management protection

- Placement of an on-title encumbrance on the native vegetation or fauna habitat to be protected and managed, to the satisfaction of the responsible authority (i.e., S 173 Agreement under P & E Act 1987, S 69 Agreement under C F & L Act 1987 or Trust for Nature Covenant under the Victorian Conservation Trust Act 1972). The area being protected and managed must not contribute to any part of the land required for bushfire management protection or result in the use of any planning scheme exemptions for the removal, destruction or lopping of native vegetation (e.g., safety)

**Reference Documents**

‘Baw Baw Settlement Management Plan, August 2013’.

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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.
SCHEDULE 1 TO CLAUSE 32.03 LOW DENSITY RESIDENTIAL ZONE

Shown on the planning scheme map as LDRZ.

1.0 Subdivision requirements

<table>
<thead>
<tr>
<th>Land</th>
<th>Area (hectares)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum subdivision area (hectares)</td>
<td>None specified</td>
</tr>
</tbody>
</table>

2.0 Outbuilding permit requirements

| Dimensions above which a permit is required to construct an outbuilding (square metres) | None specified |
SCHEDULE 1 TO CLAUSE 32.04 MIXED USE ZONE

Shown on the planning scheme map as MUZ.

BAW BAW MIXED USE AREAS

1.0

Objectives

None specified.

2.0

Clause 54 and Clause 55 requirements

<table>
<thead>
<tr>
<th></th>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum street setback</td>
<td>A3 and B6</td>
<td>None specified</td>
</tr>
<tr>
<td>Site coverage</td>
<td>A5 and B8</td>
<td>None specified</td>
</tr>
<tr>
<td>Permeability</td>
<td>A6 and B9</td>
<td>None specified</td>
</tr>
<tr>
<td>Landscaping</td>
<td>B13</td>
<td>None specified</td>
</tr>
<tr>
<td>Side and rear setbacks</td>
<td>A10 and B17</td>
<td>None specified</td>
</tr>
<tr>
<td>Walls on boundaries</td>
<td>A11 and B18</td>
<td>None specified</td>
</tr>
<tr>
<td>Private open space</td>
<td>A17</td>
<td>None specified</td>
</tr>
<tr>
<td></td>
<td>B28</td>
<td>None specified</td>
</tr>
<tr>
<td>Front fence height</td>
<td>A20 and B32</td>
<td>None specified</td>
</tr>
</tbody>
</table>

3.0

Maximum building height requirement

None specified.

4.0

Exemption from notice and review

None specified.

5.0

Application requirements

None specified.

6.0

Decision guidelines

None specified.

7.0

Signs

None specified.
SCHEDULE 1 TO CLAUSE 32.05 TOWNSHIP ZONE

Shown on the planning scheme map as TZ.

BAW BAW TOWNSHIPS

1.0

Neighbourhood character objectives
None specified.

2.0

Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is a permit required to construct or extend one dwelling on a lot of between 300 and 500 square metres?</td>
<td>No</td>
</tr>
<tr>
<td>Is a permit required to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot of between 300 and 500 square metres?</td>
<td>No</td>
</tr>
</tbody>
</table>

3.0

Clause 54 and Clause 55 requirements

<table>
<thead>
<tr>
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</tr>
<tr>
<td>Front fence height</td>
<td>A20 and B32</td>
<td>None specified</td>
</tr>
</tbody>
</table>

4.0

Maximum building height requirement for a dwelling or residential building
None specified.

5.0

Application requirements
None specified.

6.0

Decision guidelines
None specified.
SCHEDULE 1 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as **GRZ1**.

**GENERAL RESIDENTIAL AREA**

1.0

**Neighbourhood character objectives**

None specified.

2.0

**Construction or extension of a dwelling or residential building - minimum garden area requirement**

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the construction or extension of a dwelling or residential building exempt from the minimum garden area requirement?</td>
<td>No</td>
</tr>
</tbody>
</table>

3.0

**Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot**

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is a permit required to construct or extend one dwelling on a lot of between 300 and 500 square metres?</td>
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<tr>
<td>Is a permit required to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot of between 300 and 500 square metres?</td>
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</tr>
</tbody>
</table>

4.0

**Requirements of Clause 54 and Clause 55**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
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<td>Permeability</td>
<td>A6 and B9</td>
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<td>None specified</td>
</tr>
<tr>
<td>Front fence height</td>
<td>A20 and B32</td>
<td>None specified</td>
</tr>
</tbody>
</table>

5.0

**Maximum building height requirement for a dwelling or residential building**

None specified.

6.0

**Application requirements**

None specified.
Decision guidelines

None specified.
LOW DENSITY RESIDENTIAL ZONE

Shown on the planning scheme map as LDRZ with a number (if shown).

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td></td>
<td>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Must meet the requirements of Clause 52.22-2.</td>
</tr>
<tr>
<td>Dependent person's unit</td>
<td>Must be the only dependent person's unit on the lot.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 32.03-2.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td>Must be the only dwelling on the lot.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 32.03-2.</td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<tr>
<td></td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Community care accommodation, Dependent person's unit and Dwelling)</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Agriculture (other than Animal production, Apiculture, Domestic animal husbandry and Racing dog husbandry)</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>Car park</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Car wash</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Convenience restaurant</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Convenience shop</td>
<td></td>
</tr>
<tr>
<td>Dependent person’s unit – if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 32.03-2.</td>
</tr>
<tr>
<td>Domestic animal boarding</td>
<td></td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast) – if the Section 1 condition is not met</td>
<td>Must result in no more than two dwellings on the lot. Must meet the requirements of Clause 32.03-2.</td>
</tr>
<tr>
<td>Food and drink premises (other than Convenience restaurant)</td>
<td></td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus and Nightclub)</td>
<td></td>
</tr>
<tr>
<td>Plant nursery</td>
<td></td>
</tr>
<tr>
<td>Service station</td>
<td>The site must either:</td>
</tr>
<tr>
<td></td>
<td>- Adjoin a commercial zone or industrial zone.</td>
</tr>
<tr>
<td></td>
<td>- Adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td></td>
<td>The site must not exceed either:</td>
</tr>
<tr>
<td></td>
<td>- 3000 square metres.</td>
</tr>
<tr>
<td></td>
<td>- 3600 square metres if it adjoins on two boundaries a road in a Road Zone.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Store</td>
<td>Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

## Section 3 – Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement parlour</td>
</tr>
<tr>
<td>Animal production (other than Grazing animal production)</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
</tr>
<tr>
<td>Extractive industry</td>
</tr>
<tr>
<td>Industry (other than Car wash)</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
<tr>
<td>Nightclub</td>
</tr>
<tr>
<td>Office (other than Medical centre)</td>
</tr>
<tr>
<td>Retail premises (other than Convenience shop, Food and drink premises, Market and Plant nursery)</td>
</tr>
<tr>
<td>Saleyard</td>
</tr>
<tr>
<td>Transport terminal</td>
</tr>
<tr>
<td>Warehouse (other than Store)</td>
</tr>
</tbody>
</table>

### Use for one or two dwellings or a dependent person’s unit

A lot may be used for one or two dwellings provided the following requirements are met:

- Each dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from each dwelling must be treated and retained within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

- Each dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity, to the satisfaction of the responsible authority.

- Each dwelling must be connected to a reticulated electricity supply or have an alternative energy supply to the satisfaction of the responsible authority.

These requirements also apply to a dependent person’s unit.

### Subdivision

#### Permit requirement

A permit is required to subdivide land.
Each lot must be at least the area specified for the land in a schedule to this zone. Any area specified must be at least:

- 0.4 hectare for each lot where reticulated sewerage is not connected. If no area is specified each lot must be at least 0.4 hectare.
- 0.2 hectare for each lot with connected reticulated sewerage. If no area is specified each lot must be at least 0.2 hectare.

A permit may be granted to create lots smaller than 0.4 hectare if the subdivision:

- Excises land which is required for a road or a utility installation.
- Provides for the re-subdivision of existing lots and the number of lots is not increased.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
</tbody>
</table>

**Buildings and works**

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 32.03-1.
- An outbuilding which has dimensions greater than those specified in a schedule to this zone.

This does not apply to structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works where:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>- The building or works are not associated with a dwelling, primary school or secondary school and have an estimated cost of up to $100,000; or</td>
<td></td>
</tr>
<tr>
<td>- The building or works are associated with a primary school or secondary school and have an estimated cost of up to $500,000; and</td>
<td></td>
</tr>
<tr>
<td>- The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:</td>
<td></td>
</tr>
<tr>
<td>- A10 Side and rear setbacks.</td>
<td></td>
</tr>
</tbody>
</table>
### Class of application

- A11 Walls on boundaries.
- A12 Daylight to existing windows.
- A13 North-facing windows.
- A14 Overshadowing open space.
- A15 Overlooking.

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

### Application requirements

#### Subdivision

An application must be accompanied by a site analysis, documenting the site in terms of land form, vegetation coverage and the relationship with surrounding land, and a report explaining how the proposed subdivision has responded to the site analysis. The report must:

- In the absence of reticulated sewerage, include a land assessment which demonstrates that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
- Show for each lot:
  - A building envelope and driveway to the envelope.
  - Existing vegetation.
  - In the absence of reticulated sewerage, an effluent disposal area.
- Show how the proposed subdivision relates to the existing or likely use and development of adjoining and nearby land.
- If a staged subdivision, show how the balance of the land may be subdivided.

### Decision guidelines

#### General

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


#### Subdivision

- The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.
- The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.
In the absence of reticulated sewerage:

- The capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
- The benefits of restricting the size of lots to the minimum required to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria).
- The benefits of restricting the size of lots to generally no more than 2 hectares to enable lots to be efficiently maintained without the need for agricultural techniques and equipment.

- The relevant standards of Clauses 56.07-1 to 56.07-4.

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 3.
SCHEDULE TO THE LOW DENSITY RESIDENTIAL ZONE

Shown on the planning scheme map as LDRZ.

<table>
<thead>
<tr>
<th>Land</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum subdivision area (hectares)</td>
<td>None specified</td>
</tr>
</tbody>
</table>

Dimensions above which a permit is required to construct an outbuilding

None specified
MIXED USE ZONE

Shown on the planning scheme map as MUZ with a number (if shown).

Purpose

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

To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.

To provide for housing at higher densities.

To encourage development that responds to the existing or preferred neighbourhood character of the area.

To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

Objectives

A schedule to this zone may contain objectives to be achieved for the area.

Table of uses

Section 1 – Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art gallery</td>
<td></td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td></td>
<td>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Must meet the requirements of Clause 52.22-2.</td>
</tr>
<tr>
<td>Dependent person’s unit</td>
<td>Must be the only dependent person’s unit on the lot.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td></td>
</tr>
<tr>
<td>Food and drink premises</td>
<td>The leasable floor area must not exceed 150 square metres.</td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td>The gross floor area must not exceed 250 square metres.</td>
</tr>
<tr>
<td>Museum</td>
<td></td>
</tr>
<tr>
<td>Office (other than Medical centre)</td>
<td>The leasable floor area must not exceed 250 square metres.</td>
</tr>
<tr>
<td>Place of worship</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<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,</td>
<td></td>
</tr>
<tr>
<td>Dependent person's unit, Dwelling, Residential aged care facility</td>
<td></td>
</tr>
<tr>
<td>and Rooming house</td>
<td></td>
</tr>
<tr>
<td>Agriculture (other than Animal production, Apiculture, Domestic</td>
<td></td>
</tr>
<tr>
<td>animal husbandry and Racing dog husbandry)</td>
<td></td>
</tr>
<tr>
<td>Domestic animal boarding</td>
<td></td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>– if the Section 1 condition is not met</td>
<td></td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Materials recycling and Transfer station)</td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation)</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Art gallery, Carnival, Circus, Museum</td>
<td></td>
</tr>
<tr>
<td>and Place of worship</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Food and drink premises and Shop)</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and</td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

**Section 3 - Prohibited**

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex product shop</td>
</tr>
<tr>
<td>Animal production (other than Grazing animal production)</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
</tbody>
</table>
Use

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></td>
<td>- The area of either lot is reduced by less than 15 percent.</td>
</tr>
<tr>
<td></td>
<td>- The general direction of the common boundary does not change.</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>
</tbody>
</table>
### Class of application

<table>
<thead>
<tr>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meets the requirements in the following standards of Clause 54:</td>
</tr>
<tr>
<td>- A10 Side and rear setbacks.</td>
</tr>
<tr>
<td>- A11 Walls on boundaries.</td>
</tr>
<tr>
<td>- A12 Daylight to existing windows.</td>
</tr>
<tr>
<td>- A13 North-facing windows.</td>
</tr>
<tr>
<td>- A14 Overshadowing open space.</td>
</tr>
<tr>
<td>- A15 Overlooking.</td>
</tr>
</tbody>
</table>

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

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**32.04-6**

31/07/2018

VC148

**Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

**Permit requirement**

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

A permit is not required to construct one dependent person’s unit on a lot.

**Transitional provisions**

Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 58 does not apply to:
- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building.</td>
<td>Clause 59.03</td>
</tr>
</tbody>
</table>

**Requirements of Clause 54 and Clause 55**

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

**Residential aged care facility**

**Permit requirements**

A permit is required to construct a building or construct or carry out works for a residential aged care facility.

A development must meet the requirements of Clause 53.17 - Residential aged care facility.

**Buildings and works associated with a Section 2 use**

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works where:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>- The building or works are not associated with a dwelling, primary school or secondary school and have an estimated cost of up to $100,000; or</td>
<td></td>
</tr>
</tbody>
</table>
Class of application

- The building or works are associated with a primary school or secondary school and have an estimated cost of up to $500,000; and
- The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:
  - A10 Side and rear setbacks.
  - A11 Walls on boundaries.
  - A12 Daylight to existing windows.
  - A13 North-facing windows.
  - A14 Overshadowing open space.
  - A15 Overlooking.

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

32.04-10

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

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.

BAW BAW MIXED USE AREAS

1.0 Objectives

None specified.

2.0 Clause 54 and Clause 55 requirements

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum street setback</td>
<td>A3 and B6</td>
<td>None specified</td>
</tr>
<tr>
<td>Site coverage</td>
<td>A5 and B8</td>
<td>None specified</td>
</tr>
<tr>
<td>Permeability</td>
<td>A6 and B9</td>
<td>None specified</td>
</tr>
<tr>
<td>Landscaping</td>
<td>B13</td>
<td>None specified</td>
</tr>
<tr>
<td>Side and rear setbacks</td>
<td>A10 and B17</td>
<td>None specified</td>
</tr>
<tr>
<td>Walls on boundaries</td>
<td>A11 and B18</td>
<td>None specified</td>
</tr>
<tr>
<td>Private open space</td>
<td>A17</td>
<td>None specified</td>
</tr>
<tr>
<td></td>
<td>B28</td>
<td>None specified</td>
</tr>
<tr>
<td>Front fence height</td>
<td>A20 and B32</td>
<td>None specified</td>
</tr>
</tbody>
</table>

3.0 Maximum building height requirement

None specified.

4.0 Exemption from notice and review

None specified.

5.0 Application requirements

None specified.

6.0 Decision guidelines

None specified.
TOWNSHIP ZONE

Shown on the planning scheme map as TZ with a number (if shown).

**Purpose**

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

To provide for residential development and a range of commercial, industrial and other uses in small towns.

To encourage development that respects the neighbourhood character of the area.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

**Neighbourhood character objectives**

A schedule to this zone may contain the neighbourhood character objectives to be achieved for the area.

**Table of uses**

**Section 1 - Permit not required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
</table>
| 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. |
| Community care accommodation             | Must meet the requirements of Clause 52.22-2.                              |
| Dependent person's unit                  | Must be the only dependent person's unit on the lot.  
                                          | Must meet the requirements of Clause 32.05-3.                               |
| Domestic animal husbandry                | Must be no more than 2 animals.                                             |
| Dwelling (other than Bed and breakfast)  | Must meet the requirements of Clause 32.05-3.                              |
| Home based business                      |                                                                          |
| Informal outdoor recreation              |                                                                          |
| Medical centre                           | The gross floor area of all buildings must not exceed 250 square metres.   |
| Place of worship                         | The gross floor area of all buildings must not exceed 250 square metres.   |
| Racing dog husbandry                     | Must be no more than 2 animals.                                             |
| Railway                                  |                                                                          |
| Residential aged care facility           |                                                                          |
| Rooming house                            | Must meet the requirements of Clause 52.23-2.                              |
| Tramway                                  |                                                                          |
## Section 2 – Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dependent person’s unit - if the Section 1 condition is not met</strong></td>
<td>Must meet the requirements of Clause 32.05-3.</td>
</tr>
<tr>
<td><strong>Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met</strong></td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td><strong>Grazing animal production</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Industry (other than Transfer station and Refuse disposal)</strong></td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td><strong>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Office (other than Medical centre)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Place of assembly (other than Carnival, Circus and Place of worship)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Retail premises (other than Adult sex product shop)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Transfer station</strong></td>
<td>Must meet the threshold distance requirements in the table to Clause 53.10.</td>
</tr>
<tr>
<td><strong>Utility installation (other than Minor utility installation and Telecommunications facility)</strong></td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td><strong>Warehouse</strong></td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
</tbody>
</table>

## Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Adult sex product shop</strong></td>
</tr>
<tr>
<td><strong>Animal production (other than Grazing animal production)</strong></td>
</tr>
<tr>
<td><strong>Brothel</strong></td>
</tr>
<tr>
<td><strong>Dwelling – if the Section 1 condition is not met</strong></td>
</tr>
<tr>
<td><strong>Extractive industry</strong></td>
</tr>
</tbody>
</table>
Use

Motor racing track
Refuse disposal
Saleyard

32.05-3
27/03/2017
VC110

Use for a dwelling or a dependent person’s unit

A lot may be used for a dwelling provided the following requirements are met:

- Each dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from each dwelling must be treated and retained within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

- Each dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity, to the satisfaction of the responsible authority.

- Each dwelling must be connected to a reticulated electricity supply or have an alternative energy supply to the satisfaction of the responsible authority.

These requirements also apply to a dependent person’s unit.

32.05-4
27/03/2017
VC110

Use for industry and warehouse

Amenity of the neighbourhood

The use of land for an industry or warehouse must not adversely affect the amenity of the neighbourhood, including through:

- The transport of materials or goods to or from the land.
- The appearance of any stored materials or goods.
- Traffic generated by the use.
- Emissions from the land.

32.05-5
31/07/2018
VC148

Subdivision

Permit requirement

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

<table>
<thead>
<tr>
<th>Class of subdivision</th>
<th>Objectives and standards to be met</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 or more lots</td>
<td>Clauses 56.02-1, 56.03-5, 56.04-2 to 56.04-5, 56.05-1, 56.05-2, 56.06-2, 56.06-4, 56.06-5, 56.06-7, 56.06-8 and 56.07-1 to 56.09-4.</td>
</tr>
<tr>
<td>3 – 15 lots</td>
<td>Clauses 56.03-5, 56.04-2 to 56.04-5, 56.05-1, 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 to 56.09-4.</td>
</tr>
</tbody>
</table>
Class of subdivision | Objectives and standards to be met
---|---
2 lots | Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5 and 56.06-8 to 56.09-2.

Each lot must be provided with reticulated sewerage, if available. If reticulated sewerage is not available, the application must be accompanied by:

- A land assessment which demonstrates that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
- A plan which shows a building envelope and effluent disposal area for each lot.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<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 and extension of one dwelling on a lot**

**Permit requirement**

A permit is required to construct or extend one dwelling on:

- A lot of less than 300 square metres.
- A lot of between 300 square metres and 500 square metres if specified in a schedule to this zone.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with one dwelling on:
  - A lot of less than 300 square metres, or
  - A lot of between 300 and 500 square metres if specified in a schedule to this zone, and
- The fence exceeds the maximum height specified in Clause 54.06-2.

A development must meet the requirements of Clause 54.

**No permit required**

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct an outbuilding or extend a dwelling if the development:</td>
<td>Clause 59.14</td>
</tr>
<tr>
<td>- Does not exceed a building height of 5 metres.</td>
<td></td>
</tr>
<tr>
<td>- Is not visible from the street (other than a lane) or a public park.</td>
<td></td>
</tr>
<tr>
<td>- Meets the requirements in the following standards of Clause 54:</td>
<td></td>
</tr>
<tr>
<td>- A10 Side and rear setbacks.</td>
<td></td>
</tr>
<tr>
<td>- A11 Walls on boundaries.</td>
<td></td>
</tr>
<tr>
<td>- A12 Daylight to existing windows.</td>
<td></td>
</tr>
<tr>
<td>- A13 North-facing windows.</td>
<td></td>
</tr>
<tr>
<td>- A14 Overshadowing open space.</td>
<td></td>
</tr>
<tr>
<td>- A15 Overlooking.</td>
<td></td>
</tr>
</tbody>
</table>

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.
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 where:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>• The building or works are not associated with a dwelling, primary school or secondary school and have an estimated cost of up to $100,000; or</td>
<td></td>
</tr>
<tr>
<td>• The building or works are associated with a primary school or secondary school and have an estimated cost of up to $500,000; and</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>
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<td>- A12 Daylight to existing windows.</td>
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<tr>
<td>- A13 North-facing windows.</td>
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<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 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.

BAW BAW TOWNSHIPS

Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?

No

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>
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</tr>
<tr>
<td>Site coverage</td>
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<td>Permeability</td>
<td>A6 and B9</td>
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<td>Landscaping</td>
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<tr>
<td>Side and rear setbacks</td>
<td>A10 and B17</td>
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<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>

Maximum building height requirement for a dwelling or residential building

None specified.

Application requirements

None specified.

Decision guidelines

None specified.
GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as GRZ, R1Z, R2Z or R3Z with a number (if shown).

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To encourage development that respects the neighbourhood character of the area.
To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Neighbourhood character objectives

A schedule to this zone may contain neighbourhood character objectives to be achieved for the area.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td></td>
<td>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Must meet the requirements of Clause 52.22-2.</td>
</tr>
<tr>
<td>Dependent person’s unit</td>
<td>Must be the only dependent person’s unit on the lot.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td></td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<tr>
<td></td>
<td>Must not require a permit under Clause 52.06-3.</td>
</tr>
<tr>
<td></td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Place of worship</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<tr>
<td></td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Residential aged care facility</td>
<td>Must meet the requirements of Clause 52.23-2.</td>
</tr>
<tr>
<td>Rooming house</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td></td>
</tr>
</tbody>
</table>

**Section 2 - Permit required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Community care accommodation, Dependent person's unit, Dwelling, Residential aged care facility and Rooming house)</td>
<td></td>
</tr>
<tr>
<td>Agriculture (other than Animal production, Animal training, Apiculture, Domestic animal husbandry, Horse husbandry and Racing dog husbandry)</td>
<td></td>
</tr>
<tr>
<td>Car park</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>Car wash</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Convenience restaurant</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Convenience shop</td>
<td></td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Food and drink premises (other than Convenience restaurant and Take away food premises)</td>
<td></td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus, Nightclub and Place of worship)</td>
<td></td>
</tr>
<tr>
<td>Plant nursery</td>
<td></td>
</tr>
<tr>
<td>Service station</td>
<td>The site must either:</td>
</tr>
<tr>
<td></td>
<td>• Adjoin a commercial zone or industrial zone.</td>
</tr>
<tr>
<td></td>
<td>• Adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td></td>
<td>The site must not exceed either:</td>
</tr>
</tbody>
</table>
### Condition

- 3000 square metres.
- 3600 square metres if it adjoins on two boundaries a road in a Road Zone.

### Store

Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.

### Take away food premises

The site must adjoin, or have access to, a road in a Road Zone.

### Utility installation (other than Minor utility installation and Telecommunications facility)

### Any other use not in Section 1 or 3

### Section 3 – Prohibited

#### Use

- Amusement parlour
- Animal production (other than Grazing animal production)
- Animal training
- Brothel
- Cinema based entertainment facility
- Domestic animal boarding
- Extractive industry
- Horse husbandry
- Industry (other than Car wash)
- Motor racing track
- Nightclub
- Office (other than Medical centre)
- Retail premises (other than Convenience shop, Food and drink premises, Market, and Plant nursery)
- Saleyard
- Transport terminal
- Warehouse (other than Store)

### Subdivision

#### Permit requirement

A permit is required to subdivide land.

An application to subdivide land that would create a vacant lot less than 400 square metres capable of development for a dwelling or residential building, must ensure that each vacant lot created less than 400 square metres contains at least 25 percent as garden area. This does not apply to a lot created by an application to subdivide land where that lot is created in accordance with:
- An approved precinct structure plan or an equivalent strategic plan;
- An incorporated plan or approved development plan; or
- A permit for development.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

<table>
<thead>
<tr>
<th>Class of subdivision</th>
<th>Objectives and standards to be met</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 or more lots</td>
<td>All except Clause 56.03-5.</td>
</tr>
<tr>
<td>16 – 59 lots</td>
<td>All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.</td>
</tr>
<tr>
<td>3 – 15 lots</td>
<td>All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.</td>
</tr>
<tr>
<td>2 lots</td>
<td>Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.</td>
</tr>
</tbody>
</table>

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>● The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>● The general direction of the common boundary does not change.</td>
<td></td>
</tr>
</tbody>
</table>

| Subdivide land into lots each containing an existing building or car parking space where: | Clause 59.02 |
| ● The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme. | |
| ● An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision. | |

| Subdivide land into 2 lots if: | Clause 59.02 |
| ● The construction of a building or the construction or carrying out of works on the land: | |
| – Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired. | |
| – Has started lawfully. | |
| ● The subdivision does not create a vacant lot. | |
Construction 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></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.

| 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 where:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>- The building or works are not associated with a dwelling, primary school or secondary school and have an estimated cost of up to $100,000; or</td>
<td></td>
</tr>
<tr>
<td>- The building or works are associated with a primary school or secondary school and have an estimated cost of up to $500,000; and</td>
<td></td>
</tr>
<tr>
<td>- The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:</td>
<td></td>
</tr>
<tr>
<td>- A10 Side and rear setbacks.</td>
<td></td>
</tr>
<tr>
<td>- A11 Walls on boundaries.</td>
<td></td>
</tr>
<tr>
<td>- A12 Daylight to existing windows.</td>
<td></td>
</tr>
<tr>
<td>- A13 North-facing windows.</td>
<td></td>
</tr>
<tr>
<td>- A14 Overshadowing open space.</td>
<td></td>
</tr>
<tr>
<td>- A15 Overlooking.</td>
<td></td>
</tr>
</tbody>
</table>

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

### Maximum building height requirement for a dwelling or residential building

A building must not be constructed for use as a dwelling or a residential building that:

- exceeds the maximum building height specified in a schedule to this zone; or
- contains more than the maximum number of storeys specified in a schedule to this zone.

If no maximum building height or maximum number of storeys is specified in a schedule to this zone:

- the building height must not exceed 11 metres; and
- the building must contain no more than 3 storeys at any point.

A building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height or contain a greater number of storeys than the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.
• It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.

• It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.

An extension to an existing building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if it does not exceed the building height of the existing building or contain a greater number of storeys than the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

A basement is not a storey for the purposes of calculating the number of storeys contained in a building.

The maximum building height and maximum number of storeys requirements in this zone or a schedule to this zone apply whether or not a planning permit is required for the construction of a building.

Building height if land is subject to inundation

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

32.08-11 Application requirements

An application must be accompanied by the following information, as appropriate:

• For a residential development of four storeys or less, the neighbourhood and site description and design response as required in Clause 54 and Clause 55.

• For an apartment development of five or more storeys, an urban context report and design response as required in Clause 58.01.

• For an application for subdivision, a site and context description and design response as required in Clause 56.

• Plans drawn to scale and dimensioned which show:
  - Site shape, size, dimensions and orientation.
  - The siting and use of existing and proposed buildings.
  - Adjacent buildings and uses.
  - The building form and scale.
  - Setbacks to property boundaries.

• The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of good and materials, hours of operation and light spill, solar access and glare.

• Any other application requirements specified in a schedule to this zone.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.
Exemption from notice and review

Subdivision

An application to subdivide land into lots each containing an existing dwelling or car parking space is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Decision guidelines

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

General

- The purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

Dwellings and residential buildings

- For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.
- For the construction and extension of an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.

Non-residential use and development

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

Signs

Sign requirements are at Clause 52.05. This zone is in Category 3.
Transitional provisions

The minimum garden area requirements of Clause 32.08-4 and the maximum building height and number of storeys requirements of Clause 32.08-9 introduced by Amendment VC110 do not apply to:

- A planning permit application for the construction or extension of a dwelling or residential building lodged before the approval date of Amendment VC110.

- Where a planning permit is not required for the construction or extension of a dwelling or residential building:
  - A building permit issued for the construction or extension of a dwelling or residential building before the approval date of Amendment VC110.
  - A building surveyor has been appointed to issue a building permit for the construction or extension of a dwelling or residential building before the approval date of Amendment VC110. A building permit must be issued within 12 months of the approval date of Amendment VC110.
  - A building surveyor is satisfied, and certifies in writing, that substantial progress was made on the design of the construction or extension of a dwelling or residential building before the approval date of Amendment VC110. A building permit must be issued within 12 months of the approval date of Amendment VC110.

The minimum garden area requirement of Clause 32.08-3 introduced by Amendment VC110 does not apply to a planning permit application to subdivide land for a dwelling or a residential building lodged before the approval date of Amendment VC110.
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>Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.</td>
</tr>
<tr>
<td>Crop raising</td>
<td>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:</td>
</tr>
<tr>
<td>Grazing animal production</td>
<td>• The threshold distance, for a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Home based business</td>
<td>• 30 metres, for a purpose not listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Industry (other than Materials recycling and Transfer station)</td>
<td>Must not:</td>
</tr>
<tr>
<td></td>
<td>• Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.</td>
</tr>
<tr>
<td></td>
<td>• Require a notification under the Occupational Health and Safety Regulations 2017.</td>
</tr>
<tr>
<td></td>
<td>• Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</td>
</tr>
<tr>
<td></td>
<td>• Require a licence under the Dangerous Goods (HCDG) Regulations 2016.</td>
</tr>
<tr>
<td></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>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| **Service station**                      | The land must be at least 30 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution. 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. |
| **Shipping container storage**           | Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.                                                                                                           |
|                                          | The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:  
  - The threshold distance, for a purpose listed in the table to Clause 53.10.  
  - 100 metres, for a purpose not listed in the table to Clause 53.10. Must not:  
  - Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.  
  - Require a notification under the Occupational Health and Safety Regulations 2017.  
  - Require a licence under the Dangerous Goods (Explosives) Regulations 2011.  
  - Require a licence under the Dangerous Goods (HCDG) Regulations 2016. The site must adjoin, or have access to, a road in a Road Zone. Shipping containers must be setback at least 9 metres from a road in a Road Zone. The height of shipping container stacks must not exceed 6 containers or 16 metres, whichever is the lesser. Must not adversely affect the amenity of the neighbourhood, including through the:  
  - Transport of materials, goods or commodities to or from the land.  
  - Appearance of any stored goods or materials.  
  - Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil. |
| **Take away food premises**               |                                                                                                                                                                                                          |
| **Tramway**                              |                                                                                                                                                                                                          |
| **Warehouse (other than Mail centre and Shipping container storage)** | Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.                                                                                                           |
**Use**

<table>
<thead>
<tr>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:</td>
</tr>
<tr>
<td>- The threshold distance, for a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>- 30 metres, for a purpose not listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Must not:</td>
</tr>
<tr>
<td>- Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.</td>
</tr>
<tr>
<td>- Require a notification under the Occupational Health and Safety Regulations 2017.</td>
</tr>
<tr>
<td>- Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</td>
</tr>
<tr>
<td>- Require a licence under Dangerous Goods (HCDG) Regulations 2016.</td>
</tr>
<tr>
<td>Must not adversely affect the amenity of the neighbourhood, including through the:</td>
</tr>
<tr>
<td>- Transport of materials, goods or commodities to or from the land.</td>
</tr>
<tr>
<td>- Appearance of any stored goods or materials.</td>
</tr>
<tr>
<td>- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.</td>
</tr>
</tbody>
</table>

**Any use listed in Clause 62.01**

Must meet the requirements of Clause 62.01.

**Section 2 - Permit required**

<p>| Use | Condition |
|-------------------|
| Adult sex product shop | Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone 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. |
| Agriculture (other than Apiculture, Crop raising, Grazing animal production, Intensive animal production, Pig farm and Poultry farm) | |
| Caretaker's house | |
| Education centre | Must not be a primary or secondary school. |
| Leisure and recreation (other than Informal outdoor recreation) | |
| Materials recycling | The land must be at least 30 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone or |</p>
<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<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>The land must be at least 30 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone or land used for a hospital, an education centre a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.</td>
</tr>
<tr>
<td>Transfer Station</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 an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility).</td>
<td>Any other use not in Section 1 or 3</td>
</tr>
</tbody>
</table>

Any other use not in Section 1 or 3

Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Caretaker's house)</td>
<td></td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td></td>
</tr>
<tr>
<td>Hospital</td>
<td></td>
</tr>
<tr>
<td>Intensive animal production</td>
<td></td>
</tr>
<tr>
<td>Pig farm</td>
<td></td>
</tr>
<tr>
<td>Poultry farm</td>
<td></td>
</tr>
<tr>
<td>Shop (other than Adult sex product shop, Convenience shop and Restricted retail premises)</td>
<td></td>
</tr>
</tbody>
</table>

Use of land

Application requirements
An application to use land for an industry or warehouse must be accompanied by the following information, as appropriate:
- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the *Dangerous Goods Act 1985* is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
- The likely effects, if any, on the neighbourhood, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water.
  - Traffic, including the hours of delivery and despatch.
  - Light spill or glare.

**Decision guidelines**

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

- The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.
- The effect that nearby industries may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.

### Subdivision

**Permit requirement**

A permit is required to subdivide land.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
</tbody>
</table>
Class of application

Subdivide land into lots each containing an existing building or car parking space where:

- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.
- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.

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

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.
### INDUSTRIAL 3 ZONE

Shown on the planning scheme map as **IN3Z**.

#### Purpose

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

To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.

To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.

To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.

To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.

### Table of uses

**Section 1 - Permit not required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convenience shop</td>
<td></td>
</tr>
<tr>
<td>Crop raising</td>
<td></td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Mail centre</td>
<td></td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
</tbody>
</table>

**Service industry**

Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.

The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:

- The threshold distance, for a purpose listed in the table to Clause 53.10.
- 30 metres, for a purpose not listed in the table to Clause 53.10.

Must not:

- Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.
- Require a notification under the Occupational Health and Safety Regulations 2017.
- Require a licence under the Dangerous Goods (Explosives) Regulations 2011.
- Require a licence under Dangerous Goods (HCDG) Regulations 2016.
<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service station</td>
<td>The land must be at least 30 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.</td>
</tr>
<tr>
<td>Shop (other than Adult sex product shop, Convenience shop, Restricted retail premises and Supermarket)</td>
<td>Must adjoin, or be on the same lot as, a supermarket when the use commences. The combined leasable floor area for all shops 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. The site must adjoin, or be within 30 metres of, a road in a Road Zone. Must be on land within an urban growth boundary and in metropolitan Melbourne.</td>
</tr>
<tr>
<td>Take away food premises</td>
<td></td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
</tbody>
</table>
| Warehouse (other than Fuel depot, Mail centre or Shipping container storage) | Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified. The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:  
  - The threshold distance, for a purpose listed in the table to Clause 53.10.  
  - 30 metres, for a purpose not listed in the table to Clause 53.10. Must not:  
    - Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.  
    - Require a notification under the Occupational Health and Safety Regulations 2017.  
    - Require a licence under the Dangerous Goods (Explosives) Regulations 2011.  
    - Require a licence under the Dangerous Goods (HCDG) Regulations 2016. Must not adversely affect the amenity of the neighbourhood, including through the:  
      - Transport of materials, goods or commodities to or from the land.  
      - Appearance of any stored goods or materials.  
      - Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil. |
Use | Condition
---|---
**Any use listed in Clause 62.01** | Must meet the requirements of Clause 62.01.

**Section 2 - Permit required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Adult sex product shop</strong></td>
<td>Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.</td>
</tr>
<tr>
<td><strong>Agriculture (other than Apiculture, Crop raising, Grazing animal production, Intensive animal production, Pig farm and Poultry farm)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Caretaker’s house</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Education centre</strong></td>
<td>Must not be a primary or secondary school.</td>
</tr>
<tr>
<td><strong>Industry (other than Service industry)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility, and Motor racing track)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Office</strong></td>
<td>The leasable floor area must not exceed the amount specified in the schedule to this zone.</td>
</tr>
<tr>
<td><strong>Place of assembly (other than Carnival, Cinema based entertainment facility and Circus)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Restricted retail premises</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Retail premises (other than Shop and Take away food premises)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Utility installation (other than Minor utility installation and Telecommunications facility)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Any other use not in Section 1 or 3</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Section 3 - Prohibited**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Accommodation (other than Caretaker’s house)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Cinema based entertainment facility</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Hospital</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Intensive animal production</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Major sports and recreation facility</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Motor racing track</strong></td>
<td></td>
</tr>
</tbody>
</table>
Use

Pig farm
Poultry farm

Shop (other than Adult sex product shop, Convenience shop, Restricted retail premises and Supermarket) – if the Section 1 conditions are not met

Supermarket – if the section 1 conditions are not met

---

Use of land

Amenity of the neighbourhood

A use must not adversely affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any stored goods or materials.
- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Application requirements

An application to use land for an industry or warehouse must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
- The likely effects, if any, on the neighbourhood, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water.
  - Traffic, including the hours of delivery and despatch.
  - Light spill or glare.

Decision guidelines

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

- The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.
- The effect that nearby industries may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.
- The effect on nearby industries.

### Subdivision

#### Permit requirement

A permit is required to subdivide land.

#### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>where:</td>
<td></td>
</tr>
<tr>
<td>- The buildings or car parking spaces have been constructed in accordance</td>
<td></td>
</tr>
<tr>
<td>with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
<tr>
<td>- An occupancy permit or a certificate of final inspection has been issued under</td>
<td></td>
</tr>
<tr>
<td>the Building Regulations in relation to the buildings within 5 years prior to the</td>
<td></td>
</tr>
<tr>
<td>application for a permit for subdivision.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into 2 lots if:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The construction of a building or the construction or carrying out of works on</td>
<td></td>
</tr>
<tr>
<td>the land:</td>
<td></td>
</tr>
<tr>
<td>- Has been approved under this scheme or by a permit issued under this scheme and</td>
<td></td>
</tr>
<tr>
<td>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 from land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.
Decision guidelines

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

- Any natural or cultural values on or near the land.
- Streetscape character.
- Landscape treatment.
- Interface with non-industrial areas.

Buildings and works

Permit requirement

A permit is required to construct a building or construct or carry out works.

This does not apply to:

- A building or works which rearrange, alter or renew plant if the area or height of the plant is not increased.
- A building or works which are used for crop raising or informal outdoor recreation.
- A rainwater tank with a capacity of more than 10,000 litres if the following requirements are met:
  - The rainwater tank is not located within the building’s setback from a street (other than a lane).
  - The rainwater tank is no higher than the existing building on the site.
  - The rainwater tank is not located in an area that is provided for car parking, loading, unloading or accessway.
- A building or works which are used for grazing animal production, except for permanent or fixed feeding infrastructure for seasonal or supplementary feeding constructed within 100 metres of:
  - A waterway, wetland or designated flood plain.
  - A dwelling not in the same ownership.
  - A residential or urban growth zone.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $1,000,000 where the land is not:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>- Within 30 metres of land (not a road) which is in a residential zone.</td>
<td></td>
</tr>
<tr>
<td>- Used for a purpose listed in the table to Clause 53.10.</td>
<td></td>
</tr>
<tr>
<td>- Used for a Brothel or Adult sex product shop.</td>
<td></td>
</tr>
</tbody>
</table>
Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - Driveways and vehicle parking and loading areas.
  - Proposed landscape areas.
  - External storage and waste treatment areas.
  - Mechanisms to mitigate noise, odour and other adverse amenity impacts of, and on, nearby industries.

- Elevation drawings to scale which show the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways and vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area.

Decision guidelines

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

- Any natural or cultural values on or near the land.
- Streetscape character.
- Built form.
- Landscape treatment.
- Interface with non-industrial areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.
- The effect on nearby industries.
- The effect of nearby industries.

Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
33.03-5  Signs

Sign requirements are at Clause 52.05. This zone is in Category 2.
**SCHEDULE TO CLAUSE 33.01 INDUSTRIAL 1 ZONE**

**Maximum leasable floor area requirements**

<table>
<thead>
<tr>
<th>Land</th>
<th>Maximum leasable floor area for Office (square metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td>None specified</td>
</tr>
</tbody>
</table>
## SCHEDULE TO CLAUSE 33.03 INDUSTRIAL 3 ZONE

### Maximum leasable floor area requirements

<table>
<thead>
<tr>
<th>Land</th>
<th>Maximum leasable floor area for Office (square metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td>None specified</td>
</tr>
</tbody>
</table>
COMMERCIAL ZONES
## SCHEDULE TO CLAUSE 34.01 COMMERCIAL 1 ZONE

### Maximum leasable floor area requirements

<table>
<thead>
<tr>
<th>Land</th>
<th>Maximum leasable floor area for Office (square metres)</th>
<th>Maximum leasable floor area for Shop (other than Restricted retail premises) (square metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>For land shown as a neighbourhood centre in the incorporated Warragul Precinct Structure Plan</td>
<td>None specified</td>
<td>5,000m²</td>
</tr>
<tr>
<td>For land shown as a village convenience centre in the incorporated Warragul Precinct Structure Plan</td>
<td>None specified</td>
<td>1,500m²</td>
</tr>
<tr>
<td>For land shown as a neighbourhood centre in the incorporated Drouin Precinct Structure Plan</td>
<td>None specified</td>
<td>2,000m²</td>
</tr>
<tr>
<td>For land shown as a village convenience centre in the incorporated Drouin Precinct Structure Plan</td>
<td>None specified</td>
<td>1,500m²</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>
</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>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Leisure and recreation facility (other than informal outdoor recreation, Major sports and recreation facility and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Carnival, Cinema, Cinema based entertainment facility, Circus, Exhibition centre and Place of worship)</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Warehouse</td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
</tbody>
</table>

## Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal production (other than Grazing animal production)</td>
</tr>
<tr>
<td>Corrective institution</td>
</tr>
<tr>
<td>Major sports and recreation facility</td>
</tr>
</tbody>
</table>
Use

Motor racing track

Use of land
A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Subdivision
A permit is required to subdivide land.

VicSmart applications
Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>where:</td>
<td></td>
</tr>
<tr>
<td>- The buildings or car parking spaces have been constructed in accordance with the</td>
<td></td>
</tr>
<tr>
<td>provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
<tr>
<td>- An occupancy permit or a certificate of final inspection has been issued under</td>
<td></td>
</tr>
<tr>
<td>the Building Regulations in relation to the buildings within 5 years prior to the</td>
<td></td>
</tr>
<tr>
<td>application for a permit for subdivision.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into 2 lots if:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The construction of a building or the construction or carrying out of works on</td>
<td></td>
</tr>
<tr>
<td>the land:</td>
<td></td>
</tr>
<tr>
<td>- Has been approved under this scheme or by a permit issued under this scheme</td>
<td></td>
</tr>
<tr>
<td>and the permit has not expired.</td>
<td></td>
</tr>
<tr>
<td>- Has started lawfully.</td>
<td></td>
</tr>
<tr>
<td>- The subdivision does not create a vacant lot.</td>
<td></td>
</tr>
</tbody>
</table>

Buildings and works
A permit is required to construct a building or construct or carry out works.
This does not apply to:
• The installation of an automatic teller machine.
• An alteration to an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building 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>
<th>Information requirements and decision guidelines</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.
COMMERCIAL 2 ZONE

Shown on the planning scheme map as B3Z, B4Z or C2Z.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.
To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art and craft centre</td>
<td></td>
</tr>
<tr>
<td>Art gallery</td>
<td></td>
</tr>
<tr>
<td>Cinema</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td></td>
</tr>
<tr>
<td>Food and drink premises</td>
<td>The leasable floor area must not exceed 100 square metres.</td>
</tr>
<tr>
<td>Industry (other than Materials recycling and Transfer station)</td>
<td>Must not be a purpose listed in the table to Clause 53.10 with no threshold specified.</td>
</tr>
<tr>
<td></td>
<td>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:</td>
</tr>
<tr>
<td></td>
<td>• The threshold distance, for a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>• 30 metres, for a purpose not listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>Must not:</td>
</tr>
<tr>
<td></td>
<td>• Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.</td>
</tr>
<tr>
<td></td>
<td>• Require a notification under the Occupational Health and Safety Regulations 2017.</td>
</tr>
<tr>
<td></td>
<td>• Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</td>
</tr>
<tr>
<td></td>
<td>• Require a licence under the Dangerous Goods (HCDG) Regulations 2016.</td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Mail centre</td>
<td></td>
</tr>
<tr>
<td>Museum</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td></td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Postal agency</td>
<td>Must adjoin, or be on the same land as, a supermarket when the use commences.</td>
</tr>
<tr>
<td>Railway</td>
<td>The combined leasable floor area for all shops adjoining or on the same land as the supermarket must not exceed 500 square metres.</td>
</tr>
<tr>
<td>Restricted retail premises</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Shop (other than Adult sex product shop, Restricted retail premises and Supermarket)</td>
<td>Must not:</td>
</tr>
<tr>
<td></td>
<td>• Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.</td>
</tr>
<tr>
<td></td>
<td>• Require a notification under the Occupational Health and Safety Regulations 2017.</td>
</tr>
<tr>
<td></td>
<td>• Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</td>
</tr>
<tr>
<td></td>
<td>• Require a licence under the Dangerous Goods (HCDG) Regulations 2016.</td>
</tr>
<tr>
<td>Supermarket</td>
<td>The leasable floor area must not exceed 1800 square metres.</td>
</tr>
<tr>
<td></td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td></td>
<td>Must be on land within the City of Greater Geelong or within an urban growth boundary in metropolitan Melbourne.</td>
</tr>
<tr>
<td>Trade supplies</td>
<td>Must not:</td>
</tr>
<tr>
<td>Tramway</td>
<td>• Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.</td>
</tr>
<tr>
<td>Warehouse (other than Mail centre)</td>
<td>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or corrective institution:</td>
</tr>
<tr>
<td></td>
<td>• The threshold distance, for a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>• 30 metres, for a purpose not listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>Must not:</td>
</tr>
<tr>
<td></td>
<td>• Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.</td>
</tr>
<tr>
<td></td>
<td>• Require a notification under the Occupational Health and Safety Regulations 2017.</td>
</tr>
<tr>
<td></td>
<td>• Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</td>
</tr>
<tr>
<td></td>
<td>• Require a licence under the Dangerous Goods (HCDG) Regulations 2016.</td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>
## Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex product shop</td>
<td>Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone, land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.</td>
</tr>
<tr>
<td>Agriculture (other than Animal production and Apiculture)</td>
<td></td>
</tr>
<tr>
<td>Caretaker’s house</td>
<td></td>
</tr>
<tr>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Materials recycling</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Art gallery, Carnival, Cinema, Cinema based entertainment facility, Circus and Museum)</td>
<td></td>
</tr>
<tr>
<td>Residential hotel</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Food and drink premises, Postal agency, Restricted retail premises, Supermarket and Trade supplies)</td>
<td></td>
</tr>
<tr>
<td>Supermarket – if the Section 1 conditions are not met</td>
<td>The leasable floor area must not exceed 1800 square metres unless on land within the City of Greater Geelong or within an urban growth boundary in metropolitan Melbourne.                                                                                                                                          The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Transfer station</td>
<td>The land must be at least 30 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.</td>
</tr>
<tr>
<td>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>Accommodation (other than Caretaker’s house and Residential hotel)</td>
<td></td>
</tr>
</tbody>
</table>
Use

Animal production (other than Grazing animal production)
Hospital
Major sports and recreation facility
Motor racing track

Use of land

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Subdivision

A permit is required to subdivide land.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
<tr>
<td>- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into 2 lots if:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The construction of a building or the construction or carrying out of works on the land:</td>
<td></td>
</tr>
<tr>
<td>- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</td>
<td></td>
</tr>
<tr>
<td>- Has started lawfully.</td>
<td></td>
</tr>
<tr>
<td>- The subdivision does not create a vacant lot.</td>
<td></td>
</tr>
</tbody>
</table>
Buildings and works

A permit is required to construct a building or construct or carry out works. This does not apply to:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $500,000 where the land is not:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>- Within 30 metres of land (not a road) which is in a residential zone.</td>
<td></td>
</tr>
<tr>
<td>- Used for a purpose listed in the table to Clause 53.10.</td>
<td></td>
</tr>
<tr>
<td>- Used for a Brothel or Adult sex product shop.</td>
<td></td>
</tr>
</tbody>
</table>

Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

Application requirements

Use

An application to use land must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of activities which will be carried out.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods or materials, hours of operation and light spill, solar access and glare.
- The means of maintaining areas not required for immediate use.
- If an industry or warehouse:
  - The type and quantity of goods to be stored, processed or produced.
  - Whether a Works Approval, or Waste Discharge Licence is required from the Environment Protection Authority.
  - Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1995 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
  - The likely effects on adjoining land, including air-borne emissions and emissions to land and water.
Building and works

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and purpose of buildings and works on adjoining land.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - All driveway, car parking and loading areas.
  - Proposed landscape areas.
  - All external storage and waste treatment areas.
  - Areas not required for immediate use.
- Elevation drawings to scale showing the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.

Exemption from notice and review

An application to subdivide land or construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

Decision guidelines

General

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

- The interface with adjoining zones, especially the relationship with residential areas.

Use

- The effect that existing uses may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.
If an industry or warehouse, the effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.

**Subdivision**

- The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Landscape treatment.

**Building and works**

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and landscaping of land adjoining a road.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- The availability of and connection to services.
- Any natural or cultural values on or nearby the land.
- Outdoor storage, lighting, and stormwater discharge.
- The design of buildings to provide for solar access.

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 1.
RURAL LIVING ZONE

Shown on the planning scheme map as RLZ with a number (if shown).

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To provide for residential use in a rural environment.
To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.
To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.
To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Must meet the requirements of Clause 52.22-2.</td>
</tr>
<tr>
<td>Dependent person's unit</td>
<td>Must be the only dependent person's unit on the lot. Must meet the requirements of Clause 35.03-2.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td>The lot must be at least the area specified in a schedule to this zone. If no area is specified, the lot must be at least 2 hectares. Must be the only dwelling on the lot. Must meet the requirements of Clause 35.03-2.</td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Poultry farm</td>
<td>Must be no more than 100 poultry (not including emus or ostriches). Must be no more than 10 emus and ostriches.</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>
## Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Community care accommodation, Dependent person's unit and Dwelling)</td>
<td></td>
</tr>
<tr>
<td>Agriculture (other than Apiculture, Broiler farm, Domestic animal husbandry, Intensive animal production, Racing dog husbandry and Timber production)</td>
<td></td>
</tr>
<tr>
<td>Bar</td>
<td>The site must not have direct access to a rural freeway.</td>
</tr>
<tr>
<td>Broiler farm - if the Section 1 condition to Poultry farm is not met</td>
<td>Must be no more than 10,000 chickens.</td>
</tr>
<tr>
<td>Car park</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>Convenience shop</td>
<td>The leasable floor area must not exceed 80 square metres.</td>
</tr>
<tr>
<td></td>
<td>The site must not have direct access to a rural freeway.</td>
</tr>
<tr>
<td>Dependent person's unit - if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 35.03-2.</td>
</tr>
<tr>
<td>Domestic animal boarding</td>
<td></td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast) - if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 35.03-2.</td>
</tr>
<tr>
<td>Freeway service centre</td>
<td>Must meet the requirements of Clause 53.05.</td>
</tr>
<tr>
<td>Hotel</td>
<td>The site must not have direct access to a rural freeway.</td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus and Nightclub)</td>
<td></td>
</tr>
<tr>
<td>Plant nursery</td>
<td></td>
</tr>
<tr>
<td>Postal agency</td>
<td></td>
</tr>
<tr>
<td>Primary produce sales</td>
<td></td>
</tr>
<tr>
<td>Racing dog husbandry – if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 53.12.</td>
</tr>
<tr>
<td>Restaurant</td>
<td>The site must not have direct access to a rural freeway.</td>
</tr>
</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>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>Timber production</td>
<td>Must meet the requirements of Clause 53.11.</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abattoir</td>
</tr>
<tr>
<td>Amusement parlour</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
</tr>
<tr>
<td>Industry (other than Rural Industry)</td>
</tr>
<tr>
<td>Intensive animal production</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
<tr>
<td>Nightclub</td>
</tr>
<tr>
<td>Office (other than Medical centre)</td>
</tr>
<tr>
<td>Retail premises (other than Bar, Convenience shop, Hotel, Market, Plant nursery, Postal agency, Primary produce sales and Restaurant)</td>
</tr>
<tr>
<td>Saleyard</td>
</tr>
<tr>
<td>Sawmill</td>
</tr>
<tr>
<td>Transport terminal</td>
</tr>
<tr>
<td>Warehouse (other than Store)</td>
</tr>
</tbody>
</table>
Use of land for a dwelling

A lot used for a dwelling must meet the following requirements:

- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

These requirements also apply to a dependent person’s unit.

Subdivision

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 2 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.
- The number of lots is no more than the number the land could be subdivided into in accordance with a schedule to this zone.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- Each new lot is at least the area specified for the land in the zone or the schedule to the zone.</td>
<td></td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<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 1 TO CLAUSE 35.03 RURAL LIVING ZONE**

Shown on the planning scheme map as **RLZ1**.

### 1.0 Subdivision and other requirements

<table>
<thead>
<tr>
<th>Land</th>
<th>Area/Dimensions/Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum subdivision area (hectares)</td>
<td>All land</td>
</tr>
<tr>
<td>Minimum area for which no permit is required to use land for a Dwelling (hectares)</td>
<td>All land</td>
</tr>
<tr>
<td>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>
</tbody>
</table>

### Permit requirement for earthworks

<table>
<thead>
<tr>
<th>Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Earthworks which change the rate of flow or the discharge point of water across a property boundary.</td>
</tr>
<tr>
<td>Earthworks which increase the discharge of saline groundwater.</td>
</tr>
</tbody>
</table>
SCHEDULE 2 TO CLAUSE 35.03 RURAL LIVING ZONE

Shown on the planning scheme map as RLZ2.

### Subdivision and other requirements

<table>
<thead>
<tr>
<th></th>
<th>Land</th>
<th>Area/Dimensions/Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum subdivision area</td>
<td>All land</td>
<td>8 hectares</td>
</tr>
<tr>
<td>(hectares)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum area for which no</td>
<td>All land</td>
<td>8 hectares</td>
</tr>
<tr>
<td>permit is required to use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>land for a Dwelling</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(hectares)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum floor area for which</td>
<td>None specified</td>
<td>None specified</td>
</tr>
<tr>
<td>no permit is required to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>alter or extend an existing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>dwelling (square metres)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum floor area for which</td>
<td>None specified</td>
<td>None specified</td>
</tr>
<tr>
<td>no permit is required to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>construct an out-building</td>
<td></td>
<td></td>
</tr>
<tr>
<td>associated with an existing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>dwelling (square metres)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum floor area for which</td>
<td>None specified</td>
<td>None specified</td>
</tr>
<tr>
<td>no permit is required to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>alter or extend an existing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>building used for Agriculture</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(square metres)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum setback from a road</td>
<td>None specified</td>
<td>None specified</td>
</tr>
<tr>
<td>(metres)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum setback from a</td>
<td>None specified</td>
<td>None specified</td>
</tr>
<tr>
<td>boundary (metres)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum setback from a</td>
<td>None specified</td>
<td>None specified</td>
</tr>
<tr>
<td>dwelling not in the same</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ownership (metres)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Permit requirement for earthworks

<table>
<thead>
<tr>
<th>Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Earthworks which change the rate of flow or the discharge point of</td>
</tr>
<tr>
<td>water across a property boundary.</td>
</tr>
<tr>
<td>None specified</td>
</tr>
<tr>
<td>Earthworks which increase the discharge of saline groundwater.</td>
</tr>
<tr>
<td>None specified</td>
</tr>
</tbody>
</table>
### SCHEDULE 3 TO CLAUSE 35.03 RURAL LIVING ZONE

Shown on the planning scheme map as **RLZ3**.

#### 1.0 Subdivision and other requirements

<table>
<thead>
<tr>
<th>Land</th>
<th>Area/Dimensions/Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum subdivision area (hectares)</td>
<td>Land at 2570 Main Neerim Road, Neerim, being Lot 2 PS 316396K</td>
</tr>
<tr>
<td>Minimum area for which no permit is required to use land for a Dwelling (hectares)</td>
<td>Land at 2570 Main Neerim Road, Neerim, being Lot 2 PS 316396K</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>
</tbody>
</table>

#### Permit requirement for earthworks

<table>
<thead>
<tr>
<th>Land</th>
<th></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>
Map 1 to Schedule 3 to Clause 35.03
Shown on the planning scheme map as **RLZ4**.

### Subdivision and other requirements

<table>
<thead>
<tr>
<th>Land</th>
<th>Area/Dimensions/Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum subdivision area (hectares)</td>
<td>All land</td>
</tr>
<tr>
<td>Minimum area for which no permit is required to use land for a Dwelling (hectares)</td>
<td>All land</td>
</tr>
<tr>
<td>Minimum 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>
</tbody>
</table>

### Permit requirement for earthworks

<table>
<thead>
<tr>
<th>Land</th>
<th>Natural Earthworks</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td>Earthworks which change the rate of flow or the discharge point of water across a property boundary</td>
</tr>
<tr>
<td>None specified</td>
<td>Earthworks which increase the discharge of saline groundwater</td>
</tr>
</tbody>
</table>
SCHEDULE 5 TO CLAUSE 35.03 RURAL LIVING ZONE

Shown on the planning scheme map as **RLZ5**.

### 1.0 Subdivision and other requirements

<table>
<thead>
<tr>
<th>Land</th>
<th>Area/Dimensions/Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum subdivision area (hectares)</td>
<td>All land</td>
</tr>
<tr>
<td>Minimum area for which no permit is required to use land for a Dwelling (hectares)</td>
<td>All land</td>
</tr>
<tr>
<td>Minimum 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>
</tbody>
</table>

### Permit requirement for earthworks

<table>
<thead>
<tr>
<th>Land</th>
<th></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>None specified</td>
</tr>
<tr>
<td>Earthworks which increase the discharge of saline groundwater</td>
<td>None specified</td>
</tr>
</tbody>
</table>
FARMING ZONE

Shown on the planning scheme map as FZ with a number (if shown).

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To provide for the use of land for agriculture.
To encourage the retention of productive agricultural land.
To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
To encourage the retention of employment and population to support rural communities.
To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

Table of uses

Section 1 – Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture (other than Animal production, Apiculture, Domestic animal husbandry, Racing dog husbandry, Rice growing and Timber production)</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Cattle feedlot</td>
<td>Must meet the requirements of Clause 53.08. The total number of cattle to be housed in the cattle feedlot must be 1000 or less. The site must be located outside a special water supply catchment under the Catchment and Land Protection Act 1994. The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.</td>
</tr>
<tr>
<td>Dependent person's unit</td>
<td>Must be the only dependent person's unit on the lot. Must meet the requirements of Clause 35.07-2.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td>Must be the only dwelling on the lot. The lot must be at least the area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Grazing animal production</td>
<td>Must meet the requirements of Clause 35.07-2.</td>
</tr>
<tr>
<td>Home based business</td>
<td>Must meet the requirements of Clause 35.07-2.</td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td>Must meet the requirements of Clause 35.07-2.</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.</td>
</tr>
<tr>
<td></td>
<td>The area used for the display and sale of primary produce must not exceed 50 square metres.</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Railway</td>
<td>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 listed in the table to Clause 53.10 with no threshold distance specified.</td>
</tr>
<tr>
<td></td>
<td>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution:</td>
</tr>
<tr>
<td></td>
<td>- 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:</td>
</tr>
<tr>
<td></td>
<td>- Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.</td>
</tr>
<tr>
<td></td>
<td>- Require a notification under the Occupational Health and Safety Regulations 2017.</td>
</tr>
<tr>
<td></td>
<td>- Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</td>
</tr>
<tr>
<td></td>
<td>- Require a licence under the Dangerous Goods (HCDG) Regulations 2016.</td>
</tr>
<tr>
<td>Rural industry (other than Abattoir and Sawmill)</td>
<td>Must be used in conjunction with Agriculture. Must be in a building, not a dwelling and have a gross floor area of less than 100 square metres. Must be the only Rural store on the lot.</td>
</tr>
<tr>
<td>Rural store</td>
<td>Must be used in conjunction with Agriculture. Must be in a building, not a dwelling and have a gross floor area of less than 100 square metres. Must be the only Rural store on the lot.</td>
</tr>
<tr>
<td>Timber production</td>
<td>Must meet the requirements of Clause 53.11.</td>
</tr>
</tbody>
</table>
### Condition

The plantation area must not exceed any area specified in a schedule to this zone. Any area specified must be at least 40 hectares.

The total plantation area (existing and proposed) on contiguous land which was in the same ownership on or after 28 October 1993 must not exceed any scheduled area.

The plantation must not be within 100 metres of:
- Any dwelling in separate ownership.
- Any land zoned for residential, commercial or industrial use.
- Any site specified on a permit which is in force which permits a dwelling to be constructed.

The plantation must not be within 20 metres of a powerline whether on private or public land, except with the consent of the relevant electricity supply or distribution authority.

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>

### Section 2 – Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abattoir</td>
<td></td>
</tr>
<tr>
<td>Animal production (other than Broiler farm, Cattle feedlot and Grazing animal production)</td>
<td></td>
</tr>
<tr>
<td>Broiler farm - if the Section 1 condition to Poultry farm is not met</td>
<td>Must meet the requirements of Clause 53.09.</td>
</tr>
<tr>
<td>Camping and caravan park</td>
<td></td>
</tr>
<tr>
<td>Car park</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
</tbody>
</table>
| Cattle feedlot – if the Section 1 condition is not met | 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. |
<p>| Cemetery                                     |           |
| Crematorium                                  |           |
| Dependent person’s unit – if the Section 1 condition is not met | Must meet the requirements of Clause 35.07-2. |
| Domestic animal boarding                     |           |
| Dwelling (other than Bed and breakfast) – if the Section 1 condition is not met | Must meet the requirements of Clause 35.07-2. |</p>
<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency services facility</td>
<td></td>
</tr>
<tr>
<td>Freeway service centre</td>
<td>Must meet the requirements of Clause 53.05.</td>
</tr>
<tr>
<td>Group accommodation</td>
<td></td>
</tr>
<tr>
<td>Host farm</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Rural industry)</td>
<td></td>
</tr>
<tr>
<td>Landscape gardening supplies</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation)</td>
<td></td>
</tr>
<tr>
<td>Manufacturing sales</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus and Nightclub)</td>
<td></td>
</tr>
<tr>
<td>Primary school</td>
<td></td>
</tr>
<tr>
<td>Racing dog husbandry – if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 53.12.</td>
</tr>
<tr>
<td>Renewable energy facility (other than Wind energy facility)</td>
<td>Must meet the requirements of Clause 53.13.</td>
</tr>
<tr>
<td>Residential hotel</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td></td>
</tr>
<tr>
<td>Rice growing</td>
<td></td>
</tr>
<tr>
<td>Sawmill</td>
<td></td>
</tr>
<tr>
<td>Secondary school</td>
<td></td>
</tr>
<tr>
<td>Timber production – if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 53.11.</td>
</tr>
<tr>
<td>Trade supplies</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Warehouse (other than Rural store)</td>
<td></td>
</tr>
<tr>
<td>Wind energy facility</td>
<td>Must meet the requirements of Clause 52.32.</td>
</tr>
<tr>
<td>Winery</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>
Section 3 – Prohibited

Use

Accommodation (other than Bed and breakfast, Camping and caravan park, Dependent person’s unit, Dwelling, Group accommodation, Host farm and Residential hotel)

Amusement parlour

Brothel

Cinema based entertainment facility

Education centre (other than Primary school and Secondary school)

Nightclub

Office

Retail premises (other than Market, Landscape gardening supplies, Manufacturing sales, Primary produce sales, Restaurant and Trade supplies)

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.
Class of application | Information requirements and decision guidelines
---|---
Subdivide land to realign the common boundary between 2 lots where: Clause 59.01
- 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.

Subdivide land into 2 lots where each new lot is at least the area specified for the land in the zone or the schedule to the zone. Clause 59.12

**Buildings and works**

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 35.07-1. This does not apply to:
  - An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.
  - An out-building associated with an existing dwelling provided the floor area of the out-building is not more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.
  - An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 200 square metres. Any area specified must be more than 200 square metres. The building must not be used to keep, board, breed or train animals.
  - A rainwater tank.

- Earthworks specified in a schedule to this zone, if on land specified in a schedule.

- A building which is within any of the following setbacks:
  - The setback from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1 specified in a schedule to this zone or, if no setback is specified, 50 metres.
  - The setback from any other road or boundary specified in a schedule to this zone.
  - The setback from a dwelling not in the same ownership specified in a schedule to this zone.
  - 100 metres from a waterway, wetlands or designated flood plain.

- Permanent or fixed feeding infrastructure for seasonal or supplementary feeding for grazing animal production constructed within 100 metres of:
  - A waterway, wetland or designated flood plain.
  - A dwelling not in the same ownership.
  - A residential or urban growth zone.
VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works associated with a Section 1 use in the Table of uses of the zone with an estimated cost of up to $500,000. Any works must not be earthworks specified in the schedule to the zone.</td>
<td>Clause 59.13</td>
</tr>
<tr>
<td>Construct a building or construct or carry out works associated with a Section 2 use in the Table of uses of the zone with an estimated cost of up to $500,000 where the land is not:</td>
<td>Clause 59.13</td>
</tr>
<tr>
<td>- Used for Domestic animal husbandry, Intensive animal production, Pig farm, Poultry farm, Poultry hatchery, Racing dog husbandry or Rural industry.</td>
<td></td>
</tr>
<tr>
<td>- Within 30 metres of land (not a road) which is in a residential zone. Any works must not be earthworks specified in the schedule to the zone.</td>
<td></td>
</tr>
</tbody>
</table>

35.07-5
19/01/2006
VC37

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.

35.07-6
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:

**General issues**

- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

**Agricultural issues and the impacts from non-agricultural uses**

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

**Dwelling issues**
- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

**Environmental issues**
- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

**Design and siting issues**
- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require traffic management measures.

**Signs**
Sign requirements are at Clause 52.05. This zone is in Category 4.
**SCHEDULE 1 TO CLAUSE 35.07 FARMING ZONE**

Shown on the planning scheme map as **FZ**.

### 1.0 Subdivision and other requirements

<table>
<thead>
<tr>
<th>Land</th>
<th>Area/Dimensions/Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum subdivision area (hectares)</td>
<td>Land known as Certificate of Title, Volume 7395, Folio 1478992, Crown Allotment 72, Parish of Jindivick, County of Buln Buln.</td>
</tr>
<tr>
<td>Land at the intersection of Princes Highway and Sand Road Longwarry North as shown on Map 1 to this schedule provided that the subdivision is to facilitate the development and use of the land for a freeway service centre in accordance with Planning Permit No. 99400 issued on 15/3/2000.</td>
<td></td>
</tr>
<tr>
<td>151 Nayook Powelltown Road, Nayook, being Lot 2 LP204365 and lots 16 – 20 LP3340 Parish of Neerim.</td>
<td></td>
</tr>
<tr>
<td>95 Longwarry Drouin Road, Longwarry being Lot 2 LP83160, Lot 2 LP89106 Parish of Drouin West.</td>
<td></td>
</tr>
<tr>
<td>All other land</td>
<td>40 hectares</td>
</tr>
<tr>
<td>Minimum area for which no permit is required to use land for a dwelling (hectares)</td>
<td>CA 9 Section C, Parish of Yarragon, being Part C/T Vol.10031 Fol.063</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>Land</td>
<td>Area/Dimensions/Distance</td>
</tr>
<tr>
<td>------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>Maximum floor area for which no permit is required to construct an out-building associated with a dwelling (square metres)</td>
<td>None specified</td>
</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>
</tbody>
</table>

**Permit requirement for earthworks**

<table>
<thead>
<tr>
<th>Land</th>
<th>Permit requirement for earthworks</th>
</tr>
</thead>
<tbody>
<tr>
<td>All land</td>
<td>Earthworks which change the rate of flow or the discharge point of water across a property boundary</td>
</tr>
<tr>
<td>All land</td>
<td>Earthworks which increase the discharge of saline groundwater</td>
</tr>
</tbody>
</table>
Map 1 to Schedule 1 to Clause 35.07

MAP 1 TO SCHEDULE TO CLAUSE 35.01

MAPSCALE 1:25000
Map 2 to Schedule 1 to Clause 35.07
Map 3 to Schedule 1 to Clause 35.07
**RURAL ACTIVITY ZONE**

Shown on the planning scheme map as **RAZ** with a number (if shown).

**Purpose**

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

To provide for the use of land for agriculture.

To provide for other uses and development, in appropriate locations, which are compatible with agriculture and the environmental and landscape characteristics of the area.

To ensure that use and development does not adversely affect surrounding land uses.

To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

To protect and enhance natural resources and the biodiversity of the area.

To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

**Table of uses**

**Section 1 - Permit not required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture (other than Animal production, Apiculture, Domestic animal husbandry, Racing dog husbandry, Rice growing and Timber production)</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td></td>
<td>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td>Must meet the requirements of Clause 53.08.</td>
</tr>
<tr>
<td></td>
<td>The total number of cattle to be housed in the cattle feedlot must be 1000 or less.</td>
</tr>
<tr>
<td></td>
<td>The site must be located outside a special water supply catchment under the Catchment and Land Protection Act 1994.</td>
</tr>
<tr>
<td></td>
<td>The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots - August 1995.</td>
</tr>
<tr>
<td>Cattle feedlot</td>
<td>Must be the only dependent person’s unit on the lot.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must meet the requirements of Clause 35.08-2.</td>
</tr>
<tr>
<td>Grazing animal production</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Poultry farm</td>
<td>Must be no more than 100 poultry (not including emus or ostriches).</td>
</tr>
<tr>
<td></td>
<td>Must be no more than 10 emus and ostriches.</td>
</tr>
<tr>
<td>Primary produce sales</td>
<td>Must not be within 100 metres of a dwelling in separate ownership.</td>
</tr>
<tr>
<td></td>
<td>The area used for the display and sale of primary produce must not exceed 50 square metres.</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Rural industry (other than Abattoir and Sawmill)</td>
<td>Must not have a gross floor area more than 200 square metres.</td>
</tr>
<tr>
<td></td>
<td>Must not be within 100 metres of a dwelling in separate ownership.</td>
</tr>
<tr>
<td></td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>The land must be at least the following distances from land (not a road) which is in a residential zone and Rural Living Zone:</td>
</tr>
<tr>
<td></td>
<td>• The threshold distance, for a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>• 30 metres, for a purpose not listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Rural store</td>
<td>Must be used in conjunction with Agriculture.</td>
</tr>
<tr>
<td></td>
<td>Must be in a building, not a dwelling and have a gross floor area of less than 100 square metres.</td>
</tr>
<tr>
<td></td>
<td>Must be the only Rural store on the lot.</td>
</tr>
<tr>
<td>Timber production</td>
<td>Must meet the requirements of Clause 53.11.</td>
</tr>
<tr>
<td></td>
<td>The plantation area must not exceed any area specified in a schedule to this zone. Any area specified must be at least 40 hectares.</td>
</tr>
<tr>
<td></td>
<td>The total plantation area (existing and proposed) on contiguous land which was in the same ownership on or after 28 October 1993 must not exceed any scheduled area.</td>
</tr>
<tr>
<td></td>
<td>The plantation must not be within 100 metres of:</td>
</tr>
<tr>
<td></td>
<td>• Any dwelling in separate ownership.</td>
</tr>
<tr>
<td></td>
<td>• Any land zoned for residential, commercial or industrial use.</td>
</tr>
<tr>
<td></td>
<td>• Any site specified on a permit which is in force which permits a dwelling to be constructed.</td>
</tr>
<tr>
<td></td>
<td>The plantation must not be within 20 metres of a powerline whether on private or public land, except with the consent of the relevant electricity supply or distribution authority.</td>
</tr>
<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>Abattoir</td>
<td></td>
</tr>
<tr>
<td>Animal production (other than Broiler farm, Cattle feedlot</td>
<td></td>
</tr>
<tr>
<td>and Grazing animal production)</td>
<td></td>
</tr>
<tr>
<td>Bar</td>
<td></td>
</tr>
<tr>
<td>Broiler farm - if the Section 1 condition to Poultry farm</td>
<td>Must meet the requirements of Clause 53.09.</td>
</tr>
<tr>
<td>is not met</td>
<td></td>
</tr>
<tr>
<td>Camping and caravan park</td>
<td></td>
</tr>
<tr>
<td>Cattle feedlot - if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 53.08.</td>
</tr>
<tr>
<td></td>
<td>The site must be located outside a catchment area listed in Appendix 2 of</td>
</tr>
<tr>
<td>Convenience shop</td>
<td>The site must not have direct access to a rural freeway.</td>
</tr>
<tr>
<td>Dependent person’s unit - if the Section 1 condition is</td>
<td>Must meet the requirements of Clause 35.08-2.</td>
</tr>
<tr>
<td>not met</td>
<td></td>
</tr>
<tr>
<td>Domestic animal boarding</td>
<td></td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td>Must meet the requirements of Clause 35.08-2.</td>
</tr>
<tr>
<td>Freeway service centre</td>
<td>Must meet the requirements of Clause 53.05.</td>
</tr>
<tr>
<td>Group accommodation</td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td></td>
</tr>
<tr>
<td>Host farm</td>
<td></td>
</tr>
<tr>
<td>Landscape gardening supplies</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor</td>
<td></td>
</tr>
<tr>
<td>recreation)</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Manufacturing sales</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Carnival,</td>
<td></td>
</tr>
<tr>
<td>Cinema based entertainment facility, Circus and Nightclub</td>
<td></td>
</tr>
<tr>
<td>Racing dog husbandry - if the Section 1 condition is not</td>
<td>Must meet the requirements of Clause 53.12.</td>
</tr>
<tr>
<td>met</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td></td>
</tr>
<tr>
<td>Residential hotel</td>
<td></td>
</tr>
<tr>
<td>Rice growing</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Sawmill</td>
<td>The site must not have direct access to a rural freeway.</td>
</tr>
<tr>
<td>Service station</td>
<td></td>
</tr>
<tr>
<td>Trade supplies</td>
<td></td>
</tr>
<tr>
<td>Timber production - if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 53.11.</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Warehouse (other than Rural store)</td>
<td></td>
</tr>
<tr>
<td>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 Backpackers’ lodge, Bed and breakfast, Camping and caravan park, Dependent person’s unit, Dwelling, Group accommodation, Host farm and Residential hotel)</td>
</tr>
<tr>
<td>Amusement parlour</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Child care centre</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
</tr>
<tr>
<td>Industry (other than Rural industry)</td>
</tr>
<tr>
<td>Nightclub</td>
</tr>
<tr>
<td>Office</td>
</tr>
<tr>
<td>Retail premises (other than Bar, Market, Convenience shop, Equestrian supplies, Hotel, Landscape gardening supplies, Manufacturing sales, Primary produce sales, Restaurant and Trade Supplies)</td>
</tr>
<tr>
<td>Transport terminal</td>
</tr>
</tbody>
</table>

**Use of land for a dwelling**

A lot used for a dwelling must meet the following requirements:

- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

These requirements also apply to a dependent person’s unit.
Subdivision

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision and one lot must be at least the area specified for the land in a schedule to this zone.
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.
- The number of lots is no more than the number the land could be subdivided into in accordance with a schedule to this zone. At least one lot must be at least the area specified for the land in a schedule to this zone.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
</table>
| 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. | Clause 59.01 |

Subdivide land into 2 lots where each new lot is at least the area specified for the land in the zone or the schedule to the zone. | Clause 59.12 |

Buildings and works

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 35.08-1. This does not apply to:
  - An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.
  - An out-building associated with an existing dwelling provided the floor area of the out-building is not more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.
  - An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 200 square metres. Any area specified must be more than 200 square metres. The building must not be used to keep, board, breed or train animals.
  - A rainwater tank.
  - Earthworks specified in a schedule to this zone, if on land specified in a schedule.
- A building which is within any of the following setbacks:
  - The setback from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1 specified in a schedule to this zone or, if no setback is specified, 50 metres.
  - The setback from any other road or boundary specified in a schedule to this zone.
  - The setback from a dwelling not in the same ownership specified in a schedule to this zone.
  - 100 metres from a waterway, wetlands or designated flood plain.

- Permanent or fixed feeding infrastructure for seasonal or supplementary feeding for grazing animal production constructed within 100 metres of:
  - A waterway wetland or designated flood plain.
  - A dwelling not in the same ownership.
  - A residential or urban growth zone.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works associated with a Section 1 use in the Table of uses of the zone with an estimated cost of up to $500,000.</td>
<td>Clause 59.13</td>
</tr>
<tr>
<td>Any works must not be earthworks specified in the schedule to the zone.</td>
<td></td>
</tr>
<tr>
<td>Construct a building or construct or carry out works associated with a Section 2 use in the Table of uses of the zone with an estimated cost of up to $500,000 where the land is not:</td>
<td>Clause 59.13</td>
</tr>
<tr>
<td>- Used for Domestic animal husbandry, Intensive animal production, Pig farm, Poultry farm, Poultry hatchery, Racing dog husbandry or Rural industry.</td>
<td></td>
</tr>
<tr>
<td>- Within 30 metres of land (not a road) which is in a residential zone.</td>
<td></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, including the disposal of effluent.
- How the use or development relates to sustainable land management.
Whether the site is suitable for the use and development and whether the proposal is compatible with adjoining and nearby land uses.

Agricultural issues
- Whether the use or development will support and enhance agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

Dwelling issues
- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.

Environmental issues
- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora, fauna and landscape features of the locality.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

Design and siting issues
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use or development will require traffic management measures.

Signs
Sign requirements are at Clause 52.05. This zone is in Category 3.
SCHEDULE 1 TO CLAUSE 35.08 RURAL ACTIVITY ZONE

Shown on the planning scheme map as RAZ.

**Purpose**

To support tourism uses and development which are compatible with agriculture and the environmental and landscape characteristics of the area.

**Subdivision and other requirements**

<table>
<thead>
<tr>
<th>Land</th>
<th>Area/Dimensions/Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum subdivision area (hectares)</td>
<td>All land</td>
</tr>
<tr>
<td>Minimum 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 an existing 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>
<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>
</tbody>
</table>

**Permit requirement for earthworks**

<table>
<thead>
<tr>
<th>Land</th>
<th>None specified</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>None specified</td>
</tr>
<tr>
<td>Earthworks which increase the discharge of saline groundwater</td>
<td>None specified</td>
</tr>
</tbody>
</table>
PUBLIC USE ZONE

Shown on the planning scheme map as PUZ with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To recognise public land use for public utility and community services and facilities.
To provide for associated uses that are consistent with the intent of the public land reservation or purpose.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Railway station</td>
<td>The total leasable floor area for the selling of food, drink and other</td>
</tr>
<tr>
<td></td>
<td>convenience goods and services must not exceed 50 square metres.</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
<tr>
<td>Any other use</td>
<td>The use must be for the purpose described in the table to Clause 36.01-6 which corresponds to the notation on the planning scheme map. The use must be carried out by or on behalf of the public land manager.</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
</table>

Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
</table>

Permit requirement

A permit is required to:

- Construct a building or construct or carry out works for any use in Section 2 of Clause 36.01-1. This does not apply to navigational beacons and aids.
- Subdivide land.

Application requirements

An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:

- To the application for permit being made.
To the application for permit being made and to the proposed use or development.

Decision guidelines
Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The comments of any Minister or public land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

Permit not required
A permit is not required to use land, or to construct a building or construct or carry out works on land, listed in a schedule to this zone, provided any condition in the schedule is complied with.

Table of public land use

<table>
<thead>
<tr>
<th>Shown on the planning scheme map</th>
<th>Purpose of public land use</th>
</tr>
</thead>
<tbody>
<tr>
<td>PUZ1</td>
<td>Service &amp; Utility</td>
</tr>
<tr>
<td>PUZ2</td>
<td>Education</td>
</tr>
<tr>
<td>PUZ3</td>
<td>Health &amp; Community</td>
</tr>
<tr>
<td>PUZ4</td>
<td>Transport</td>
</tr>
<tr>
<td>PUZ5</td>
<td>Cemetery/Crematorium</td>
</tr>
<tr>
<td>PUZ6</td>
<td>Local Government</td>
</tr>
<tr>
<td>PUZ7</td>
<td>Other public use</td>
</tr>
</tbody>
</table>

Signs
Sign requirements are at Clause 52.05. This zone, except for the PUZ4 (Transport), is in Category 4 unless a different requirement is specified in the schedule to this zone.

For land within the PUZ4 (Transport), the sign category which applies is the category which applies to the adjoining zone nearest to the land. If land is equidistant from two or more adjoining zones, the least restrictive category applies.

Where the Road Zone is the nearest adjoining zone, a permit is required to display a sign.
## SCHEDULE TO CLAUSE 36.01 PUBLIC USE ZONE

### Permit exemptions and conditions

<table>
<thead>
<tr>
<th>Public land</th>
<th>Use or development</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td>None specified</td>
<td>None specified</td>
</tr>
</tbody>
</table>

### Sign requirements

<table>
<thead>
<tr>
<th>Land</th>
<th>Sign Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td>None specified</td>
</tr>
</tbody>
</table>

---

**BAW BAW PLANNING SCHEME**
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 costeaning 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>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, barbecues, rubbish bins, security lighting, irrigation, drainage or underground infrastructure.
  - Playground equipment or sporting equipment, provided these facilities do not occupy more than 10 square metres of parkland.
  - Navigational beacons and aids.
  - Planting or landscaping.
  - Fencing that is 1 metre or less in height above ground level.
  - A building or works shown in an Incorporated plan which applies to the land.
  - A building or works carried out by or on behalf of a public land manager or Parks Victoria under the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forest Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988, the Port of Melbourne Authority Act 1958 or the Crown Land (Reserves) Act 1978.

- Subdivide land.

Application requirements

An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:

- To the application for permit being made.
- To the application for permit being made and to the proposed use or development.
**Exemption from notice and review**

An application to subdivide land which is consistent with an Incorporated plan is exempt from the notice requirements of section 52(1) (a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

**Decision guidelines**

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

**Incorporated plan**

An Incorporated plan is a plan which shows the way the land is to be used and developed. An Incorporated plan may include the following information:

- Recognition of existing use and how the area is to be developed.
- The building envelope of any proposed buildings.
- Details of any proposed buildings or works.
- The location of pedestrian or vehicle access points or car parking areas.
- The location of any areas for specific uses or a schedule of specific uses which are allowed without permit.
- Topographic details including any proposed cut and fill.
- The location of existing and proposed features.
- The location of existing native and other vegetation and any proposed landscaping works or areas of vegetation to be added or removed.
- The identification of sites of flora or fauna significance (including, in particular, any potentially threatened species or significant habitat) or other places of cultural heritage or scientific value.

The Incorporated plan must be consistent with the intent of the public land reservation under any Act and make reference to relevant policies and guidelines.

An Incorporated plan may be prepared in parts or stages.

**Use and development of land identified in a schedule**

Land identified in a schedule to this zone may be used and developed in accordance with the schedule or the specific controls contained in an incorporated document corresponding to the land, provided any condition in the schedule or incorporated document is complied with.

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 4 unless a different requirement is specified in the schedule to this zone.
SCHEDULE TO CLAUSE 36.02 PUBLIC PARK AND RECREATION ZONE

1.0 Permit exemptions and conditions

<table>
<thead>
<tr>
<th>Public land</th>
<th>Use or development</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td>None specified</td>
<td>None specified</td>
</tr>
</tbody>
</table>

2.0 Sign requirements

<table>
<thead>
<tr>
<th>Land</th>
<th>Sign Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td>None specified</td>
</tr>
</tbody>
</table>

3.0 Use and development of land specified in an Incorporated Plan

None specified.
PUBLIC CONSERVATION AND RESOURCE ZONE

Shown on the planning scheme map as PCRZ.

Purpose

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

To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values.

To provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes.

To provide for appropriate resource based uses.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apiculture</td>
<td>Must meet the requirements of the Apiary Code of Practice, May 2011.</td>
</tr>
<tr>
<td>Boat launching facility</td>
<td>Must be either of the following:</td>
</tr>
<tr>
<td>Camping and caravan park</td>
<td>- A use conducted by or on behalf of a public land manager or Parks Victoria under the relevant provisions of the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forests Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988, the Port of Melbourne Authority Act 1958 or the Crown Land (Reserves) Act 1978.</td>
</tr>
<tr>
<td>Caretaker’s house</td>
<td></td>
</tr>
<tr>
<td>Car park</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Interpretation centre</td>
<td></td>
</tr>
<tr>
<td>Jetty</td>
<td></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>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>
<tr>
<td>Any use listed in Clause 62.01 (other than Apiculture)</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 2 or 3</td>
<td></td>
</tr>
</tbody>
</table>
Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Emergency services facility</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Renewable energy facility (other than Wind energy facility)</strong></td>
<td>Must not be located on land reserved under the National Parks Act 1975. Must meet the requirements of Clause 53.13.</td>
</tr>
<tr>
<td><strong>Wind energy facility</strong></td>
<td>Must not be located on land described in a schedule to the National Parks Act 1975. This does not apply where the Wind energy facility is principally used to supply electricity to a facility used in conjunction with conservation, recreation, administration or accommodation use of the land. Must meet the requirements of Clause 52.32.</td>
</tr>
</tbody>
</table>

Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</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>
</tr>
</tbody>
</table>

### Permit requirement

A permit is required to:

- Construct a building or construct or carry out works. This does not apply to:
  - A building or works shown in an Incorporated plan which applies to the land.
  - A building or works specified in Clause 62.02-1 or 62.02-2 carried out by or on behalf of a public authority or municipal council, if the public authority or municipal council is carrying out functions, powers or duties conferred by or under the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forests Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988, the Port of Melbourne Authority Act 1958 or the Crown Land (Reserves) Act 1978.
  - A building or works carried out by or on behalf of a public land manager or Parks Victoria under the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forests Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988, the Port of Melbourne Authority Act 1958, the Crown Land (Reserves) Act 1978, or the Road Management Act 2004.

- Subdivide land.

### Application requirements

An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:

- To the application for permit being made.
- To the application for permit being made and to the proposed use or development.
Where there is no public land manager, an application for a permit must be accompanied by the written consent of the Secretary to the Department of Environment, Land, Water and Planning.

**Exemption from notice and review**
An application to subdivide land which is consistent with an Incorporated plan is exempt from the notice requirements of section 52(1) (a), (b), and (d), the decision requirements of sections 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

**Referral of applications**
An application to use or develop land for the purpose of an emergency services facility must be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03.

**Decision guidelines**
Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

**Incorporated plan**
An Incorporated plan is a plan which shows the way the land is to be used and developed. An Incorporated plan may include the following information:

- Recognition of existing use and how the area is to be developed.
- The building envelope of any proposed buildings.
- Details of proposed buildings or works.
- The location of pedestrian or vehicle access points or car parking areas.
- The location of any areas for specific uses and a schedule of specific uses which are allowed without permit.
- Topographic details including any proposed cut and fill.
- The location of existing and proposed features.
- The location of existing native or other vegetation and any proposed landscaping works or areas of vegetation to be added or removed.
- The identification of sites of flora or fauna significance (including, in particular, any potentially threatened species or significant habitat) or other places of cultural, heritage or scientific value.

The Incorporated plan must be consistent with the intent of the public land reservation under any Act and make reference to relevant policies and guidelines.

An Incorporated plan may be prepared in parts or stages.
Use and development of land identified in a schedule

Land identified in a schedule to this zone may be used and developed in accordance with the schedule or the specific controls contained in an incorporated document corresponding to the land, provided any condition in the schedule or incorporated document is complied with.

Signs

Sign requirements are at Clause 52.05. This zone is in Category 4 unless a different requirement is specified in the schedule to this zone.
SCHEDULE TO CLAUSE 36.03 PUBLIC CONSERVATION AND RESOURCE ZONE

1.0 Permit exemptions and conditions

<table>
<thead>
<tr>
<th>Public land</th>
<th>Use or development</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td>None specified</td>
<td>None specified</td>
</tr>
</tbody>
</table>

2.0 Sign requirements

<table>
<thead>
<tr>
<th>Land</th>
<th>Sign Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td>None specified</td>
</tr>
</tbody>
</table>

3.0 Use and development of land specified in an Incorporated Plan

None specified.
ROAD ZONE

Shown on the planning scheme map as **RDZ1** for a Category 1 road and **RDZ2** for a Category 2 road.

**Purpose**

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

To identify significant existing roads.

To identify land which has been acquired for a significant proposed road.

**Table of uses**

**Section 1 - Permit not required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>

**Section 2 - Permit required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

**Section 3 - Prohibited**

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
<td></td>
</tr>
</tbody>
</table>

**Permit requirement**

A permit is required to:

- Construct a building or construct or carry out works for a use in Section 2 of Clause 36.04-1.
- Subdivide land.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.
Signs

Sign requirements are at Clause 52.05. A permit is required to display a sign over the road formation or over land within 600 millimetres of the road formation. For other land in this zone, the category of advertising control which applies is the category which applies to the adjoining zone nearest to the land. If land is equidistant from two or more adjoining zones, the least restrictive category applies.

Where the Public Use Zone 4 is the nearest adjoining zone, a permit is required to display a sign.
SPECIAL USE ZONE
Shown on the planning scheme map as SUZ with a number.

Purpose
To implement the Municipal Planning Strategy and the Planning Policy Framework.
To recognise or provide for the use and development of land for specific purposes as identified in a schedule to this zone.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 1 of the schedule to this zone</td>
<td>Must comply with any condition in Section 1 of the schedule to this zone</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 2 of the schedule to this zone</td>
<td>Must comply with any condition in Section 2 of the schedule to this zone.</td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3 of the schedule to this zone</td>
<td></td>
</tr>
</tbody>
</table>

Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 3 of the schedule to this zone</td>
</tr>
</tbody>
</table>

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:
- For an apartment development, the objectives, standards and decision guidelines of Clause 58.
- Any guidelines in the schedule to this zone.
Signs

Sign requirements are at Clause 52.05. This zone is in Category 3 unless a schedule to this zone specifies a different category.
SCHEDULE 1 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as SUZ1.

WALHALLA SPECIAL USE ZONE

Purpose
To conserve and enhance places of scientific, aesthetic, architectural and historic importance or special cultural value on public and private.
To maintain and protect the diversity of landscapes, native fauna, remnant vegetation and sites of botanical and zoological significance.
To provide for residential, commercial and tourism uses that support and enhance Walhalla’s unique landscape character, heritage places and culture without prejudicing natural, catchment and environmental values.
To provide for public uses, infrastructure and facilities that support and enhance tourist and community activity in Walhalla, while enhancing the heritage and landscape character without harming catchment and environmental values.
To ensure the scale, intensity, bulk and character of all development is sympathetic to the landscape character and heritage integrity of Walhalla.
To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mineral exploration</td>
<td></td>
</tr>
<tr>
<td>Mining</td>
<td>Must meet the requirements of Clause 52.08</td>
</tr>
<tr>
<td>Open sports grounds</td>
<td>Must be in accordance with an approved plan</td>
</tr>
<tr>
<td>Search for stone</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>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Corrective institution)</td>
<td></td>
</tr>
<tr>
<td>Agriculture (other than Animal boarding, Racing dog training, and intensive animal husbandry)</td>
<td></td>
</tr>
<tr>
<td>Commercial display area</td>
<td></td>
</tr>
<tr>
<td>Convenience shop</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Abattoir, Materials recycling, and Panel beating)</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Motor racing track and Open sports ground)</td>
<td></td>
</tr>
</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mineral, stone, or soil extraction (other than Mineral exploration, Mining, and Search for stone)</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour and Drive in theatre)</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Manufacturing sales, Motor vehicle, boat, or caravan sales, and Shop)</td>
<td></td>
</tr>
<tr>
<td>Shop (other than Adult sex product shop)</td>
<td></td>
</tr>
<tr>
<td>Any use not in section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abattoir</td>
</tr>
<tr>
<td>Adult sex product shop</td>
</tr>
<tr>
<td>Amusement parlour</td>
</tr>
<tr>
<td>Animal boarding</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Corrective institution</td>
</tr>
<tr>
<td>Drive in theatre</td>
</tr>
<tr>
<td>Funeral parlour</td>
</tr>
<tr>
<td>Greyhound training</td>
</tr>
<tr>
<td>Intensive animal husbandry</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
<tr>
<td>Motor vehicle, boat, or caravan sales</td>
</tr>
<tr>
<td>Panel beating</td>
</tr>
<tr>
<td>Saleyard</td>
</tr>
</tbody>
</table>

### Use of land

A permit is required to construct a building, or to construct or carry out works, for a use in Section 2.

### Subdivision

A permit is required to subdivide land.

### Buildings and works

#### Requirements

A permit is required to:

- Demolish, externally alter or remove a building or place within Walhalla listed in the table to Clause 43.01.
- Construct a building, including a fence, children’s cubby house and a dependent person’s unit.
- Alter externally any building or place by structural work, painting, rendering, sandblasting, water blasting or in any other way.
- Construct or carry out works, including municipal works, works for private driveways and footpaths and those for a dependent person’s unit.

Construct or display a sign.

This does not apply to:

- repairs and routine maintenance to buildings and places that do not change the external appearance.
- An adverse possession claim fence, that consists of star pickets not less than 3 metres apart and joined by not more than two strands of standard gauge plain fencing wire.

The development of land must be in accordance with the Walhalla Design, Permit and Exemptions Guide 2014.

5.0

Signs

None specified.

6.0

Vegetation removal

Requirements

A permit is required to remove, destroy or lop any vegetation. This includes the removal or destruction of the trees or plants listed in Clause 43.01 of this Scheme.

This does not apply if:

- The table to this clause specifically states that a permit is not required.
- The removal, destruction or lopping of native vegetation is in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.

Table to the Clause

<table>
<thead>
<tr>
<th>No permit is required to remove, destroy or lop vegetation to the minimum extent if any of the following apply:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Regrowth</strong>: the vegetation is regrowth which has naturally established or regenerated on land lawfully cleared of naturally established vegetation and is 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>This exemption does not apply to land on which vegetation has been cleared or otherwise destroyed or damaged as a result of flood, fire or other natural disaster.</td>
</tr>
<tr>
<td><strong>Bracken</strong>: The vegetation is bracken (<em>Pteridium esculentum</em>) which has naturally established or regenerated on land lawfully cleared of naturally established vegetation.</td>
</tr>
<tr>
<td>This exemption does not apply to land on which vegetation has been cleared or otherwise destroyed or damaged as a result of flood, fire or other natural disaster.</td>
</tr>
</tbody>
</table>
No permit is required to remove, destroy or lop vegetation to the minimum extent if any of the following apply:

**Noxious weeds**: The vegetation is a noxious weed the 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), or to established trees in the town marked as contributory or significant in the Walhalla Permit Exemption and Design Guide 2013.

**Pest animal burrows**: The vegetation is to be removed, destroyed or lopped 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.

**Land use conditions**: The vegetation is to be removed, destroyed or lopped to comply with a land use condition served under the *Catchment and Land Protection Act 1994*.

**Land management notices**: The vegetation is to be removed, destroyed or lopped to comply with land management notice issued under the *Catchment and Land Protection Act 1994*.

**Planted vegetation**: The vegetation has been planted or grown as a result of direct seeding for Crop raising or Extensive animal husbandry.

**Emergency works**: The vegetation presents an immediate risk of personal injury or damage to property and only that part of vegetation which presents the immediate risk is removed, destroyed or lopped. The vegetation is to be removed, destroyed or lopped by a public authority or municipal council to create an emergency access or to enable emergency works.

**Fire protection**: The vegetation is to be removed, destroyed or lopped for the making of a fuel break by or on behalf of a public authority in accordance with a strategic fuel break plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forest and Lands Act 1987*). The maximum width of a fuel break must not exceed 40 metres.

- The vegetation is to be removed, destroyed or lopped for fire fighting measures, fuel reduction burning, or the making of a fuel break up to 6 metres wide.

- The vegetation is ground fuel within 30 metres of a building.

- The vegetation is to be removed, destroyed or lopped in accordance with a fire prevention notice under:
  - Section 65 of the *Forests Act 1958*.
  - Section 41 of the *Country Fire Authority Act 1958*.
  - Section 8 of the *Local Government Act 1989*.

- The vegetation is to be removed, destroyed or lopped to keep the whole or any part of any vegetation clear of an electric line in accordance with a code of practice prepared under Part 8 of the *Electricity Safety Act 1998*.

- The vegetation is to be removed, destroyed or lopped in accordance with any code of practice prepared in accordance with Part 8 of the *Electricity Safety Act 1998* in order to minimise the risk of bushfire ignition in the proximity of electricity lines.

- The vegetation is to be removed, destroyed or lopped to reduce fuel loads on roadsides to minimise the risk to life and property from bushfire of an existing public road managed by the relevant responsible road authority (as defined by the *Road Management Act 2004*) 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, Forest and Lands Act 1987*).
No permit is required to remove, destroy or lop vegetation to the minimum extent if any of the following apply:

- The vegetation is to be removed, destroyed or lopped to keep the whole or any part of any vegetation clear of an electric line in accordance with a code of practice prepared under Part 8 of the *Electricity Safety Act* 1998.

- The vegetation is to be removed, destroyed or lopped in accordance with any code of practice prepared in accordance with Part 8 of the *Electricity Safety Act* 1998 in order to minimise the risk of bushfire ignition in the proximity of electricity lines.

**Surveying:** The vegetation is to be removed, destroyed or lopped for establishing sight-lines for the measurement of land by surveyors in the exercise of their profession, and if using hand-held tools.

**Road safety:** The vegetation is to be removed, destroyed or lopped to maintain the safe and efficient function of an existing public road managed by the relevant responsible road authority (as defined by the *Road Management Act* 2004) 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, Forest and Lands Act* 1987).

**Railways:** The vegetation is to be removed, destroyed or lopped 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, Forest and Lands Act* 1987).

**Stone extraction:** The vegetation is to be removed, destroyed or lopped 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.

**Stone exploration:** The vegetation is to be removed, destroyed or lopped to enable the carrying out of the Stone exploration. The maximum extent of vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:

- 1 hectare of vegetation which does not include a tree.
- 15 trees if each tree has a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.
- 5 trees if each tree has a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

This exemption does not apply to vegetation to be removed, destroyed or lopped to enable costeaming and bulk sampling activities.

**Mineral extraction:** The vegetation is to be removed, destroyed or lopped to enable the carrying out of Mineral 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.

**Mineral Exploration:** The vegetation is to be removed, destroyed or lopped to enable the carrying out of Mineral exploration.

**Geothermal energy exploration and extraction:** The vegetation is to be removed, destroyed or lopped to enable the carrying out of geothermal energy exploration or extraction in accordance with the *Geothermal Energy Resources Act* 2005.

**Greenhouse gas sequestration exploration:** The vegetation is to be removed, destroyed or lopped to enable the carrying out of geothermal energy exploration or extraction in accordance with the *Greenhouse Gas Geological Sequestration Act* 2008.
No permit is required to remove, destroy or lop vegetation to the minimum extent if any of the following apply:

**Greenhouse gas sequestration:** The vegetation is to be removed, destroyed or lopped to enable the carrying out of geothermal energy exploration or extraction in accordance with the *Greenhouse Gas Geological Sequestration Act 2008.*

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### 7.0 Application Requirements

For any proposed development, a plan showing the overall development of the site must be prepared to the satisfaction of the responsible authority. The plans must indicate:

- The existing and proposed building or buildings, boundaries, vegetation either planted or self-sown, and historic relics or features.
- For any proposed buildings, show elevations and plan views, and include details of external materials, finishes and colours.
- Existing and proposed access onto the site, including the construction standard of any adjoining government road or carriageway easement or formed driveway.
- The existing site conditions, including land gradient and the extent of any existing erosion, landslip or other land degradation, and any existing and proposed alterations to the natural topography of the land.
- The extent of any proposed earthworks.
- The means proposed to stabilise disturbed areas including planting and drainage management.
- The method of effluent treatment and disposal.
- A Land Capability Assessment for new developments with proposed wastewater treatment systems or existing buildings proposed to be altered so that a new or revised onsite waste water treatment system is required. This Assessment needs to address the setback distance for the disposal of septic tank effluent in accordance with *EPA's Code of Practice for Onsite Wastewater Management (Publication 891.3).*
- Any alterations to the natural topography of the land.
- The extent and location of water supply.
- The method and extent of fire protection.
- Any proposed landscaping.
- The application must include a written statement of how the proposal responds to the Sense of Place statement in Section 8.0 of this schedule and how it responds to the relevant statement of significance for the heritage place (either for the individual site or for the precinct). If the subject land is of significant or contributory value either individually or to the precinct overall, the application must include written advice on how the proposal affects the significant or contributory features of the site.

### 8.0 Decision Guidelines for a permit

Before deciding on an application, the responsible authority must consider the following decision guidelines:

- The support of the proposal to the Sense of Place Statement set out below, and the applicants written statement of response to it.
Sense of Place Statement:

Walhalla’s landscape is dominated by steep, treed hillsides rising from a narrow valley floor, but is defined by its built and remnant heritage places. A picturesque setting is created by the buildings from the pre-1914 period, mining relics of mullock heaps and machinery, exotic trees from old gardens, gaps where buildings once stood and dry stone walls are set high and low in the landscape. The winding pathways, deep stream courses and hillsides create a landscape of hidden and revealed views and aspects that contribute to the perception of a landscape to be discovered. Sympathetic new development and maintenance of public plantings and infrastructure play an important part to this natural and heritage landscape, and modern buildings are visually inconspicuous.

- Walhalla Design, Permits and Exemptions Guide 2014 as incorporated into this planning scheme.
- The significance, character, and appearance of the building or place affected by the proposal, including the demolition of a building, heritage fabric and the effect of the proposal on those values.
- For sites of significant or contributory heritage value, whether the proposal will enhance or degrade these values, based on the statement of significance for the site or precinct.
- The scale, bulk, colour, design, silhouette and appearance of the proposed building and works, and their impact on the character and significance of the setting and broader landscape, including views to and from the subject land.
- The importance of vegetation to the character of the area.
- Whether the removal of vegetation will aid in the preservation of the heritage place or archaeological feature including abandoned mining machinery.
- Whether the subdivision will result in development in keeping with the setting and appearance of the area.
- The view of any organisation having an interest in the building or place.
- Whether the proposed onsite wastewater disposal system for development is supported with a Land Capability Assessment approved by the responsible authority and whether it meets the EPA’s Code of Practice for Onsite Wastewater Management (Publication 891.3).
- Whether the land use or development is within the environmental capacity of the site and surrounds and its impact on water quality or erosion on or off the site
- Any proposed measures to minimise the extent of soil disturbance.
- Whether the site has legal access and that access can be constructed and maintained without damage to the environment or desired landscape character.
- The impact of the proposal on any Crown land affected by it in the long and short term.
- Whether the land comprises lots that can have freehold title, and accords with any adopted restructure plan.
- The erosion mitigation and stormwater management techniques proposed for the proposed buildings and works during construction and its maintenance afterwards.
- Whether the removal of vegetation will increase the possibility of erosion, the susceptibility to landslip or other land degradation process, and whether such removal is consistent with sustainable land management.
- The ‘Environmental Guidelines for Major Construction Sites’ (Environment Protection Authority, Feb 1996).
## SCHEDULE 2 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ2**.

### TANJIL BREN SPECIAL USE ZONE

#### Purpose

To maintain and enhance the special character, environment and amenity of Tanjil Bren.

To encourage and facilitate the proper uses and management of existing resources within, and available to, the village.

To recognise, maintain and enhance public spaces and facilities.

To maximise opportunities for residential development having regard to the environmental characteristics and physical constraints of the area.

To provide limited opportunities for low key commercial and tourist enterprises.

#### Table of uses

<table>
<thead>
<tr>
<th>Section 1 - Permit not required</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use</strong></td>
<td><strong>Condition</strong></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td>Must be in accordance with an approved plan.</td>
</tr>
<tr>
<td>Mineral exploration</td>
<td></td>
</tr>
<tr>
<td>Mining</td>
<td>Must meet the requirements of Clause 52.08.</td>
</tr>
<tr>
<td>Search for stone</td>
<td>Must not be costeasing or bulk sampling.</td>
</tr>
<tr>
<td>Any other use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 2 - Permit required</th>
<th><strong>Condition</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use</strong></td>
<td><strong>Condition</strong></td>
</tr>
<tr>
<td>Accommodation (other than Camping and caravan park, Corrective institution, and Residential hotel)</td>
<td></td>
</tr>
<tr>
<td>Agriculture (other than Animal keeping, Animal training, Intensive animal husbandry, and Timber production)</td>
<td></td>
</tr>
<tr>
<td>Fuel depot</td>
<td></td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation, Major sports ground, and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Mail centre</td>
<td></td>
</tr>
<tr>
<td>Mineral, stone, or soil extraction (other than Mineral exploration, Mining, and Search for stone)</td>
<td></td>
</tr>
<tr>
<td>Minor utility installation</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)</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Hotel, Motor vehicle, boat, or caravan sales, Restaurant, and Shop)</td>
<td></td>
</tr>
<tr>
<td>Service industry (other than Panel beating)</td>
<td></td>
</tr>
<tr>
<td>Sign</td>
<td></td>
</tr>
<tr>
<td>Any use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

**Section 3 - Prohibited**

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement parlour</td>
</tr>
<tr>
<td>Animal keeping</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Camping and caravan park</td>
</tr>
<tr>
<td>Car park</td>
</tr>
<tr>
<td>Corrective institution</td>
</tr>
<tr>
<td>Funeral parlour</td>
</tr>
<tr>
<td>Hospital</td>
</tr>
<tr>
<td>Hotel</td>
</tr>
<tr>
<td>Industry (other than Refuse depot, Service industry and Transfer station)</td>
</tr>
<tr>
<td>Informal outdoor recreation – if the Section 1 condition is not met</td>
</tr>
<tr>
<td>Intensive animal husbandry</td>
</tr>
<tr>
<td>Major sports ground</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
<tr>
<td>Motor vehicle, boat, or caravan sales</td>
</tr>
<tr>
<td>Office</td>
</tr>
<tr>
<td>Residential hotel</td>
</tr>
<tr>
<td>Restaurant</td>
</tr>
<tr>
<td>Saleyard</td>
</tr>
<tr>
<td>Shop</td>
</tr>
<tr>
<td>Soil removal</td>
</tr>
<tr>
<td>Timber production</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation)</td>
</tr>
<tr>
<td>Veterinary centre</td>
</tr>
<tr>
<td>Warehouse (other than Fuel depot and Mail centre)</td>
</tr>
</tbody>
</table>

**Use of land**

None specified.
Subdivision

A permit is required to subdivide land.

An application must be referred to a referral authority listed in Clause 66.

Buildings and works

A permit is required to:

- Demolish or remove a building or place within Tanjil Bren listed in the table at Clause 43.01.
- Alter externally any building or place within Tanjil Bren listed in the table at Clause 43.01 by structural work, painting, rendering, sandblasting, or in any other way.
- Extend or make additions to an existing building.
- Construct or carry out works including municipal works.
- Remove or destroy vegetation.
- Construct or display a sign.

This does not apply to repairs and maintenance to buildings and places that do not change the external appearance.

Plans for approval

For any new development proposed, a plan, drawn to scale, showing the overall development of the site must be prepared to the satisfaction of the responsible authority. The plans must indicate:

- The location of buildings and works.
- The method of effluent disposal.
- Any alterations to the natural topography of the land.
- The provision and location of power supply;
- The method and extent of fire protection.
- Any proposed landscaping.
- Other details, as required by the responsible authority.

All buildings and works must be in accordance with the plan.

Guidelines for permit

Before deciding on an application, the responsible authority must consider:

- The purpose of the zone.
- The importance, character, and appearance of the building or place to be demolished.
- Whether the location, bulk and appearance of the proposed building/s or works will adversely affect the character of the area.
- Whether the subdivision will result in development in keeping with the character and appearance of the area.
- The view of any organisation having an interest in the building or place.
- Whether the proposed development is consistent with the background document Tanjil Bren Planning Guidelines 1993, as amended from time to time.
- The adequacy of services proposed.
- The orderly and proper planning of the area.
5.0

Signs

None specified.
SCHEDULE 3 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as SUZ3.

EARTH AND ENERGY RESOURCES INDUSTRY

Purpose
To recognise or provide for the use and development of land for earth and energy resources industry.
To encourage interim use of the land compatible with the use and development of nearby land.
To encourage land management practice and rehabilitation that minimises adverse impact on the use and development of nearby land.

1.0 Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extensive animal husbandry</td>
<td></td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture (other than Animal keeping, Animal training, Apiculture, Extensive animal husbandry, Horse stables, and Intensive animal husbandry)</td>
<td></td>
</tr>
<tr>
<td>Animal keeping (other than Animal boarding)</td>
<td>Must be no more than four animals</td>
</tr>
<tr>
<td>Caretaker’s house</td>
<td></td>
</tr>
<tr>
<td>Dependent person’s unit</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Materials recycling, Refuse disposal, and Transfer station)</td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Landscape gardening supplies</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation)</td>
<td></td>
</tr>
<tr>
<td>Manufacturing sales</td>
<td></td>
</tr>
<tr>
<td>Materials recycling</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour and Nightclub)</td>
<td></td>
</tr>
<tr>
<td>Refuse disposal</td>
<td></td>
</tr>
<tr>
<td>Transfer station</td>
<td></td>
</tr>
</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utility installation (other than Minor utility installation)</td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Warehouse</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
<tr>
<td>Section 3 - Prohibited</td>
<td></td>
</tr>
<tr>
<td><strong>Use</strong></td>
<td></td>
</tr>
<tr>
<td>Accommodation (other than Caretaker’s house and Dependent person’s unit)</td>
<td></td>
</tr>
<tr>
<td>Amusement parlour</td>
<td></td>
</tr>
<tr>
<td>Animal boarding</td>
<td></td>
</tr>
<tr>
<td>Animal training</td>
<td></td>
</tr>
<tr>
<td>Brothel</td>
<td></td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td></td>
</tr>
<tr>
<td>Horse stables</td>
<td></td>
</tr>
<tr>
<td>Intensive animal husbandry</td>
<td></td>
</tr>
<tr>
<td>Nightclub</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Landscape gardening supplies and Manufacturing sales)</td>
<td></td>
</tr>
<tr>
<td>Saleyard</td>
<td></td>
</tr>
<tr>
<td>Service station</td>
<td></td>
</tr>
<tr>
<td>Transport terminal</td>
<td></td>
</tr>
<tr>
<td>Veterinary centre</td>
<td></td>
</tr>
</tbody>
</table>

### 2.0

#### Use of land
None specified.

### 3.0

#### Subdivision
None specified.

### 4.0

#### 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*.

### 5.0

#### Signs
None specified.
SCHEDULE 5 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as SUZ5.

WARRAGUL EAST BULKY GOODS PRECINCT

Purpose

To provide for the development of bulky goods retailing and associated business services.

To encourage a high quality standard of urban design and architecture that recognises the land as a highly visible gateway site into Warragul.

To complement the retail services provided in the Warragul town centre.

To recognise the role of the Warragul Town Centre as the main business area for the town by limiting the range of retail uses available in the Warragul East Bulky Goods Precinct.

To ensure that any development on land abutting or in close proximity to the Warragul Waste Water Treatment Plant is designed to minimise potential impacts to and from the Warragul Waste Water Treatment Plant.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bottle shop</td>
<td>Must have a minimum floor area of 1000m²</td>
</tr>
<tr>
<td></td>
<td>Must be the only Bottle shop on site</td>
</tr>
<tr>
<td>Department store</td>
<td>Must have a minimum floor area of 5000m²</td>
</tr>
<tr>
<td>Electoral office</td>
<td>May be used for only 4 months before an election and 2 weeks after an election.</td>
</tr>
<tr>
<td>Industry (other than Materials recycling, Refuse disposal, Rural industry and Transfer station)</td>
<td>Must be directly associated with a restricted retail premises located on land affected by this schedule. Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Restricted retail premises</td>
<td></td>
</tr>
<tr>
<td>Trade supplies</td>
<td></td>
</tr>
<tr>
<td>Warehouse (other than Fuel depot, Milk depot, Mail centre and Shipping container storage)</td>
<td>Must be directly associated with a restricted retail premises located on land affected by this schedule. Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.</td>
</tr>
</tbody>
</table>

Any use listed 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>Bottle shop</td>
<td>Must have a minimum floor area of 500m²</td>
</tr>
<tr>
<td></td>
<td>Must be the only Bottle shop on site</td>
</tr>
</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cinema</td>
<td>Must be the only Convenience restaurant on the site</td>
</tr>
<tr>
<td>Convenience restaurant</td>
<td>Must be the only Convenience restaurant on the site</td>
</tr>
<tr>
<td>Convenience shop</td>
<td>Must have a minimum floor area of 4000m²</td>
</tr>
<tr>
<td>Department store</td>
<td>Must have a minimum floor area of 4000m²</td>
</tr>
<tr>
<td>Exhibition centre</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table</td>
</tr>
<tr>
<td>Function centre</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table</td>
</tr>
<tr>
<td>Industry (other than Materials recycling, Refuse disposal, Rural</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table</td>
</tr>
<tr>
<td>industry and Transfer station)</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table</td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation,</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table</td>
</tr>
<tr>
<td>Major sports and recreation facility, and Motor racing track)</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table</td>
</tr>
<tr>
<td>Mail centre</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table</td>
</tr>
<tr>
<td>Manufacturing sales</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table</td>
</tr>
<tr>
<td>Office (other than Bank, Electoral office, Real estate agency and</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table</td>
</tr>
<tr>
<td>Travel agency)</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table</td>
</tr>
<tr>
<td>Retail premises (other than Gambling premises, Hotel and Primary</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table</td>
</tr>
<tr>
<td>produce sales)</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table</td>
</tr>
<tr>
<td>Service station</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table</td>
</tr>
<tr>
<td>Telecommunications facility)</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table</td>
</tr>
<tr>
<td>Warehouse (other than Fuel depot, Milk depot and Shipping container</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table</td>
</tr>
<tr>
<td>storage)</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table</td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table</td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation</td>
</tr>
<tr>
<td>Agriculture</td>
</tr>
<tr>
<td>Bank</td>
</tr>
<tr>
<td>Fuel depot</td>
</tr>
<tr>
<td>Gambling premises</td>
</tr>
<tr>
<td>Hospital</td>
</tr>
<tr>
<td>Major sports and recreation facility</td>
</tr>
<tr>
<td>Materials recycling</td>
</tr>
<tr>
<td>Milk depot</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
<tr>
<td>Place of assembly (other than Cinema, Exhibition centre and Function</td>
</tr>
<tr>
<td>centre)</td>
</tr>
</tbody>
</table>
Use

Primary produce sales
Real estate agency
Refuse disposal
Rural industry
Shipping container storage
Shop (other than Bottle shop, Convenience shop, Department store and Restricted retail premises)
Stone extraction
Travel agency
Transfer station
Any other use not in Section 1 or 2

Use of land

Amenity of the neighbourhood

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

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 nearby 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 areas not required for immediate use.
- An assessment by an appropriately qualified persons of the potential for the proposal and its users to be impacted upon by odour sources and noise, including from the Warragul Waste Water Treatment Plant, and the ability for any design response to minimise those potential amenity impacts upon the proposal and the Precinct. The assessment must be prepared to the satisfaction of the Responsible Authority.
- 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 (Major Hazard Facilities) Regulations 2000 is required, a licence under the Dangerous Goods Act 1995 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2000 is exceeded.
  - The likely effects on adjoining land, including air-borne emissions and emissions to land and water.
**Decision guidelines**

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

- The Planning Policy Framework, including the Municipal Planning Strategy and local planning policies.
- The effect that existing adjacent uses may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.
- If an industry or warehouse, the effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.
- The proximity of the proposed use to the Warragul Waste Water Treatment Plant.
- The sensitivity of the proposal and the persons reasonably expected to attend the proposal and the Precinct to noise and odour that may be generated by the Warragul Waste Water Treatment Plant, including during periods of unscheduled process disruptions.
- The ability for any design response to minimise potential amenity impacts, including from noise and odour emissions from the Warragul Waste Water Treatment Plant, including during periods of unscheduled process disruptions. The design response must be to the satisfaction of the Responsible Authority.

**Subdivision**

**Permit requirement**

A permit is required to subdivide land.

**Exemption from notice and review**

An application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. This exemption does not apply 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:

- The Planning Policy Framework, including the Municipal Planning Strategy and local planning policies.
- The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Landscape treatment.
- The interface with adjoining zones.
Buildings and works

Permit requirement

A permit is required to construct a building or construct or carry out works.

This does not apply to:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.

Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A comprehensive site analysis and design response.
- 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 assessment by an appropriately qualified person of the potential for the proposal and its users to be impacted upon by odour sources and noise, including from the Warragul Waste Water Treatment Plant, and the ability for any design response to minimise those potential amenity impacts upon the proposal and the Precinct. The assessment must be to the satisfaction of the responsible authority.
- In preparing the design response, plans, elevation drawings, construction details and landscape layout, the following requirements must be considered:
  - Development of the land should complement high-profile of the site, eastern gateway location on the eastern entrance into Warragul.
  - Building frontages should be orientated towards Hazel Drive, Queen Street, internal roads and car parking areas.
- Landscaping along road frontages is required to soften the impact of car parking areas and buildings.
- Building design, including services and air-conditioning, should include measures to minimise potential amenity impacts from odour and noise sources upon the proposal and the Precinct.
- Designated pedestrian paths/walkways and pedestrian crossing points should be provided in car parking areas and across vehicle access lanes/roads.
- Outdoor storage areas and loading bays should be screened from view. Goods or materials should not be stored or displayed in a setback area and all rooftop structures, including air conditioning units and fans, must be appropriately screened to address any visual amenity issues.
- Apart from a freestanding sign (no greater than 10 metres in height) identifying the bulky goods retail site, signage shall be confined to simple, clear business identification signs on premises. Other than a freestanding sign for the bulky goods retailing centre, no other signs will be permitted within the landscape setbacks. Lighting of signage will only be acceptable when businesses are open.

In addition to the above, consideration should also be given to the guidelines, as appropriate, contained in the background document *Interim Design Guidelines for Large Format Retail Premises, Department of Planning and Community Development (2007).*

**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, 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:

- The Planning Policy Framework, including the Municipal Planning Strategy and local planning policies.
- The design response submitted with the application.
- How the proposed building and works respond to the application requirements.
- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- The availability of and connection to services.
- Any natural or cultural values on or near the land.
- Interface with non industrial areas.
- Outdoor storage, lighting and storm water discharge.
- The design of buildings to provide for solar access.
- The proximity of the proposed development to the Warragul Waste Water Treatment Plant.
- The assessment and related design response to minimising potential amenity impacts to the proposal and its users, including from noise and odour emissions from the Warragul Waste Water Treatment Plant during periods of unscheduled process disruptions.

**Maintenance**

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

**Section 173 Agreement**

Any permit granted under this Schedule must contain a condition that the owner of the land to which the application applies enter into a Section 173 Agreement with the responsible authority and the relevant water, drainage or sewerage authority and make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act. The agreement must:

- acknowledge the existence of the Warragul Waste Water Treatment Plant and the potential for impact from odour and other real and perceived amenity impacts during periods of unscheduled process disruptions; and
- require the owner to disclose to any intended purchaser, transferee, assignee, mortgagee, lessee, tenant or occupier the existence and nature of the agreement.

The relevant land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

**Signs**

Sign requirements are at Clause 52.05. All land located within this Schedule to this zone is in Category 1.

*Notes: Refer to the Planning Policy Framework, including the Municipal Planning Strategy and local planning policies for strategies and policies which may affect the use and development of land.*

*Check whether an overlay also applies to the land.*

*Other requirements may also apply. These can be found at Particular Provisions.*
URBAN FLOODWAY ZONE

Shown on the planning scheme map as UFZ.

Purpose

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

To identify waterways, major floodpaths, drainage depressions and high hazard areas within urban 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.

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).

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>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture (other than Animal production and Apiculture)</td>
<td></td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation, Indoor recreation facility, and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01 if any requirement is not met</td>
<td></td>
</tr>
</tbody>
</table>

Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal production (other than Grazing animal production)</td>
</tr>
<tr>
<td>Indoor recreation facility</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
<tr>
<td>Any other use not in Section 1 or 2</td>
</tr>
</tbody>
</table>

Buildings and works

A permit is required to construct a building or construct or carry out works, including:

- A fence.
- Roadworks, if the water flowpath 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.
- 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.

This does not apply to:
- Flood mitigation works carried out by the responsible authority or floodplain management authority.
- 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.
- 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 zone. 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

#### General

An application must be accompanied by any information specified in the schedule to this zone.

#### 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. The flood risk report 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 zone.
- 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 environmental values such as natural habitat, stream stability, erosion, water quality and sites of scientific significance.

**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.
- Any other matters specified in the schedule to this zone.

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 4 unless the schedule to this zone specifies a different category.
SCHEDULE TO CLAUSE 37.03 URBAN FLOODWAY ZONE

1.0 Application requirements
None specified.

2.0 Decision guidelines
None specified.

3.0 Signs

<table>
<thead>
<tr>
<th>Land</th>
<th>Sign Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>

BAW BAW PLANNING SCHEME
URBAN GROWTH ZONE

Shown on the planning scheme map as UGZ with a number (if shown).

Purpose

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

To manage the transition of non-urban land into urban land in accordance with a precinct structure plan.

To provide for a range of uses and the development of land generally in accordance with a precinct structure plan.

To contain urban use and development to areas identified for urban development in a precinct structure plan.

To provide for the continued non-urban use of the land until urban development in accordance with a precinct structure plan occurs.

To ensure that, before a precinct structure plan is applied, the use and development of land does not prejudice the future urban use and development of the land.

Application of provisions

Part A – No precinct structure plan applies

The provisions of Clauses 37.07-1 to 37.07-8 apply if no precinct structure plan applies to the land.

Part B – Precinct structure plan applies

The provisions of Clauses 37.07-9 to 37.07-16 apply if a precinct structure plan applies to the land.

Precinct structure plan provisions

A precinct structure plan applies to land when the precinct structure plan is incorporated in this scheme.

Part A – Provisions For Land Where No Precinct Structure Plan Applies

Table of uses

Section 1 – Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture (other than Animal production, Apiculture, Domestic animal husbandry, Racing dog husbandry, Rice growing and Timber production)</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td>Must be the only Dependent person’s unit on the lot. Must meet the requirements of Clause 37.07-2.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td>Must be the only dwelling on the lot.                                                                                           The lot must be at least 40 hectares.                                                                                                               Must meet the requirements of Clause 37.07-2.</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>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>Railway</td>
<td></td>
</tr>
<tr>
<td>Rural industry (other than Abattoir and Sawmill)</td>
<td>Must not have a gross floor area more than 200 square metres.                                                                                                                                           Must not be within 100 metres of a dwelling in separate ownership.                                                                                     Must not be a purpose shown listed in the table to Clause 53.10 with no threshold distance specified.</td>
</tr>
<tr>
<td></td>
<td>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:</td>
</tr>
<tr>
<td></td>
<td>• The threshold distance, for a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>• 30 metres, for a purpose not listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>Must not:</td>
</tr>
<tr>
<td></td>
<td>• Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.</td>
</tr>
<tr>
<td></td>
<td>• Require a notification under the Occupational Health and Safety Regulations 2017.</td>
</tr>
<tr>
<td></td>
<td>• Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</td>
</tr>
<tr>
<td></td>
<td>• Require a licence under the Dangerous Goods (HCDG) Regulations 2016.</td>
</tr>
<tr>
<td>Rural store</td>
<td>Must be used in conjunction with Agriculture.                                                                                                                                                                    Must be in a building, not a dwelling, and have a gross floor area of less than 100 square metres.                                       Must be the only Rural store on the lot.</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
</tbody>
</table>
## Section 2 – Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abattoir</td>
<td></td>
</tr>
<tr>
<td>Animal production (other than Broiler farm, Grazing animal production and Intensive animal production)</td>
<td></td>
</tr>
<tr>
<td>Broiler farm - if the Section 1 condition to Poultry farm is not met</td>
<td>Must be no more than 10,000 chickens.</td>
</tr>
<tr>
<td>Camping and caravan park</td>
<td></td>
</tr>
<tr>
<td>Car park</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>Cemetery</td>
<td></td>
</tr>
<tr>
<td>Crematorium</td>
<td></td>
</tr>
<tr>
<td>Dependent person’s unit – if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 37.07-2.</td>
</tr>
<tr>
<td>Display home centre</td>
<td></td>
</tr>
<tr>
<td>Domestic animal boarding</td>
<td></td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast) – if the Section 1 conditions are not met</td>
<td>Must be no more than 2 dwellings on the lot. Must meet the requirements of Clause 37.07-2.</td>
</tr>
<tr>
<td>Education centre (other than child care centre)</td>
<td></td>
</tr>
<tr>
<td>Emergency services facility</td>
<td></td>
</tr>
<tr>
<td>Freeway service centre</td>
<td>Must meet the requirements of Clause 53.05.</td>
</tr>
<tr>
<td>Industry (other than Rural Industry)</td>
<td></td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Trade supplies</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Veterinary centre</td>
<td></td>
</tr>
<tr>
<td>Warehouse (other than Rural store)</td>
<td></td>
</tr>
<tr>
<td>Winery</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

**Section 3 - Prohibited**

**Use**

- Accommodation (other than Bed and breakfast, Camping and caravan park, Dependent person's unit, Dwelling, Group accommodation, Host farm and Residential hotel)
- Amusement parlour
- Brothel
- Child care centre
- Cinema based entertainment facility
- Intensive animal production
- Nightclub
- Office (other than Medical centre and Real estate agency)
- Renewable energy facility
- Retail premises (other than Landscape gardening supplies, Manufacturing sales, Market, Primary produce sales, Restaurant and Trade supplies)
- Saleyard
- Timber production

---

**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 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.

Buildings and works

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 37.07-1. This does not apply to:
  - An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is no more than 100 square metres.
  - An out-building associated with an existing dwelling provided the floor area of the out-building is not more than 100 square metres.
  - An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is no more than 200 square metres. The building must not be used to keep, board, breed or train animals.

- Earthworks which change the rate of flow or the discharge point of water across a property boundary.

- Earthworks which increase the discharge of saline water.

- A building which is within any of the following setbacks:
  - 100 metres from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1.
  - 40 metres from a Road Zone Category 2 or land in a Public Acquisition Overlay to be acquired for a road, Category 2.
  - 20 metres from any other road.
  - 5 metres from any other boundary.
  - 100 metres from a dwelling not in the same ownership.
  - 100 metres from a waterway, wetlands or designated flood plain.

- Permanent or fixed feeding infrastructure for seasonal or supplementary feeding for grazing animal production constructed within 100 metres of:
  - A waterway, wetland or designated flood plain.
  - A dwelling not in the same ownership.
  - A residential zone or urban growth zone where a precinct structure plan applies.

Referral of applications

An application of the kind listed below must be referred in accordance with section 55 of the Act to the referral authority specified in Clause 66.03.

- An application to use or develop land for any of the following:
  - Display home centre.
  - Education centre.
  - Hospital.
  - Industry.
  - Medical centre.
- Place of worship.
- Real estate agency.
- Warehouse.

- An application to subdivide land to create a lot smaller than 40 hectares in area.

**Environmental audit**

Before a pre-school centre or primary school commences on potentially contaminated land, or before the construction or carrying out of buildings and works in association with a pre-school centre or primary school commences on potentially contaminated land, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*, or
- An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

In this clause, “potentially contaminated land” means land used or known to have been used for industry, mining, or the storage of chemicals, gas, wastes or liquid fuel (if not ancillary to another use of the land).

**Decision guidelines**

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The effect on the future urban development and use of the land, and adjacent or nearby land, having regard to:
  - Any relevant Growth Corridor Framework Plan.
  - Any precinct structure plan being prepared for the area.
  - Any comments or directions of the referral authority.
  - Whether the proposal will prejudice the logical, efficient and orderly future urban development of the land, including the development of roads, public transport and other infrastructure.
  - The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
  - How the use or development relates to sustainable land management.
  - Whether the site is suitable for the use or development.
  - The impact of the siting, design, height, bulk, colours and materials to be used on the natural environment, major roads, vistas and water features, future urban use of the land, and the measures to be undertaken to minimise any adverse impacts.
  - The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
  - The location and design of existing and proposed infrastructure including roads, public transport, walking and cycling networks, gas, water, drainage, telecommunications and sewerage facilities.
  - Whether the use and development will require new or upgraded infrastructure, including traffic management measures.
Signs

Sign requirements are at Clause 52.05. The zone is in Category 3. Despite the provisions of Clause 52.05-13, a permit may be granted, for a period of not more than 5 years, to display a sign that promotes the sale of land or dwellings.

Part B – Provisions For Land Where A Precinct Structure Plan Applies

Use of land

Any requirement in the Table of uses and any requirement specified in the schedule to this zone must be met.

A permit granted must be generally in accordance with the precinct structure plan applying to the land.

Table of uses

Section 1 – Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 1 of a zone applied by the schedule to this zone</td>
<td>Must comply with any condition opposite the use in Section 1 of the applied zone.</td>
</tr>
<tr>
<td></td>
<td>Must comply with any condition or requirement specified in the schedule to this zone or in the precinct structure plan.</td>
</tr>
<tr>
<td>Any use specified in the schedule to this zone as a use for which a permit is not required</td>
<td>Must comply with any condition or requirement specified in the schedule to this zone or in the precinct structure plan.</td>
</tr>
</tbody>
</table>

Section 2 – Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 2 of a zone applied by the schedule to this zone</td>
<td>Must comply with any condition opposite the use in Section 2 of the applied zone.</td>
</tr>
<tr>
<td></td>
<td>Must comply with any condition or requirement specified in the schedule to this zone or in the precinct structure plan.</td>
</tr>
<tr>
<td>Any use specified in the schedule to this zone as a use for which a permit is required</td>
<td>Must comply with any condition or requirement specified in the schedule to this zone or in the precinct structure plan.</td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

Section 3 – Prohibited

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 3 of a zone applied by the schedule to this zone</td>
<td></td>
</tr>
<tr>
<td>Any use specified in the schedule to this zone</td>
<td></td>
</tr>
</tbody>
</table>
37.07-10 Subdivision of land

A permit is required to subdivide land. Any requirement in the schedule to this zone or the precinct structure plan must be met.

A permit granted must:

- Be generally in accordance with the precinct structure plan applying to the land.
- Include any conditions or requirements specified in the schedule to this zone or the precinct structure plan.

37.07-11 Buildings and works

If the schedule to this zone specifies:

- That the provisions of a zone apply to the development of land, the provisions of the zone apply to land in the circumstances specified in the schedule.
- Provisions relating to the development of land, those provisions apply to land in the circumstances specified in the schedule.

If the schedule to this zone specifies that a permit is required to construct a building or construct or carry out works, a permit granted must:

- Be generally in accordance with the precinct structure plan applying to the land.
- Include any conditions or requirements specified in the schedule to this zone or the precinct structure plan.

37.07-12 Application requirements

An application to use or subdivide land, construct a building or construct or carry out works, must be accompanied by any information specified in the schedule to this zone.

37.07-13 Exemption from notice and review

An application under any provision of this scheme which is generally in accordance with the precinct structure plan applying to the land is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act, unless the schedule to this zone specifies otherwise.

37.07-14 Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Any relevant Growth Area Framework Plan.
- The precinct structure plan applying to the land, including the vision and objectives of the precinct structure plan.
- Any guidelines in the schedule to this zone.

37.07-15 Inconsistencies between specific and applied zone provisions

If there is an inconsistency between the specific provisions specified in the schedule to this zone and the provisions of a zone applied by the schedule to this zone, the specific provisions prevail to the extent of any inconsistency.
Signs

Sign requirements are at Clause 52.05. This zone is in the category specified in the schedule to this zone or, if no category is specified, Category 3.
SCHEDULE 1 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as UGZ1.

WARRAGUL PRECINCT STRUCTURE PLAN

The Plan

Map 1 shows the future urban structure proposed in the *Warragul Precinct Structure Plan*. It is a reproduction of Plan 2 in the *Warragul Precinct Structure Plan*.

Map 1 to Schedule 1 to Clause 37.07

Use and development

The Land

The use and development provisions specified in this schedule apply to the land as shown on Map 1 and shown as UGZ1 on the planning scheme maps.
Applied zone provisions

The provisions of the following zones in this scheme apply to the use and subdivision of land, construction of a building, and construction and carrying out of works, by reference to Map 1 of this schedule.

Table 1: Applied zone provisions

<table>
<thead>
<tr>
<th>Land use/development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land (refer map 1)</th>
<th>Applied zone provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farm</td>
<td>Clause 35.07 – Farming Zone</td>
</tr>
<tr>
<td>Industrial Land</td>
<td>Clause 33.03 – Industrial 3 Zone (western and eastern edges of precinct that adjoin residential land)</td>
</tr>
<tr>
<td></td>
<td>Clause 33.01 – Industrial 1 Zone (for remainder of precinct)</td>
</tr>
<tr>
<td>Low Density Residential</td>
<td>Clause 32.02 – Low Density Residential Zone</td>
</tr>
<tr>
<td>Natural waterway as described on Plan 9 of the incorporated Warragul Precinct Structure Plan</td>
<td>Clause 36.03 – Public Conservation and Resource Zone</td>
</tr>
<tr>
<td>Neighbourhood centre</td>
<td>Clause 34.01 – Commercial 1 Zone</td>
</tr>
<tr>
<td>Village Convenience Centre</td>
<td></td>
</tr>
<tr>
<td>All other land</td>
<td>Clause 32.01 – General Residential Zone</td>
</tr>
</tbody>
</table>

Specific provisions – Use of land

Table 2: Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shop where the applied zone is Commercial 1 Zone</td>
<td>A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds:</td>
</tr>
<tr>
<td></td>
<td>• 5,000 square metres for land shown as a neighbourhood centre in the incorporated Warragul Precinct Structure Plan.</td>
</tr>
<tr>
<td></td>
<td>• 1,500 square metres for land shown as a village convenience centre in the incorporated Warragul Precinct Structure Plan.</td>
</tr>
</tbody>
</table>

Use and development of future public land

A permit is not required to use or develop land shown in the Warragul Precinct Structure Plan as open space (active or passive) or community facilities provided the use or development is carried out generally in accordance with the Warragul Precinct Structure Plan and with the prior written consent of Baw Baw Shire Council.
2.4
Specific provisions - Subdivision
None specified.

2.5
Specific provisions - Buildings and works
None specified.

3.0
Application requirements
If in the opinion of the responsible authority an application requirement listed at Clause 3.1 is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

3.1 Subdivision - residential development
In addition to any requirement in Clause 56.01-2, a subdivision design response must include:

- A land budget table in the same format and methodology as those within the precinct structure plan applying to the land, setting out the amount of land allocated to the proposed uses and expected population and dwelling yields.

An application must be accompanied by a Public Infrastructure Plan which addresses the following:

- a stormwater management strategy that makes provision for the staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of the Catchment Management Authority and Baw Baw Shire Council;
- what land may be affected or required for the provision of infrastructure works;
- the provision, staging and timing of stormwater drainage works;
- the provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
- the landscaping of any land;
- what, if any infrastructure set out in the Warragul & Drouin Growth Areas Development Contributions Plan is sought to be provided as "works in lieu" subject to the written consent of Baw Baw Shire Council;
- the provision of public open space and land for any community facilities;
- any other matter relevant to the provision of public infrastructure required by the responsible authority.

An application that proposes to create or change access to a primary arterial road must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility / concept road safety audit, must be to the satisfaction of VicRoads.

An application to subdivide land, use or develop land for a sensitive use (residential use, child care centre, pre-school centre or primary school) must be accompanied by an environmental site assessment of the land by a suitably qualified environmental professional to the satisfaction of the responsible authority which takes account of the background document Desktop Environmental, Hydrogeological and Geotechnical Study: Warragul and Drouin Precinct Structure Plan Areas Growth Areas Authority (SKM, April 2013) and provides information including:

- Further detailed assessment of potential contaminants on the relevant land.
- Clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the background document Potentially Contaminated Land General Practice Note June 2005 (DSE).
• Further detailed assessment of surface and subsurface water conditions and geotechnical characteristics on the relevant land and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions and geology on the development and the impact of the development on surface and subsurface water.

• Recommended remediation actions for any potentially contaminated land.

3.2 Specific provision – 234 Lillico Road and local connector street between Lillico Road and the extension of Mills Road Warragul

The north-south connector street between Lillico Road and the extension of Mills Road, as shown on Plan 7 of the Warragul Precinct Structure Plan, must be constructed along the boundary line between the Sporting Reserve SR-02, with half of the road width on the SR-02 Sporting Reserve land and half of the road width on the property at 234 Lillico Road (Lot 2 PS311698 and marked as NE-11).

3.3 Specific provision – Use or develop land for a sensitive purpose - Contamination assessment where no Environmental Audit Overlay (EAO) applies – 280 Brandy Creek Road Warragul

Before the development associated with the subdivision starts, (this requirement does not apply to bore holes and excavation associated with an environmental site assessment), an environmental site assessment of the land by a suitably qualified environmental professional must be undertaken which provides information including:

• The nature of the previous and existing land use/ activities on the land.

• An assessment of the potential level and nature of contamination on the land.

• Advice on whether the environmental condition of the land is suitable for the proposed uses/s and whether an environmental audit of all or part of the land is recommended having regard to the background document Potentially Contaminated Land General Practice Note June 2005 (DSE).

If an environmental assessment recommends an environmental audit of all or part of the land, then:

• Before the commencement of any use for a sensitive purpose; or

• Before any buildings or works; or

• Before the certification of a plan of subdivision;

whichever is earlier, in respect of all or that part of the land as the case may be, the following must be provided to the responsible authority, either:

• A certificate of environmental audit issued for the relevant land in accordance with Part 1XD of the Environment Protection Act 1970, or

• A statement by an environmental auditor appointed under the Environment Protection Act 1970, in accordance with Part 1XD of that Act that the environmental condition of the relevant land is suitable for a sensitive use (with or without conditions on the use of the site).

If a Statement of Environmental Audit is provided rather than a Certificate of Environmental Audit and the Statement of Environmental Audit indicates that the environmental conditions of the relevant land are suitable for a sensitive use subject to conditions, the owner of the land must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 before the issue of a Statement of Compliance or before the construction of any building on the relevant land, whichever is the earlier which details:

• Implementation of an on-going compliance with all conditions in the Statement of Environmental Audit; and

• The responsible authority’s reasonable legal costs and expenses of drafting/ reviewing and registering the agreement to be borne by the owner of the relevant land.
3.4 Neighbourhood and Village Convenience Centre Urban Design Framework

Except with the consent of the responsible authority, a permit must not be granted to use or subdivide land, or construct a building and carry out works on land shown as a Neighbourhood or Village Convenience Centre until an urban design framework for the centre has been prepared to the satisfaction of the responsible authority.

An urban design framework approved under this schedule must be generally in accordance with the precinct structure plan applying to the land.

An application for use and/or development on land shown as a Neighbourhood or Village Convenience Centre must be consistent with any urban design framework approved under this schedule.

A permit may be granted to subdivide land or to construct a building or construct and carry out works prior to the approval of an urban design framework if, in the opinion of the responsible authority, the permit is consistent with the requirements for the urban design framework and the permit implements the objectives for a Neighbourhood or Village Convenience Centre as set out in the Warragul Precinct Structure Plan.

The responsible authority may allow an urban design framework to be prepared in stages.

The Urban Design Framework may be amended to the satisfaction of the responsible authority.

4.0 Conditions and requirements for permits

Refer to the precinct structure plan applying to the land.

5.0 Exemption from notice and review

None specified.

6.0 Decision guidelines

Permit applications to increase the retail floor area within the neighbourhood and village convenience centres must address and be assessed against the following decision guidelines:

- The local catchment and PSP catchment demand for the proposed increase of retail floor area; and

- The effect on existing Warragul town centre.

7.0 Signs

The sign category for the land is the category specified in the zone applied zone to the land at Clause 2.2 of this schedule.

Land and home sales signs

Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- the display area for each sign does not exceed 10 square metres;

- only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage;

- the sign is not animated, scrolling, electronic or internally illuminated sign;

- the sign is not displayed longer than 21 days after the sale (not settlement) of the last lot; and

- the sign is setback a minimum of 750 millimetres from the property boundary.
A permit may be granted to display a sign promoting the sale of land or homes on the land (or on adjoining land in the same ownership) with an area greater than 10 square metres.

8.0 Reference to a planning scheme zone is a reference to an applied zone

A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule.

Note: e.g. The General Residential Zone specifies ‘Car wash’ as a Section 2 Use with the condition, ‘The site must adjoin, or have access to, a road in a Road Zone.’ In this instance the condition should be read as, ‘The site must adjoin, or have access to, a road in a Road Zone or an applied Road Zone in the Urban Growth Zone schedule applying to the land’.

9.0 Specific provisions - Dwellings on a lot less than 300 square metres

A permit is not required to construct or extend one dwelling on a lot with an area less than 300 square metres where a site is identified as a lot to be assessed against the Small Lot Housing Code (June 2013) via a restriction on title, and it complies with the Small Lot Housing Code (June 2013) incorporated pursuant to Clause 72.04 of the Baw Baw Planning Scheme.
SCHEDULE 2 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as UGZ2.

DROUIN PRECINCT STRUCTURE PLAN

1.0 The Plan

Map 1 shows the future urban structure proposed in the Drouin Precinct Structure Plan. It is a reproduction of Plan 2 in the Drouin Precinct Structure Plan.

Map 1 to Schedule 2 to Clause 37.07

Use and development

2.0 The Land

The use and development provisions specified in this schedule apply to the land as shown on Map 1 and shown as UGZ2 on the planning scheme maps.
2.2

Applied zone provisions

The provisions of the following zones in this scheme apply to the use and subdivision of land, construction of a building, and construction and carrying out of works, by reference to Plan 1 of this schedule.

Table 1: Applied zone provisions

<table>
<thead>
<tr>
<th>Land use/development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land (refer map 1)</th>
<th>Applied zone provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial Land</td>
<td>Clause 33.03 – Industrial 3 Zone (southern, western and northern sections of precinct that adjoin residential areas)</td>
</tr>
<tr>
<td></td>
<td>Clause 33.01 – Industrial 1 Zone (for remainder of precinct)</td>
</tr>
<tr>
<td>Low Density Residential</td>
<td>Clause 32.02 – Low Density Residential Zone</td>
</tr>
<tr>
<td>Natural waterway as described on Plan 9 of the incorporated Drouin Precinct Structure Plan</td>
<td>Clause 36.03 – Public Conservation and Resource Zone</td>
</tr>
<tr>
<td>Neighbourhood centre</td>
<td>Clause 34.01 – Commercial 1 Zone</td>
</tr>
<tr>
<td>Village Convenience Centre</td>
<td></td>
</tr>
<tr>
<td>All other land</td>
<td>Clause 32.01 – General Residential Zone</td>
</tr>
</tbody>
</table>

2.3

Specific provisions – Use of land

Table 2: Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shop where the applied zone is Commercial 1 Zone</td>
<td>A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds:</td>
</tr>
<tr>
<td></td>
<td>- 2,000 square metres for land shown as a neighbourhood centre in the incorporated Drouin Precinct Structure Plan.</td>
</tr>
<tr>
<td></td>
<td>- 1,500 square metres for land shown as a village convenience centre in the incorporated Drouin Precinct Structure Plan.</td>
</tr>
</tbody>
</table>

Use and development of future public land

A permit is not required to use or develop land shown in the Drouin Precinct Structure Plan as open space (active or passive) or community facilities provided the use or development is carried out generally in accordance with the Drouin Precinct Structure Plan and with the prior written consent of Baw Baw Shire Council.

2.4

Specific provisions - Subdivision

None specified.
2.5 Specific provisions - Buildings and works

None specified.

3.0 Application requirements

If in the opinion of the responsible authority an application requirement listed at 3.1 is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

3.1 Subdivision - residential development

In addition to any requirement in 56.01-2, a subdivision design response must include:

- A land budget table in the same format and methodology as those within the precinct structure plan applying to the land, setting out the amount of land allocated to the proposed uses and expected population and dwelling yields.

An application must be accompanied by a Public Infrastructure Plan which addresses the following:

- a stormwater management strategy that makes provision for the staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Melbourne Water and Baw Baw Shire Council;

- what land may be affected or required for the provision of infrastructure works;

- the provision, staging and timing of stormwater drainage works;

- the provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;

- the landscaping of any land;

- what, if any infrastructure set out in the Warragul & Drouin Growth Areas Development Contributions Plan is sought to be provided as "works in lieu" subject to the written consent of Baw Baw Shire Council;

- the provision of public open space and land for any community facilities;

An application that proposes to create or change access to a primary arterial road must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility / concept road safety audit, must be to the satisfaction of Regional Roads Victoria.

An application to subdivide land, use or develop land for a sensitive use (residential use, child care centre, pre-school centre or primary school) must be accompanied by an environmental site assessment of the land by a suitably qualified environmental professional to the satisfaction of the responsible authority which takes account of Desktop Environmental, Hydrogeological and Geotechnical Study: Warragul and Drouin Precinct Structure Plan Areas Growth Areas Authority (SKM, April 2013) and provides information including:

- Further detailed assessment of potential contaminants on the relevant land.

- Clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the Potentially Contaminated Land General Practice Note June 2005 (DSE).

- Further detailed assessment of surface and subsurface water conditions and geotechnical characteristics on the relevant land and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions and geology on the development and the impact of the development on surface and subsurface water.

- Recommended remediation actions for any potentially contaminated land.
3.2 Specific provisions - Land adjacent to Egg Farm, 359 McGlone Road.

An application to use or develop land for a sensitive use within 500 metres of the impact source (identified on Plan 1 of Drouin Precinct Structure Plan) of the Egg Farm at 359 McGlone Road, Drouin must be accompanied by a risk assessment prepared by a suitably experienced and qualified person. The risk assessment must acknowledge the existing egg farm operations and assess the adverse amenity impacts of the egg facility on the future use or development of the land for a sensitive use, providing sufficient confidence of the suitability of any sensitive use within the buffer designated in the Drouin Precinct Structure Plan.

Depending on the recommendations of the assessment a permit granted under this Schedule may contain a condition that the owner of the land to which the application applies enter into a Section 173 Agreement with the responsible authority and make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act. The agreement must:

- acknowledge the existence of the Egg Farm and the potential for impact from odour and other real and perceived amenity impacts; and
- require the owner to disclose to any intended purchaser, transferee, assignee, mortgagee, lessee, tenant or occupier the existence and nature of the agreement.

The relevant land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

3.3 Specific provision - Use or develop land for a sensitive purpose - Contamination assessment where no Environmental Audit Overlay (EOA) applies – Egg Farm 359 McGlone Road

Before the development associated with the subdivision starts, (this requirement does not apply to bore holes and excavation associated with an environmental site assessment), an environmental site assessment of the land by a suitably qualified environmental professional must be undertaken which provides information including:

- The nature of the previous and existing land use/activities on the land.
- An assessment of the potential level and nature of contamination on the land.
- Advice on whether the environmental condition of the land is suitable for the proposed uses/s and whether an environmental audit of all or part of the land is recommended having regard to the Potentially Contaminated Land General Practice Note June 2005 (DSE).

If an environmental assessment recommends an environmental audit of all or part of the land, then:

- Before the commencement of any use for a sensitive purpose; or
- Before any buildings or works; or
- Before the certification of a plan of subdivision;

whichever is earlier, in respect of all or that part of the land as the case may be, the following must be provided to the responsible authority, either:

- A certificate of environmental audit issued for the relevant land in accordance with Part 1XD of the Environment Protection Act 1970, or
- A statement by an environmental auditor appointed under the Environment Protection Act 1970, in accordance with Part 1XD of that Act that the environmental condition of the relevant land is suitable for a sensitive use (with or without conditions on the use of the site).

If a Statement of Environmental Audit is provided rather than a Certificate of Environmental Audit and the Statement of Environmental Audit indicates that the environmental conditions of the relevant land are suitable for a sensitive use subject to conditions, the owner of the land must enter
into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 before the issue of a Statement of Compliance or before the construction of any building on the relevant land, whichever is the earlier which details:

- Implementation of an on-going compliance with all conditions in the Statement of Environmental Audit; and
- The responsible authority’s reasonable legal costs and expenses of drafting/reviewing and registering the agreement to be borne by the owner of the relevant land.

### 3.4 Neighbourhood and Village Convenience Centre Urban Design Framework

Except with the consent of the responsible authority, a permit must not be granted to use or subdivide land, or construct a building and carry out works on land shown as a Neighbourhood or Village Convenience Centre until an urban design framework for the centre has been prepared to the satisfaction of the responsible authority.

An urban design framework approved under this schedule must be generally in accordance with the precinct structure plan applying to the land.

An application for use and/or development on land shown as a Neighbourhood or Village Convenience Centre must be consistent with any urban design framework approved under this schedule.

A permit may be granted to subdivide land or to construct a building or construct and carry out works prior to the approval of an urban design framework if, in the opinion of the responsible authority, the permit is consistent with the requirements for the urban design framework and the permit implements the objectives for a Neighbourhood or Village Convenience Centre as set out in the Drouin Precinct Structure Plan.

The responsible authority may allow an urban design framework to be prepared in stages.

The Urban Design Framework may be amended to the satisfaction of the responsible authority.

### 4.0 Conditions and requirements for permits

Refer to the precinct structure plan applying to the land.

### 5.0 Exemption from notice and review

None specified.

### 6.0 Decision guidelines

Permit applications to increase the retail floor area within the neighbourhood and village convenience centres must address and be assessed against the following decision guidelines:

- The local catchment and Precinct Structure Plan catchment demand for the proposed increase of retail floor area; and
- The effect on existing Drouin town centre.

### 7.0 Signs

The sign category for the land is the category specified in the zone applied zone to the land at Clause 2.2 of this schedule.

**Land and home sales signs**

Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- the display area for each sign does not exceed 10 square metres;
only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage;

- the sign is not animated, scrolling, electronic or internally illuminated sign;
- the sign is not displayed longer than 21 days after the sale (not settlement) of the last lot; and
- the sign is setback a minimum of 750 millimetres from the property boundary.

A permit may be granted to display a sign promoting the sale of land or homes on the land (or on adjoining land in the same ownership) with an area greater than 10 square metres.

8.0 Reference to a planning scheme zone is a reference to an applied zone

A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule.

Note: e.g. The General Residential Zone specifies ‘Car wash’ as a Section 2 Use with the condition, ‘The site must adjoin, or have access to, a road in a Road Zone.’ In this instance the condition should be read as, ‘The site must adjoin, or have access to, a road in a Road Zone or an applied Road Zone in the Urban Growth Zone schedule applying to the land’.

9.0 Specific provisions - Dwellings on a lot less than 300 square metres

A permit is not required to construct or extend one dwelling on a lot with an area less than 300 square metres where a site is identified as a lot to be assessed against the Small Lot Housing Code via a restriction on title, and it complies with the Small Lot Housing Code incorporated pursuant to Clause 72.04 of the Baw Baw Planning Scheme.
OVERLAYS

This section sets out the overlays which apply in this scheme.
ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To identify areas where the development of land may be affected by environmental constraints.
To ensure that development is compatible with identified environmental values.

Environmental significance and objectives

A schedule to this overlay must contain:

- A statement of environmental significance.
- The environmental objectives to be achieved.

Permit requirement

A permit is required to:

- Construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- Construct a fence if specified in a schedule to this overlay.
- Construct bicycle pathways and trails.
- Subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- Remove, destroy or lop any vegetation, including dead vegetation. This does not apply:
  - If a schedule to this overlay specifically states that a permit is not required.
  - If the table to Clause 42.01-3 specifically states that a permit is not required.
  - To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
</tbody>
</table>
### Class of application

- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.

### Subdivide land into 2 lots if:

- The construction of a building or the construction or carrying out of works on the land:
  - Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.
  - Has started lawfully.
- The subdivision does not create a vacant lot.

### Construct a fence.

Clause 59.05

### Remove, destroy or lop one tree.

Clause 59.06

### Construct a building or construct or carry out works for:

- A carport, garage, pergola, verandah, deck, shed or similar structure.
- A rainwater tank.

The buildings and works must be associated with a dwelling.

### Table of exemptions

#### The requirement to obtain a permit does not apply to:

<table>
<thead>
<tr>
<th>Emergency works</th>
<th>Vegetation that is to be removed, destroyed or lopped:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access or to enable emergency works; or</td>
</tr>
<tr>
<td></td>
<td>where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.</td>
</tr>
</tbody>
</table>

| Extractive industry | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority granted under that Act. |

<table>
<thead>
<tr>
<th>Fire protection</th>
<th>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of any of the following fire protection activities:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>fire fighting;</td>
</tr>
<tr>
<td></td>
<td>planned burning;</td>
</tr>
<tr>
<td></td>
<td>making or maintenance of a fuelbreak or fire fighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;</td>
</tr>
<tr>
<td></td>
<td>making of a strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987);</td>
</tr>
<tr>
<td></td>
<td>is ground fuel within 30 metres of a building and is vegetation other than native vegetation;</td>
</tr>
<tr>
<td></td>
<td>in accordance with a fire prevention notice issued under either:</td>
</tr>
</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.*

<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 <em>Geothermal Energy Resources Act 2005</em>.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greenhouse gas sequestration and exploration</td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the <em>Greenhouse Gas Geological Sequestration Act 2008</em>.</td>
</tr>
<tr>
<td>Land management or directions notice</td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the <em>Catchment and Land Protection Act 1994</em>.</td>
</tr>
<tr>
<td>Land use conditions</td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the <em>Catchment and Land Protection Act 1994</em>.</td>
</tr>
</tbody>
</table>
| Mineral exploration and mining             | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention licence issued under the *Mineral Resources (Sustainable Development) Act 1990*:
  - that is low impact exploration within the meaning of Schedule 4A of the *Mineral Resources (Sustainable Development) Act 1990*; or
  - in accordance with a work plan approved under Part 3 of the *Mineral Resources (Sustainable Development) Act 1990*.  
  *Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration.* |
| Noxious weeds                              | Vegetation that is a noxious weed subject of a declaration under section 58 or section 58A of the *Catchment and Land Protection Act 1994*. This exemption does not apply to Australian Dodder (*Cuscuta australis*). |
| Pest animal burrows                        | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows.  
  In the case of native vegetation the written agreement of an officer of the department responsible for administering the *Flora and Fauna Guarantee Act 1988* is required before the vegetation can be removed, destroyed or lopped. |
| Planted vegetation                         | Vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding for Crop raising or Grazing animal production. |
| Railways                                   | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*). |
| Regrowth                                   | Vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established vegetation, and is: |
The requirement to obtain a permit does not apply to:

- bracken (Pteridium esculentum); or
- within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation.

This exemption does not apply to land on which vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster.

**Road safety**

Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing public road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).

**Stone exploration**

Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.

The maximum extent of vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:

- 1 hectare of vegetation which does not include a tree.
- 15 trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.
- 5 trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

This exemption does not apply to costeasting 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 2 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO2.

SPECIAL WATER SUPPLY CATCHMENT AREAS

1.0 Statement of environmental significance

Approximately 35 percent of land in the Baw Baw Shire is located in water catchments that are used to provide water for urban, domestic and irrigation water supply.

These catchments are declared as Special Water Supply Catchment Areas as defined in the Catchment and Land Protection Act 1994 and provide water for areas within Baw Baw Shire and beyond its borders.

The supply of quality water depends on sound management of water supply catchments. Water supply catchments are large with water take-off occurring in the lower parts of the catchment it is important that land use or development within Special Water Supply Catchments is carefully managed to not adversely impact water quality.

Cumulative use or development in catchments over extended time periods has the potential to gradually diminish water quality and risk increase to human health. Managing use or development in catchments must focus on the long term protection of the natural asset and strongly encourage the implementation of measures to avoid detrimental impacts on water quality and quantity.

2.0 Environmental objective to be achieved

To protect and maintain water quality and quantity in Special Water Supply Catchment areas used for human consumption, domestic, industrial and rural water supply.

To ensure that development activity and land management practices are consistent with environmental values and the long term conservation of potable water supply resources.

To minimise the impact of development activities in Special Water Supply Catchment areas, practically near water supply take-off points and storage reservoirs.

To encourage the retention of native vegetation and the establishment of new vegetation cover, particularly with 30 metres of a waterway.

To consider the cumulative impact of development on Special Water Supply Catchments over an extended time period having regard to both climate variability and anticipated reduced inflows in catchments.

To ensure new development proposal meets best practice guidelines for agricultural, domestic, commercial and industrial wastewater treatment which result in reduced nutrient, pathogenic and sediment flows.

To protect public health from the risk of waterborne diseases.

3.0 Permit requirement

Except within the declared Tarago, Bunyip and Thomson water catchments, a permit is not required for any of the following:

- Buildings, works, subdivision of land or remove, destroy or lop any vegetation where reticulated sewerage is already provided to the lot.

- Buildings and works where they are located more than 100 metres from a waterway and/or more than 300 metres from a water supply reservoir or potable water supply take-off structure, other than:

- Buildings and works that will generate waste water or effluent requiring a permit under Section 53L of the Environment Protection Act 1970 (to construct, install or alter a septic tank system),
Buildings and works associated with the use of land for intensive animal husbandry or industry.

Buildings and works associated with 'informal outdoor recreation' or a 'Telecommunication facility' provided it does not require permanent onsite waste water or effluent treatment.

Buildings and works (including vegetation removal, destruction or lopping) undertaken by, or on behalf of a municipality or public authority which are necessary to control flooding, fight fires, abate fire risk or preserve public safety.

The removal, destruction or lopping of vegetation which is non-native to Victoria except where the vegetation is within 30 metres of a waterway, wetland, flood plain¹ or water reservoir².

Earthworks associated with timber production that meets all the relevant requirements of the Code of Practice for Timber Production 2007 (as amended).

A subdivision by a public authority, or a utility provider, provided the subdivision does not create a new lot within 100 metres of a waterway, wetland, flood plain¹ and/or within 300 metres from a water supply reservoir² or potable water supply take-off structure.

An outdoor sign or structure.

The following agriculture activities:
  - Windmills and solar units.

**Permit requirement explanatory note:**

Flood plain¹. For the purpose of this schedule a flood plain is land included in a planning scheme overlay flood control and land affected by the 100 year Average Recurrence Interval flood level (1 in 100 year flood level) recognised and mapped by the relevant floodplain management authority.

Water supply reservoir². The requirement for a planning permit within 300 metres of a water supply reservoir (measured from the full supply level) does not apply to proposals on land outside of the water supply reservoir capture slope (downhill of the reservoir) or any circumstance where the water supply reservoir is an above ground structure.

**Application requirements**

An application for buildings or works should include the following to the satisfaction of the responsible authority:

- A Land Capability Assessment (in accordance with EPA Publication 746.1 Land Capability Assessment for Onsite Domestic Wastewater Management (as amended)) demonstrating the land is capable of absorbing sewage and sullage effluent generated on the lot in accordance with the EPA Code of Practice - Onsite Wastewater Management (Publication 891.3) (as amended).

- A report, prepared by a suitable qualified person, demonstrating that:
  - The design of any wastewater treatment system will ensure that nutrient, pathogens or other pollutants from wastewater will not enter any waterway, wetland, flood plain or water supply reservoir or otherwise detrimentally affect the designated beneficial uses of groundwater or surface water.
  - How activities will be carried out and maintained to prevent erosion and the siltation of any waterway or wetland in accordance with EPA Victoria publication - Construction Techniques for Sediment Pollution Control 1991 (as amended).
- Any removal, destruction or lopping of native vegetation will not compromise the quality of water within proclaimed catchment areas.
- The siting of buildings and wastewater treatment systems will not adversely impact on the quality of water within declared catchment areas.

- Details of slope (including contours at an appropriate scale), soil type, extent of excavation and vegetation including details of new plantings to occur.

5.0 Decision guidelines

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

- The likely impacts of the proposed development on water quality and quality in the water supply catchment.
- The potential cumulative impact on development on the quality and quantity of water in the water supply catchment over extended periods of time.
- Whether new development proposals will lead to an increase in the amount of nutrients, pathogens or other pollutants.
- Whether subdivision and intensive farming activities in water supply catchments, especially in the lower parts of water supply catchments near take-off points are appropriate.
- Any relevant catchment management plan, policy, strategy or Ministerial Direction, including the Ministerial Guideline for Planning Permit Applications in Open Potable Water Supply Catchment Areas (as amended) or any superseding document.

6.0 Referral of applications

An application must be referred to the relevant water board or water supply authority under Section 55 of the Planning and Environment Act 1987, unless in the opinion of the responsible authority the proposal satisfies the requirements or conditions previously agreed in writing between the responsible authority and relevant water corporation.
SCHEDULE 3 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO3**.

**TRAFALGAR SAND RESOURCE**

1.0

**Statement of environmental significance**

The Trafalgar area contains a sand resource that is considered to be of State significance and which has the potential for development as a sand supply region for the Melbourne area in the medium to long term. The adjoins in part the Sweetwater Creek Flora and Fauna Reserve. Environmental values of the area require appropriate planning protection.

2.0

**Environmental objective to be achieved**

To provide a basis for the long term protection of sand resources from sterilisation by inappropriate development.

To provide a basis for the long term availability of sand resources for use by the community with minimal detriment to the environment.

To assist in considering extractive industry values in long term strategic planning as well as local strategy plans.

To ensure that planning or responsible authorities consult with all relevant agencies about land use proposals which may impact on the reduction of stone resources within these areas.

To ensure uses of sand resource areas are compatible with the potential future extraction of the resources.

To enable appropriate areas of sand deposits to be extracted in a manner which protects environmental and social values.

To protect the water quality of adjacent watercourses and catchment.

To provide for progressive rehabilitation of sand extraction sites to a condition suitable for an appropriate end use having regard to:

- Environmental, agriculture or water quality issues.
- Compatibility with adjacent land uses.

3.0

**Permit requirement**

A permit is not required for:

- Buildings and works involved with the construction, alteration or extension of a dwelling or dependent persons unit on the land.
- Buildings and works involved with the construction, alteration or extension of an outbuilding where that outbuilding has and will have a floor area less than 200 square metres.
- Earthworks ancillary to any of the above.

All applications for development must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause.

A permit is not required to remove, destroy or lop any vegetation if:

- The vegetation is not native vegetation.
- The vegetation is an environmental weed (as defined in the following table)
<table>
<thead>
<tr>
<th>Common name</th>
<th>Botanical name</th>
</tr>
</thead>
<tbody>
<tr>
<td>African Boxthorn*</td>
<td>Lycium ferocissimum</td>
</tr>
<tr>
<td>African Feather Grass*</td>
<td>Pennistum macrourum</td>
</tr>
<tr>
<td>African Lily or Agapanthus</td>
<td>Agapanthus praecox ssp. orientalis</td>
</tr>
<tr>
<td>African Lovegrass*</td>
<td>Eragrostis curvula</td>
</tr>
<tr>
<td>African Olive</td>
<td>Olea europaea var.cuspidata</td>
</tr>
<tr>
<td>Alkante</td>
<td>Pentaglottis sempervirens</td>
</tr>
<tr>
<td>Alligator weed*</td>
<td>Alternanthera philoxeroidiales</td>
</tr>
<tr>
<td>American Aspen</td>
<td>Populus tremuloides</td>
</tr>
<tr>
<td>Angled Onion*</td>
<td>Allium triquetrum</td>
</tr>
<tr>
<td>Apple</td>
<td>Malus spp</td>
</tr>
<tr>
<td>Artichoke Thistle</td>
<td>Cynara cardunculus</td>
</tr>
<tr>
<td>Asparagus Fern</td>
<td>Myrsiphyllum scandens</td>
</tr>
<tr>
<td>Banana Passionfruit</td>
<td>Passiflora tarminiana (syn.P mollissima)</td>
</tr>
<tr>
<td>Belladonna Lily</td>
<td>Amaryllis belladonna</td>
</tr>
<tr>
<td>Berry-flower Heath</td>
<td>Erica baccans</td>
</tr>
<tr>
<td>Black Locust</td>
<td>Rubus pseudacacia</td>
</tr>
<tr>
<td>Blackberry*</td>
<td>Rubus fruticosos spp. agg.</td>
</tr>
<tr>
<td>Blue Periwinkle</td>
<td>Vinca major</td>
</tr>
<tr>
<td>Blue Psoralea or Blue Butterfly Bush</td>
<td>Psoralea pinnata</td>
</tr>
<tr>
<td>Bluebell Creeper</td>
<td>Sollya heterophylla</td>
</tr>
<tr>
<td>Boneseed*</td>
<td>Chrysantheroides monilifera</td>
</tr>
<tr>
<td>Bridal Creeper</td>
<td>Asparagus asparagoides</td>
</tr>
<tr>
<td>Bulbil Watsonia*</td>
<td>Watsonia meriana var. bulbilifera</td>
</tr>
<tr>
<td>Butterfly Bush</td>
<td>Buddleia davidii, B. madagascariensis</td>
</tr>
<tr>
<td>Cactus Pears</td>
<td>Opuntia spp.</td>
</tr>
<tr>
<td>Camphor Laurel</td>
<td>Cinnamomum camphora</td>
</tr>
<tr>
<td>Cape Broom*</td>
<td>Genista monspessulana</td>
</tr>
<tr>
<td>Cape Ivy</td>
<td>Delairea odorata</td>
</tr>
<tr>
<td>Cape Tulips*</td>
<td>Moraea spp.</td>
</tr>
<tr>
<td>Cape Wattle</td>
<td>Paraserianthid ispantha var lophontha</td>
</tr>
<tr>
<td>Cedar Wattle</td>
<td>Acacia elate</td>
</tr>
<tr>
<td>Cestrum</td>
<td>Cestrum elegans</td>
</tr>
<tr>
<td>Cherry laurel</td>
<td>Prunus laurocerasus</td>
</tr>
<tr>
<td>Cherry Plum</td>
<td>Prunus cerasifera</td>
</tr>
<tr>
<td>Chilean Needle – grass*</td>
<td>Nassella neesiana</td>
</tr>
<tr>
<td>Common Bindweed*</td>
<td>Convolvulus arvensis</td>
</tr>
<tr>
<td>Common Dipogon or Dolichos Pea</td>
<td>Dipogon lignosus</td>
</tr>
<tr>
<td>Common Forget-me-not</td>
<td>Myosotis sylatica</td>
</tr>
<tr>
<td>Cootamundra Wattle</td>
<td>Acacia baileyana</td>
</tr>
<tr>
<td>Cotoneaster</td>
<td>Cotoneaster spp.</td>
</tr>
<tr>
<td>Creeping Buttercup</td>
<td>Ranunculus repens</td>
</tr>
<tr>
<td>Darwin's Berberry</td>
<td>Berberis darwinii</td>
</tr>
<tr>
<td>Desert Ash</td>
<td>Fraxinus angustifolia ssp angustifolia (syn F.oxycarpa)</td>
</tr>
<tr>
<td>Dietes</td>
<td>Dietes grandiflora, D.bicolor</td>
</tr>
<tr>
<td>Drain Flat - sedge</td>
<td>Cyperus eragrostis</td>
</tr>
<tr>
<td>Common name</td>
<td>Botanical name</td>
</tr>
<tr>
<td>--------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>Drooping Prickly Pear*</td>
<td>Opuntia monacantha</td>
</tr>
<tr>
<td>Early Black Wattle</td>
<td>Acacia decurrens</td>
</tr>
<tr>
<td>English Broom*</td>
<td>Cytisus scoparius</td>
</tr>
<tr>
<td>English Ivy</td>
<td>Hedra helix</td>
</tr>
<tr>
<td>Euryops</td>
<td>Euryops abrotanifolius</td>
</tr>
<tr>
<td>Evening Primrose</td>
<td>Oenothera stricta</td>
</tr>
<tr>
<td>Evergreen Dogwood</td>
<td>Cornus capitata</td>
</tr>
<tr>
<td>Fennel*</td>
<td>Foeniculum vulgare</td>
</tr>
<tr>
<td>Firethorns</td>
<td>Pyracantha spp.</td>
</tr>
<tr>
<td>Flax Leaf Broom*</td>
<td>Genista linifolia</td>
</tr>
<tr>
<td>Fountain Grass</td>
<td>Pennisetum setaceum</td>
</tr>
<tr>
<td>Fragrant Violet</td>
<td>Viola odorata</td>
</tr>
<tr>
<td>Freesia</td>
<td>Freesia alba x lechtlinii</td>
</tr>
<tr>
<td>Gazania</td>
<td>Gazania linerraris</td>
</tr>
<tr>
<td>Giant Honey Myrtle</td>
<td>Melaleuca armillaris</td>
</tr>
<tr>
<td>Golden Wreath Wattle</td>
<td>Acacia saligna</td>
</tr>
<tr>
<td>Gorse*</td>
<td>Ulex europaeus</td>
</tr>
<tr>
<td>Great Mullein*</td>
<td>Verbascum thapsus</td>
</tr>
<tr>
<td>Harlequin Flowers</td>
<td>Sparaxis spp.</td>
</tr>
<tr>
<td>Hawthorn*</td>
<td>Crategus monogyna</td>
</tr>
<tr>
<td>Hemlock*</td>
<td>Conium maculatum</td>
</tr>
<tr>
<td>Himalayan Honeysuckle</td>
<td>Leycesteria formosa</td>
</tr>
<tr>
<td>Holly</td>
<td>Ilex aquifolium</td>
</tr>
<tr>
<td>Honey Myrtle</td>
<td>Melaleuca hypericifolia</td>
</tr>
<tr>
<td>Italian Buckthorn</td>
<td>Rhamnus alaternus</td>
</tr>
<tr>
<td>Japanese Honeysuckle</td>
<td>Lonicera japonica</td>
</tr>
<tr>
<td>Karamu</td>
<td>Coprosma robusta</td>
</tr>
<tr>
<td>Karo</td>
<td>Pittosporum crassifolium</td>
</tr>
<tr>
<td>Kikuyu</td>
<td>Pennisetum clandestinum</td>
</tr>
<tr>
<td>Lantana*</td>
<td>Lantana camara</td>
</tr>
<tr>
<td>Laurestinus</td>
<td>Viburnum tinus</td>
</tr>
<tr>
<td>Manna Ash</td>
<td>Fraxinus ornus</td>
</tr>
<tr>
<td>Montbretia</td>
<td>Crocosmia x crocosmiifolia</td>
</tr>
<tr>
<td>Monterey Pine or Radiata Pine</td>
<td>Pinus radiata</td>
</tr>
<tr>
<td>Morning Glory</td>
<td>Ipomoea indica</td>
</tr>
<tr>
<td>Myrtle Leaf Milkwort</td>
<td>Polygala myrtifolia</td>
</tr>
<tr>
<td>New Zealand Mirror Bush or Taupata</td>
<td>Coprosma repens</td>
</tr>
<tr>
<td>Olive</td>
<td>Olea europaea var. europaea</td>
</tr>
<tr>
<td>Ox – eye Daisy*</td>
<td>Leucanthemum vulgare</td>
</tr>
<tr>
<td>Pampas Grass</td>
<td>Cortaderai selloana</td>
</tr>
<tr>
<td>Patersons Curse*</td>
<td>Echium plantagineum</td>
</tr>
<tr>
<td>Pepper Tree</td>
<td>Schinus areira</td>
</tr>
<tr>
<td>Peruvian Lily</td>
<td>Alstromeria aurea</td>
</tr>
<tr>
<td>Plum</td>
<td>Prunus spp.</td>
</tr>
<tr>
<td>Portugal Laurel</td>
<td>Prunus lusitanica</td>
</tr>
<tr>
<td>Common name</td>
<td>Botanical name</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>---------------------------------------------------</td>
</tr>
<tr>
<td>Prickly Pear*</td>
<td>Opuntia aurantiaca</td>
</tr>
<tr>
<td>Privet</td>
<td>Ligustrum vulgare</td>
</tr>
<tr>
<td>Quaking Grass</td>
<td>Briza maxima</td>
</tr>
<tr>
<td>Ragwort*</td>
<td>Senecia jacobaea</td>
</tr>
<tr>
<td>Sallow Wattle</td>
<td>Acacia longifolia</td>
</tr>
<tr>
<td>Shasta Daisy</td>
<td>Chrysanthem maximum</td>
</tr>
<tr>
<td>Silky Oak</td>
<td>Grevillea robusta</td>
</tr>
<tr>
<td>Smilax</td>
<td>Myrsiphyllum asparagoides</td>
</tr>
<tr>
<td>Spanish Heath</td>
<td>Erica lusitanica</td>
</tr>
<tr>
<td>Spear Thistle*</td>
<td>Cirsium vulgarare</td>
</tr>
<tr>
<td>Spiny Rush*</td>
<td>Juncus acutus</td>
</tr>
<tr>
<td>St Johns Wort*</td>
<td>Hypericum perforatum</td>
</tr>
<tr>
<td>Sticky Hop Bush</td>
<td>Dodonaea viscosa</td>
</tr>
<tr>
<td>Strawberry Tree</td>
<td>Arbutus unedo</td>
</tr>
<tr>
<td>Sugar Gum</td>
<td>Eucalyptus cladocalyx</td>
</tr>
<tr>
<td>Swamp Foxtail - grass</td>
<td>Pennisetum alopecuroides</td>
</tr>
<tr>
<td>Sweet Briar or Briar Rose or Wild Rose</td>
<td>Rosa rubiginosa</td>
</tr>
<tr>
<td>Sweet Pea</td>
<td>Lathyrus latifolius</td>
</tr>
<tr>
<td>Sweet Pittosporum</td>
<td>Pittosporum undulatum</td>
</tr>
<tr>
<td>Sycamore Maple</td>
<td>Acer pseudoplatanus</td>
</tr>
<tr>
<td>Tall Fleabane</td>
<td>Conyza bonariensis</td>
</tr>
<tr>
<td>Tiger Pear</td>
<td>Opuntia aurantiaca</td>
</tr>
<tr>
<td>Topped Lavender*</td>
<td>Lavendula stoechas</td>
</tr>
<tr>
<td>Tree Lucerne</td>
<td>Cytisis palmensis</td>
</tr>
<tr>
<td>Tree Tobacco</td>
<td>Solanum mauritianum</td>
</tr>
<tr>
<td>Tutsan*</td>
<td>Hypericum androsaemum</td>
</tr>
<tr>
<td>Wandering Trad (formerly Wandering Jew)</td>
<td>Tradescantia fluminensis</td>
</tr>
<tr>
<td>Water Hyacinth</td>
<td>Eichhornia crassipes</td>
</tr>
<tr>
<td>Watsonia</td>
<td>Watsonia spp.</td>
</tr>
<tr>
<td>Wheel Cactus*</td>
<td>Opuntia robusta</td>
</tr>
<tr>
<td>White Arum Lily</td>
<td>Zantedeschia aethiopica</td>
</tr>
<tr>
<td>White Sallow Wattle</td>
<td>Acacia floribunda</td>
</tr>
<tr>
<td>Wild Oat</td>
<td>Avena fatua</td>
</tr>
<tr>
<td>Willow Hakea</td>
<td>Hakea salicifolia</td>
</tr>
<tr>
<td>Willows*</td>
<td>Salix spp.</td>
</tr>
<tr>
<td>Wood Violet</td>
<td>Viola riviniana</td>
</tr>
</tbody>
</table>

* Declared noxious weeds – includes State Prohibited Weeds, Regionally Prohibited Weeds, Regionally Controlled Weeds and Restricted Weeds

## 4.0 Application requirements

None required.
Decision guidelines

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

Interim uses of resources areas

- Whether the development of land within the area will adversely effect the future extraction of the underlying sand resource.
- The suitability of rehabilitation plans prepared for the site.

Water quality

- Whether all reasonable measures to ensure that the operation will not diminish the quality of any groundwater or any surface water beyond the site have been taken.

Transport infrastructure

- Whether a transport infrastructure plan has been prepared and the level of upgrading or financial contribution proposed.

A transport infrastructure plan will consider:

- The capacity of existing road infrastructure.
- The proposed heavy vehicle use emanating from the extractive industry.
- The carrying capacity and safety of alignment for heavy vehicles.
- The drainage, bridges and stormwater infrastructure.
- The demonstrated need for road improvements.
- The apportionment of cost with other heavy vehicles users.
- Whether the upgrading is required as a direct consequence of quarry vehicles.

Landscape quality

- Whether measures have been taken to ensure that the proposal does not have an adverse visual impact.
SCHEDULE 4 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO4.

PROTECTION OF GIANT GIPPSLAND EARTHWORM AND HABITAT AREAS

1.0 Statement of environmental significance

The Giant Gippsland Earthworm \((Megascolides australis)\) is listed as a threatened species under both Commonwealth \((Environment Protection and Biodiversity Conservation Act 1999)\) and State \((Flora and Fauna Guarantee Act 1988)\) legislation. The species is one of the largest known earthworms in the world, with an average length of 80 centimetres. The distribution of the worm is restricted to approximately 40,000 hectares in an area bounded by Loch, Korumburra and Warragul in West and South Gippsland. However, within this distribution, suitable habitat for the species is restricted to very small areas; generally in moist, blue-grey clay soils on flats near the banks of streams or along soaks and watercourses on south or west-facing slopes.

Colonies of the Giant Gippsland Earthworm may range in size from a few individuals to many hundreds. Factors thought to influence the distribution of the Giant Gippsland Earthworm include the nature and depth of soil, microtopography, aspect, subsoil and hydrology. The species spends most of its life within the top 1.5-metres of soil, feeding on roots and soil organic matter. The Giant Gippsland Earthworm plays an important role in the maintenance of soil fertility and soil structure, contributing to the high agricultural value of the region.

The Giant Gippsland Earthworm lays only a single egg capsule during the breeding season in spring and early summer. The species reduced capacity to grow its population is also associated with a slow growth rate and poor dispersal ability. The species also lacks the ability to recover from even slight wounds. These factors predispose the Giant Gippsland Earthworm to being particularly sensitive to development activities that may result in the direct destruction of earthworm habitat, changes to hydrology (including underground water), application of chemicals and dispersal of effluent or physical soil disturbance. Climate change has also been identified as a potential threat to the species.

2.0 Environmental objective to be achieved

To protect and maintain populations and habitat of Giant Gippsland Earthworm.

To ensure that the type, density, design and layout of works or development avoids and/or minimises adverse impacts on individuals, colonies or the habitat requirements of the Giant Gippsland Earthworm.

3.0 Permit requirement

A permit is required to undertake new roadworks not associated with the maintenance of an existing road.

A permit is not required to construct the following buildings or to construct or carry out the following works:

- Buildings and works on land parcels less than 8000 square metres within a Residential, Township or Industrial Zone.
- An alteration or extension to a dwelling provided the floor area of the alteration or extension is not more than 100 square metres.
- Establishment of a replacement building or dwelling generally within the same construction footprint.

A permit is not required to construct a building or to construct or carry out works if a Giant Gippsland Earthworm Land Management Plan has been approved by the Department of Environment, Land, Water and Planning and the Responsible Authority.
Application requirements

The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Clear and precise details of the buildings and works proposed to be undertaken, including any proposed ground disturbance or changes to hydrology or drainage.
- Description of the purpose for which the development is to be undertaken.
- Detailed scale map or recent aerial photograph of the subject land indicating north and showing:
  - property boundaries and dimensions;
  - proposed works site;
  - all waterways, including creeks, streams, soaks, seepages or wetlands within and adjacent works site;
  - contour intervals; and
  - the locality of Giant Gippsland Earthworm habitat affected by the proposal.
- An assessment of impacts of the proposal on Giant Gippsland Earthworm habitat. This assessment must be conducted by a suitably qualified person, and be in accordance with the Reference Document Giant Gippsland Earthworm Environmental Significance Overlay June 2011.
- Details on how the application has attempted to avoid, minimise or offset negative impact on Giant Gippsland Earthworm habitat.
- For proposed, large-scale developments (e.g., subdivisions greater than 5 lots, establishment of timber plantations) where Giant Gippsland Earthworm is known to occur, a proposed monitoring program may be required to be submitted with the application, at council’s discretion. This monitoring program must provide detail on a methodology for evaluating the success of avoidance or mitigation measures provided within the subdivision to protect habitat or colonies of the species.

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.

Decision guidelines

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

- Whether the proposal conflicts with the objectives of the overlay;
- Whether the proposal can be accommodated on land considered not to contain Giant Gippsland Earthworm habitat;
- The significance of a site with respect to Giant Gippsland Earthworm habitat extent, quality and connectivity, population density or genetic distinctiveness;
- Opportunity to offset the negative impacts of a proposal on Giant Gippsland Earthworm;
- Whether the proposal conforms to the statutory requirements of the Environment Protection and Biodiversity Conservation Act 1999 or the Flora and Fauna Guarantee Act 1988;
- Whether the proposal conforms to the statutory requirements of the Water Act 1989.
VEGETATION PROTECTION OVERLAY

Shown on the planning scheme map as VPO with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To protect areas of significant vegetation.
To ensure that development minimises loss of vegetation.
To preserve existing trees and other vegetation.
To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.
To maintain and enhance habitat and habitat corridors for indigenous fauna.
To encourage the regeneration of native vegetation.

Vegetation significance and objectives

A schedule to this overlay must contain:

- A statement of the nature and significance of the vegetation to be protected.
- The vegetation protection objectives to be achieved.

Permit requirement

A permit is required to remove, destroy or lop any vegetation specified in a schedule to this overlay.

This does not apply:

- If the table to Clause 42.02-3 specifically states that a permit is not required.
- To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remove, destroy or lop one tree.</td>
<td>Clause 59.06</td>
</tr>
</tbody>
</table>

Table of exemptions

The requirement to obtain a permit does not apply to:

Emergency works

Vegetation that is to be removed, destroyed or lopped:

- in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access or to enable emergency works; or
- where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.

Extractive industry

Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority granted under that Act.
### The requirement to obtain a permit does not apply to:

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
</table>
| **Fire protection**                    | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of any of the following fire protection activities:                                                                                          - fire fighting;  
- planned burning;  
- making or 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.                                                                                     |
| **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.                                                                                                                      |
The requirement to obtain a permit does not apply to:

<table>
<thead>
<tr>
<th>Category</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. |
| Surveying       | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the Surveying Act 2004) using hand-held tools to establish a sightline for the measurement of land. |
| Traditional owners | Vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:  
  - a natural resources agreement under Part 6 of the Traditional Owners Settlement Act 2010; or  
  - an authorisation order made under sections 82 or 84 of the Traditional Owners Settlement Act 2010 as those sections were in force immediately before the commencement of section 24 of the Traditional Owners Settlement Amendment Act in 2016 (1 May 2017). |

Application requirements
An application must be accompanied by any information specified in a schedule to this overlay.

Decision guidelines
Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:
- The statement of the nature and significance of the vegetation to be protected and the vegetation protection objective contained in a schedule to this overlay.
- The effect of the proposed use, building, works or subdivision on the nature and type of vegetation to be protected.
- The role of native vegetation in conserving flora and fauna.
- The need to retain native or other vegetation if it is rare, supports rare species of flora or fauna or forms part of a wildlife corridor.
- The need to retain vegetation which prevents or limits adverse effects on ground water recharge.
- The need to retain vegetation:
  - Where ground slopes exceed 20 percent.
  - Within 30 metres of a waterway or wetland.
  - On land where the soil or subsoil may become unstable if cleared.
  - On land subject to or which may contribute to soil erosion, slippage or salinisation.
  - In areas where the removal, destruction or lopping of vegetation could adversely affect the integrity or long term preservation of an identified site of scientific, nature conservation or cultural significance.
  - Which is of heritage or cultural significance.
- The need to remove, destroy or lop vegetation to create a defendable space to reduce the risk of bushfire to life and property.
- Any relevant permit to remove, destroy or lop vegetation in accordance with a land management plan or works program.
- Whether the application includes a land management plan or works program.
- Whether provision is made or is to be made to establish and maintain vegetation elsewhere on the land.
- Any other matters specified in a schedule to this overlay.
SCHEDULE 1 TO CLAUSE 42.02 VEGETATION PROTECTION OVERLAY

ROKEBY

1.0

Statement of nature and significance of vegetation to be protected

Land covered by VPO1 has approximately 7 hectares of remnant vegetation that is part of a Rural Living Zone which contains no other substantial vegetation. The area is representative of a depleted vegetation resource in the surrounding area.

2.0

Vegetation protection objectives to be achieved

To ensure that any buildings or works are sited and designed having regard to the value of remnant vegetation.

To avoid indiscriminate loss of remnant vegetation.

3.0

Permit requirement

None specified.

4.0

Application requirements

None specified.

5.0

Decision guidelines

None specified.
42.03

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>The requirement to obtain a permit does not apply to:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Emergency works</strong></td>
<td>Vegetation that is to be removed, destroyed or lopped:</td>
</tr>
<tr>
<td></td>
<td>• in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access or to enable emergency works; or</td>
</tr>
<tr>
<td></td>
<td>• where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.</td>
</tr>
<tr>
<td><strong>Extractive industry</strong></td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority granted under that Act.</td>
</tr>
<tr>
<td><strong>Fire protection</strong></td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of any of the following fire protection activities:</td>
</tr>
<tr>
<td></td>
<td>• fire fighting;</td>
</tr>
<tr>
<td></td>
<td>• planned burning;</td>
</tr>
<tr>
<td></td>
<td>• making or 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><strong>Note:</strong> Additional permit exemptions for bushfire protection are provided at Clause 52.12.</td>
<td></td>
</tr>
<tr>
<td><strong>Geothermal energy exploration and extraction</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>Greenhouse gas sequestration and exploration</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>Land management or directions notice</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>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 extraction</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>
</tbody>
</table>
The requirement to obtain a permit does not apply to:

- that is low impact exploration within the meaning of Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990; or
- in accordance with a work plan approved under Part 3 of the Mineral Resources (Sustainable Development) Act 1990.

Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration.

<table>
<thead>
<tr>
<th>Noxious weeds</th>
<th>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).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pest animal burrows</td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows. In the case of native vegetation the written agreement of an officer of the department responsible for administering the Flora and Fauna Guarantee Act 1988 is required before the vegetation can be removed, destroyed or lopped.</td>
</tr>
<tr>
<td>Planted vegetation</td>
<td>Vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding for Crop raising or Grazing animal production.</td>
</tr>
<tr>
<td>Railways</td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).</td>
</tr>
<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>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. 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>Surveying</td>
<td>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.</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 CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO1.

STRZELECKI RANGES

1.0

Statement of nature and key elements of landscape

The north face of the Strzelecki Ranges presents a landscape of diversity where cleared land, remnant vegetation and timber plantations co-exist. No dominant built development exists and yet houses and narrow roads climb from the valley floor and foothills adjoining the Princes Highway between Yarragon and Trafalgar.

2.0

Landscape character objectives to be achieved

To protect the natural beauty and landscape form of the Strzelecki Range.
To protect the rural landscape from insensitively designed development.
To maintain and protect the diversity of landscapes, native fauna, remnant vegetation and sites of historical, botanical and zoological significance.
To provide for the development of tourism oriented activities which complement the landscape of the Strzelecki Ranges.
To recognise and protect the landscape and conservation features of the Strzelecki Ranges.
To protect the Ranges and the surrounding landscapes from visual intrusion and inappropriate development.

3.0

Permit requirement

Buildings and works

A permit is not required for any of the following:

- Extensions or alterations to an existing dwelling or outbuilding, on the condition that the walls and roof of the building are either consistent in external appearance with the existing building which is being extended or altered, or clad in colours considered by the responsible authority to be in keeping with the rural character of the area.

- Construction of an outbuilding ancillary to a dwelling and up to 50 square metres in floor area or a dependent persons unit on the land, on the condition that the walls and roof of the building are clad in colours considered by the responsible authority to be in keeping with the rural character of the area.

- Earthworks ancillary to any of the above.

Removal of vegetation

A permit is required to remove, destroy or lop any native vegetation (whether dead or alive).

Referral of applications

An application must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause.

4.0

Application requirements

None specified.
Decision guidelines

Development of land

Before deciding on an application, the responsible authority must consider the protection of the environment, visual and aesthetic qualities, and the long term use of the land.
SCHEDULE 3 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as SLO3.

TOORONGO VALLEY

1.0

Statement of nature and key elements of landscape

The continuous strip of riparian forest and wet sclerophyll forest in the Toorongo Valley retains a high level of naturalness and includes scenic fern gullies.

2.0

Landscape character objectives to be achieved

To maintain and enhance the natural beauty and amenity of land in the Toorongo Valley.

To provide for Rural Living and Low Density Residential and recreational development in such a way as to ensure that is not detrimental to the natural beauty and amenity of the area.

To prevent developments likely to be harmful to or incompatible with the natural beauty and amenity of the area.

3.0

Permit requirement

A permit is required to construct a building or to construct or carry out works:

- If sited on a slope of greater than 20 per cent.
- If sited less than 100 metres from the Toorongo River or a Reserved Forest boundary.
- If sited less than 50 metres from a road alignment, 30 metres from any other watercourse or stream reserve boundary or 5 metres from any other lot boundary.

A permit is required to remove, destroy or lop any native vegetation (whether dead or alive).

An application must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause.

4.0

Application requirements

None specified.

5.0

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The likely impact of the proposed development on the fauna, flora and stream ecology of the area.
- The natural beauty of the area.
- The likely impact of the proposed use, or development on existing utility and community services.
- The need to prevent or reduce erosion.
- The value of the natural vegetation in terms of its physical condition, rarity and variety.
- The value of the natural vegetation as a refuge or habitat for wildlife and the likely effect of the works on the wildlife of the area.
- The potential effect of the works on the soil.
- The future development of the land and whether planting, replanting or other treatment should be undertaken on any part of the land.
HERITAGE OVERLAY

Shown on the planning scheme map as HO with a number (if shown).

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To conserve and enhance heritage places of natural or cultural significance.
To conserve and enhance those elements which contribute to the significance of heritage places.
To ensure that development does not adversely affect the significance of heritage places.
To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

Scope

The requirements of this overlay apply to heritage places specified in the schedule to this overlay. A heritage place includes both the listed heritage item and its associated land. Heritage places may also be shown on the planning scheme map.

Permit requirement

A permit is required to:

- Subdivide land.
- Demolish or remove a building.
- Construct a building or construct or carry out works, including:
  - Domestic services normal to a dwelling if the services are visible from a street (other than a lane) or public park.
  - A solar energy system attached to a building that primarily services the land on which it is situated if the services are visible from a street (other than a lane) or public park.
  - A rainwater tank if the rainwater tank is visible from a street (other than a lane) or public park.
  - A fence, if the fence is visible from a street (other than a lane) or public park.
  - Roadworks which change the appearance of a heritage place or which are not generally undertaken to the same details, specifications and materials.
  - Street furniture other than:
    - traffic signals, traffic signs, fire hydrants, parking meters, post boxes and seating.
    - speed humps, pedestrian refuges and splitter islands.
  - A domestic swimming pool or spa and associated mechanical and safety equipment, if the swimming pool or spa and associated equipment are visible from a street (other than a lane) or public park.
  - A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
  - A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level, if the deck is visible from a street (other than a lane) or public park.
  - Non-domestic disabled access, excluding a non-domestic disabled access ramp if the ramp is not visible from a street (other than a lane) or public park.
- An electric vehicle charging station if the charging station is visible from a street (other than a lane) or public park.
- Services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar, if the works are visible from a street (other than a lane) or public park.

- Externally alter a building by structural work, rendering, sandblasting or in any other way.
- Construct or display a sign.
- Externally paint a building if the schedule to this overlay specifies the heritage place as one where external paint controls apply.
- Externally paint an unpainted surface.
- Externally paint a building if the painting constitutes an advertisement.
- Internally alter a building if the schedule to this overlay specifies the heritage place as one where internal alteration controls apply.
- Carry out works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials.
- Remove, destroy or lop a tree if the schedule to this overlay specifies the heritage place as one where tree controls apply. This does not apply:
  - To any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the *Electricity Safety Act 1998*.
  - If the tree presents an immediate risk of personal injury or damage to property.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where the area of either lot is reduced by less than 15 percent and the general direction of the common boundary does not change.</td>
<td>Clause 59.07</td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
<td></td>
</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>
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<th>Aboriginal heritage place?</th>
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<tbody>
<tr>
<td>ADA</td>
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<td></td>
<td></td>
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<tr>
<td>HO245</td>
<td>New Ada Mill</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H1820</td>
<td></td>
<td>-</td>
<td>-</td>
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<tr>
<td></td>
<td>Walk into History Track, Ada</td>
<td></td>
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<tr>
<td>HO247</td>
<td>New Federal Mill</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H1821</td>
<td></td>
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<tr>
<td></td>
<td>Upper Yarra Walking Track, Ada</td>
<td></td>
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<tr>
<td>HO258</td>
<td>Mountain Ash, Ada River Valley, off Federal Track</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
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</tbody>
</table>

BRANDY CREEK

<p>| HO168            | 2 Norfolk Island pines - Araucaria heterophylla. The heritage place comprises the two trees within the road reserve at the north-west corner of Old Sale Road. | No | No | Yes. Norfolk Island pines - Araucaria heterophylla | No | No | No | No |</p>
<table>
<thead>
<tr>
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<th>Aboriginal heritage place?</th>
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</thead>
<tbody>
<tr>
<td>HO197</td>
<td>Weatherboard cottage</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td></td>
<td>8 Lamport Lane, Brandy Creek</td>
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<td>Incorporated Plan:</td>
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<tr>
<td>HO200</td>
<td>Cork Oak Quercus suber and Spanish Chestnut Castanea sativa trees</td>
<td>No</td>
<td>No</td>
<td>Yes. Cork Oak Quercus suber and Spanish Chestnut Castanea sativa trees</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td></td>
<td>Old Sale Road, Brandy Creek</td>
<td></td>
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<tr>
<td>HO201</td>
<td>2 English Elm trees (in creek reserve)- Ulmus procera</td>
<td>No</td>
<td>No</td>
<td>Yes. English Elm trees (in creek reserve)- Ulmus procera</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
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<td>Old Sale Road, Brandy Creek</td>
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<tr>
<td>BULN BULN</td>
<td>Buln Buln Primary School</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>15 Old Sale Road, Buln Buln</td>
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<td>HO46</td>
<td>Weatherboard house and mature deciduous tree</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td></td>
<td>18 Old Sale Road, Buln Buln</td>
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<td>Included on the Victorian Heritage Register under the Heritage Act 2017?</td>
<td>Prohibited uses permitted?</td>
<td>Aboriginal heritage place?</td>
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<tr>
<td>HO47</td>
<td>St James Anglican church 2 Platts Road, Buln Buln</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>HO44</td>
<td>Buln Buln Recreation Reserve trees: The heritage place comprises the six Algerian Oak trees facing Old Sale Road, Old Sale Road (North Side), Buln Buln.</td>
<td>No</td>
<td>No</td>
<td>Yes, six Algerian Oaks</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO169</td>
<td>Weatherboard house and stables (Count von Horn) Brandy Creek Rd N.E. cnr. Cazaly’s Road, Warragul</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO202</td>
<td>Avenue of Honour - English Elm trees. The heritage place comprises the English elms on the south side of Old Sale Road</td>
<td>No</td>
<td>No</td>
<td>Yes. English Elm trees</td>
<td>No</td>
<td>No</td>
<td>No</td>
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</tbody>
</table>
### Aboriginal heritage place?

**Prohibited uses permitted?**

Included on the Victorian Heritage Register under the Heritage Act 2017?

Outbuildings or fences which are not exempt under Clause 43.01-3

**Internal alteration controls apply?**

**Tree controls apply?**

**External paint controls apply?**

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<tr>
<td>HO203</td>
<td>English Oak tree Quercus robur, The Oaks Old Sale Road, Buln Buln (south side of Christies Road)</td>
<td>No</td>
<td>No</td>
<td>Yes. English Oak tree Quercus robur</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO205</td>
<td>The Grange; The heritage place comprises the weatherboard residence and mature planting, 1305 Old Sale Road, Buln Buln (north east corner of Bloomfield Road). Incorporate Plan: Heritage Permit Exemptions</td>
<td>No</td>
<td>No</td>
<td>Yes. Mature planting</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO263</td>
<td>Childers Primary School No. 2350 (former) 984 Allambee-Childers Road, Childers Incorporate Plan: Heritage Permit Exemptions</td>
<td>No</td>
<td>No</td>
<td>Yes. The mature exotic trees in the school grounds.</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>HO264</td>
<td>St Stephen’s Church of England (former), 13-14 Wells Road, Childers</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>HO265</td>
<td>Childers Methodist Church (former), 6 Wells Road, Childers.</td>
<td>No</td>
<td>No</td>
<td>Yes. Mature cypress and pine trees.</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>HO186</td>
<td>Red face brick house and mature planting</td>
<td>No</td>
<td>No</td>
<td>Yes. Mature planting</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO187</td>
<td>Weatherboard house with cast iron verandah &amp; mature planting</td>
<td>No</td>
<td>No</td>
<td>Yes. Mature planting</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
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<td>Heritage place</td>
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<tr>
<td>HO194</td>
<td>Mature exotic trees</td>
<td>No</td>
<td>No</td>
<td>Yes. Mature exotic trees</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td></td>
<td>687 Darnum Allambee Road, Cloverlea.</td>
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<tr>
<td>HO215</td>
<td>Former Cloverlea Primary School No. 3520. The heritage place comprises the 1914 school building, shelter shed and mature trees, including two Oak trees, 501 Darnum-Allambee Road, Cloverlea.</td>
<td>No</td>
<td>No</td>
<td>Yes. Mature trees, including two Oak trees</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
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</tbody>
</table>

CROSSOVER AND DISTRICT

<p>| HO6  | Timber Bridge | - | - | - | - | Yes Ref No H1995 | - | - |
|      | Bloomfield Road, Crossover | | | | | | | |
| HO77 | Weatherboard house | No | No | No | No | No | No | No |
|      | 544 Mizpah Settlement Road, Buln Buln East | | | | | | | |</p>
<table>
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</thead>
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<tr>
<td>HO266</td>
<td>Crossover State School No. 3131 (former), 31 School Road, Crossover</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
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<td>HO267</td>
<td>Edith Ingpen House, 65 School Road, Crossover</td>
<td>No</td>
<td>Yes</td>
<td>Yes. Mature Oaks.</td>
<td>No</td>
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<td>HO268</td>
<td>Booth House, 1525 Main Neerim Road, Crossover</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>HO293</td>
<td>Crossover Railway Station (former), Gunns Road, Crossover</td>
<td>No.</td>
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<td>No</td>
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<td></td>
<td>DARNUM</td>
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<tr>
<td>HO48</td>
<td>Mature Elm tree Ulmus procera in front garden</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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Incorporated Plan:
Heritage Permit Exemptions
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<tr>
<td>HO49</td>
<td>Uniting Church, Memorial Gate &amp; Conifers</td>
<td>No</td>
<td>No</td>
<td>Yes. Bhutan Cypress hedge.</td>
<td>No</td>
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<td>HO50</td>
<td>Conifer, Sequoia dendron giganteum</td>
<td>No</td>
<td>No</td>
<td>Yes, Conifer, Sequoia dendron giganteum</td>
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<td>HO175</td>
<td>Darnum Musical Village</td>
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<td>No</td>
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<tr>
<td>HO176</td>
<td>Weatherboard house, Farm outbuildings, Canary Island Palm tree, Mature exotic site planting,</td>
<td>No</td>
<td>No</td>
<td>Yes. Canary Island Palm; mature exotic</td>
<td>Yes</td>
<td>No</td>
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<td>HO181</td>
<td>Cropley tramway bed remains</td>
<td>No</td>
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<td></td>
<td>Part Crown Allotment 24, Parish of Warragul, West of Darnum-Allambee Road</td>
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<td>HO182</td>
<td>Old milk depot and three weatherboard houses</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>186, 188 and 204 and Part Crown Allotment 28C Parish of Warragul, Darnum-Allambee Road, Darnum &amp; north of Moe River</td>
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<tr>
<td>HO208</td>
<td>Gold Cypress trees (two) – Cupressus macrocarpa &quot;Aurea&quot;. The heritage place comprises the</td>
<td>No</td>
<td>No</td>
<td>Yes. Gold Cypress trees (two) –</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td></td>
<td>site planting; avenue of Californian Redwoods and other exotic trees lining the driveway.</td>
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<tr>
<td>two Golden Cypresses situated within the median strip between Nilma and Darnum, Princes Highway, Darnum.</td>
<td></td>
<td></td>
<td></td>
<td>Cupressus macrocarpa “Aurea”.</td>
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<td>DROUIN</td>
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<td>HO1</td>
<td>Primary School No. 1924 153-161 Princes Way, Drouin</td>
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<td>-</td>
<td>-</td>
<td></td>
<td>Yes Ref No H1627</td>
<td>-</td>
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<td>HO42</td>
<td>Murray Farm Complex, 220 Longwarry Road, Drouin Incorporated Plan: Heritage Permit Exemptions</td>
<td>No</td>
<td>No</td>
<td>Yes. Canary Island Palms, Monterey Cypress.</td>
<td>Yes. Stable.</td>
<td>No.</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO80</td>
<td>Princes Way Residential Precinct, 138-156 Princes Way, Drouin. Incorporated Plan: Heritage Permit Exemptions</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO83</td>
<td>English Oak – Quercus robur, 1A Pepperell Drive, Drouin.</td>
<td>No</td>
<td>No</td>
<td>Yes. English Oak – Quercus robur</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO97</td>
<td>Dr Cowen’s House and surgery (former), 3 Princes Way, Drouin. Incorporated Plan:</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO99</td>
<td>House and 2 Canary Island Palms, 22 Albert Road, Drouin.</td>
<td>No</td>
<td>No</td>
<td>Yes. The front Cypress hedge and two Canary Island Palm Phoenix canariensis</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO127</td>
<td>House, hedge and Canary Island Palm, 10 Albert Road, Drouin.</td>
<td>No</td>
<td>No</td>
<td>Yes. The front Cypress hedge and Canary Island Palm Phoenix canariensis</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO204</td>
<td>‘Dhuringa’, 43-45 Albert Road, Drouin</td>
<td>No</td>
<td>No</td>
<td>Yes. Italian Cypress, Liquidambar</td>
<td>Yes. Garage.</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO209</td>
<td>Obelisk – Wm. Calder Memorial Cnr Princes Hwy &amp; Lardners Track, Drouin East</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>HO211</td>
<td>Drouin Co-Op Butter Factory, Cnr Main South Road, and Montague Avenue, Drouin</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO214</td>
<td>House, 6 Railway Avenue, Drouin</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO216</td>
<td>Former Police Station, 28 Princes Way, Drouin</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>No</td>
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<tr>
<td>HO217</td>
<td>Scots Presbyterian Church, 1 Church Street, Drouin</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO219</td>
<td>Royal Hotel, 2-4 Main South Road, Drouin.</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO234</td>
<td>Victorian House, 4 Hopetoun Road, Drouin.</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO235</td>
<td>Gillbank House, 6 Hopetoun Road, Drouin</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO238</td>
<td>Bellbird habitat, Settlement Road, Drouin</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>HO240</td>
<td>Drouin Co-op Butter Factory Housing [former], 6-10 Lardner Road, Drouin.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO246</td>
<td>English Elms – Ulmus procera, road reserve, Main South Road and Porter Place, Drouin</td>
<td>No</td>
<td>No</td>
<td>Yes, English Elms – Ulmus procera</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO260</td>
<td>Bhutan Cypress Laneway opposite, McNeilly &amp; Albert Roads Intersection, Drouin</td>
<td>No</td>
<td>No</td>
<td>Yes, Bhutan Cypress</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO262</td>
<td>Flowering Gum Avenue, Princes Way. The heritage place comprises the Flowering Gums Corymbia ficifolia on the south side between Longwarry and Albert Road and on the north side between main Neerim Road and Albert Road, Princes Way, Drouin.</td>
<td>No</td>
<td>No</td>
<td>Yes, Corymbia ficifolia</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO340</td>
<td>Drouin Uniting Church, 9 Sinclair Street, Drouin.</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>HO341</td>
<td>Young House, 25 Young Street, Drouin.</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO342</td>
<td>Russell House, 7 Young Street, Drouin.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO343</td>
<td>'Glenfyne', 1095 Main South Road, Drouin South.</td>
<td>No</td>
<td>No</td>
<td>Yes. Bhutan Cypress hedges, 2 Norfolk Island Pines, 2 Deodar Cedars, Italian Cypress, Buxus sempervirens 'Elegantissima', Thuja plicata or Chamaecyparis</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>HO347</td>
<td>‘Orient’ House and trees, 2 Lardner Road, Drouin.</td>
<td>No</td>
<td>No</td>
<td>Yes. Two Norfolk Island pines</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO348</td>
<td>Drouin Cemetery, 160 Longwarry Road, Drouin.</td>
<td>No</td>
<td>No</td>
<td>Yes. The mature conifers near the centre of the cemetery.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO351</td>
<td>ANZ Bank, 17 Princes Way, Drouin</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO352</td>
<td>Drouin Co-operative Butter Factory Complex (Now Pureharvest Manufacturing Plant), 29-35 Lardner Road and CP 173570.</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>HO353</td>
<td>Gleeson House</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO354</td>
<td>The Hollies, timber residence with three intact chimneys, and mature plantings throughout the site, 245 Main South Road, Drouin</td>
<td>No</td>
<td>No</td>
<td>Yes, Mature Exotic trees including Quercus canariensis x robur [hybrid]</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td></td>
<td><strong>Statement of Significance:</strong></td>
<td></td>
<td></td>
<td>Algerian Oak x English Oak, Quercus robur - English Oak, Ilex aquifolium – English Holly.</td>
<td><strong>Expiry date:</strong> 27/03/2021</td>
<td><strong>Statement of Significance:</strong> Quercus robur - English Oak, Ilex aquifolium – English Holly.</td>
<td><strong>Expiry date:</strong> 27/03/2021</td>
<td><strong>Expiry date:</strong> 27/03/2021</td>
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**HO206**

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<tr>
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<tbody>
<tr>
<td>Weatherboard former Buln Buln Hall - moved here</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO236</td>
<td>S-E Cnr Old Telegraph Road &amp; Main Neerim Road, Drouin West.</td>
<td>No</td>
<td>No</td>
<td>Yes. Damp Sclerophyll Forest</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO237</td>
<td>Damp Sclerophyll Forest, Main Neerim/Old Jindivick Road</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>No</td>
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<tr>
<td>HO237</td>
<td>Glen Cromie Park 850-852 Main Neerim Road, Drouin West.</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>HO241</td>
<td>Dutton Lea, 120 Stocks Road, Drouin West</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>ELLINBANK</td>
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<tr>
<td>HO170</td>
<td>Farm outbuildings 24 Browns Road, Ellinbank.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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Incorporated Plan:
Heritage Permit Exemptions

Heritage Permit Exemptions

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<tr>
<td>HO171</td>
<td>Ellinbank Primary School No. 2189 and mature deciduous trees Community Place, Ellinbank.</td>
<td>No</td>
<td>No</td>
<td>Yes. Mature deciduous trees</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO195</td>
<td>Weatherboard residence, Norfolk Island Pine trees and Elm trees 1143 Hazeldean Road, Ellinbank. Incorporated Plan: Heritage Permit Exemptions</td>
<td>No</td>
<td>No</td>
<td>Yes. Pine trees and Elm trees</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO232</td>
<td>English Oak, Quercus robur (1) L. Within School road reserve, County of Tanjil, Township of Erica, to the west of Lot 3 LP 5019, Township of Erica, Parish of Moondarra approximately 80 metres south and 101.3 metres west from the south-east corner of the intersection between School Road and Henty Street, Erica. Incorporated Plan:</td>
<td>No</td>
<td>No</td>
<td>Yes. English Oak, Quercus robur (1) L.</td>
<td>No</td>
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<td>HO269</td>
<td>Houses, 16 -18 Moore Street, Erica.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes.</td>
<td>No</td>
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<td>HO270</td>
<td>St Thomas Anglican Church, 2 School Road, Erica.</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO271</td>
<td>Erica Township Precinct – 1-7 and 2-14 Henty Street and 7 and 14-32 School Road, Erica.</td>
<td>No</td>
<td>No</td>
<td>Yes. The mature Oak already individually listed.</td>
<td>Yes. 12-14 Henty Street.</td>
<td>No</td>
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<td>GENTLE ANNIE</td>
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<td>HO243</td>
<td>Lower Goodwood Kilns Goodwood Mill Track, Gentle Annie</td>
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<td>Yes Ref No H1819</td>
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<td>HO189</td>
<td>Old Ferndale School No. 3571 - building, shelter shed and mature plantings Ferndale-Strzelecki Road, Ferndale</td>
<td>No</td>
<td>No</td>
<td>Yes. Mature planting</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO239</td>
<td>Riparian forest, Lang Lang Park Road</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO272</td>
<td>Hallora Public Hall, 220 Brock Road, Hallora.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<td>HO273</td>
<td>Hill End Primary School No. 3054 and Teacher's Residence, 22-24 Paynters Road, Hill End.</td>
<td>No</td>
<td>No</td>
<td>Yes. Mature trees including Oaks Quercus sp), Pines Pinus sp. and Eucalypts,</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO274</td>
<td>St James Anglican Church, 2375 Willow Grove Road, Hill End.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
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<td>HO275</td>
<td>Hill End Public Hall and War Memorial and its fence, 2494 Willow Grove Road, Hill End.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>ICY CREEK</td>
<td>Icy Creek Public Hall, 1775 Mt Baw Baw Tourist, Icy Creek</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>JINDIVICK</td>
<td>St James Anglican Church and Hall, 1035 Jackson’s Track, Jindivick.</td>
<td>No</td>
<td>No</td>
<td>Yes. Oak Tree only adjacent to entrance.</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<td>HO278</td>
<td>AG Pretty Memorial Reserve, Cnr Jackson’s Track and Main Jindivick Road, Jindivick.</td>
<td>No</td>
<td>No</td>
<td>Yes. Mature exotic planting.</td>
<td>Yes, fence.</td>
<td>No</td>
<td>No</td>
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<td>HO279</td>
<td>Jindivick General Store and Residence, 1055 Jackson's Track (Jindivick Neerim South Road), Jindivick.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes, rendered fence next to garage</td>
<td>No</td>
<td>No</td>
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<td>HO280</td>
<td>Jindivick Public Hall &amp; Memorial Gates, 1065 Jackson’s Track (Jindivick Neerim South Road), Jindivick.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes. Pioneer Memorial gates</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO281</td>
<td>Palmer House, 1070 Jackson’s Track (Jindivick Neerim South Road), Jindivick.</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO282</td>
<td>Jindivick Primary School, No. 1951, 1080 Jackson's Track (Jindivick Neerim South Road), Jindivick</td>
<td>No</td>
<td>No</td>
<td>Yes. Mature English Oak Quercus robur in south west corner of site</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO283</td>
<td>Robinson Homestead, 840 Labertouche North Road, Labertouche.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>Yes</td>
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<td>HO284</td>
<td>Kelvin Park, 210 Labertouche Road, Labertouche.</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes. Mature exotic trees in the homestead garden</td>
<td>Yes. Stable</td>
<td>Yes</td>
<td>No</td>
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<td>HO285</td>
<td>Labertouche Hall, 440 Labertouche Road, Labertouche.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>Yes</td>
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<td></td>
<td>HO34 'Brandie Braes' Homestead. The heritage place comprises the homestead, barn, old cottage and mature trees Curries Road, Lardner.</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Mature trees</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<td>HO198</td>
<td>Gregory residence, Holly tree and mature exotic planting 129 Lardners Track, Lardner.</td>
<td>No</td>
<td>No</td>
<td>Yes. Mature exotic planting</td>
<td>No</td>
<td>No</td>
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<td>HO173</td>
<td>(1) The Meadows weatherboard house; and (2) Line of mature cypress trees along road frontage. 264 Copelands Road, Lillico</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO174</td>
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<td>No</td>
<td>No</td>
<td>Yes</td>
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<td>HO199</td>
<td>Weatherboard house Lillico Road S.W. cnr. Copelands Road, Lillico</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO242</td>
<td>Longwarry Co-Operative Association Factory, Mackey Street, Longwarry.</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO287</td>
<td>Longwarry World War 1 Memorial, corner Bennett and Kennedy Streets, Longwarry</td>
<td>No</td>
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<td>HO288</td>
<td>Stationmasters House (former), 2 Mackay Street, Longwarry</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO289</td>
<td>Longwarry Baby Health Centre (former), 4 Princes Avenue, Longwarry.</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO290</td>
<td>Moondarra State School No. 2320 and residence (former), 251-255 Old Coach Road, Moondarra.</td>
<td>No</td>
<td>No</td>
<td>Yes. All mature trees within school grounds and on adjacent road reserves.</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
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<td>NARRACAN</td>
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<tr>
<td>HO220</td>
<td>School Road trees. The heritage place comprises the three English Oaks, <em>Quercus robur</em> , two Monterey Pines <em>Pinus radiata</em> ; two Canary Island Pine Pines <em>Pinus canariensis</em>; an English Elm <em>Ulmus procera</em>, and Cork Oak <em>Quercus suber</em> suber within School Road Reserve, at Narracan Parish of Moe, adjacent to CA 123 and CA 122B and between Moe-Thorpdale Road and Narracan Primary School site.</td>
<td>No</td>
<td>No</td>
<td>Yes. three English Oaks, <em>Quercus robur</em> L., two Monterey Pines <em>Pinus radiata</em> D.Don; two Canary Island Pine Pines <em>Pinus canariensis</em> C.Sm.; an English Elm <em>Ulmus procera</em> Salisb., and Cork Oak <em>Quercus suber</em> L.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO221</td>
<td>Clematis Sp. (Multiple) Within McDonalds Track Road Reserve, adjacent to CA 124, Parish of Moe from the boundary between CA 124 and 122B to a point along McDonalds Track approximately 600 metres north from the intersection between Moe-Thorpdale Road and McDonalds Track.</td>
<td>No</td>
<td>No</td>
<td>Yes. Clematis Sp</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
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<td>Aboriginal heritage place?</td>
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<tr>
<td>HO222</td>
<td>Manna gum, Eucalyptus viminalis, Labill. CA 21, Parish of Narracan, McDonalds Track, Narracan, approximately 210 metres and 140 metres from the west and north boundaries of the lot, respectively.</td>
<td>No</td>
<td>No</td>
<td>Yes. Manna gum, Eucalyptus viminalis, Labill</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO223</td>
<td>Narracan Falls Reserve and Savige Family Memorial. The heritage place includes the English Elm, Ulmus procera, at the eastern end of the reserve and the Savige family memorial, Falls Road, Narracan, adjacent to Narracan Creek. Incorporated Plan: Heritage Permit Exemptions</td>
<td>No</td>
<td>No</td>
<td>Yes. English elm, Ulmus procera, Salisb</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO224</td>
<td>English Hawthorn, Crataegus monogyna (multiple) Jacq. The heritage place comprises the hedges on both sides of Falls Road in CA 125, Parish of Moe from the northern boundary of</td>
<td>No</td>
<td>No</td>
<td>Yes. English Hawthorn, Crataegus monogyna Jacq.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>CA 125</td>
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<td>400 metres to the south, Falls Road, Narracan.</td>
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<td>HO256</td>
<td>Narracan Primary School, No. 2295, 32 School Road, Narracan.</td>
<td>No</td>
<td>No</td>
<td>Yes. All mature exotic trees including Elms, Oak and White Poplar. s.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO291</td>
<td>'Waterdale', house 131 Falls Road, Narracan</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>Yes</td>
<td>No</td>
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<tr>
<td>HO292</td>
<td>'Hiawatha', house 277 Falls Road, Narracan</td>
<td>No</td>
<td>No</td>
<td>Yes. Canary Island Palm Phoenix canariensis, Bhutan Cypress Cupressus torulosa, mature pines and cypresses</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>HO294</td>
<td>Narracan World War 1 Memorial, at corner of Moe-Thorpdale Road and Lilley's Road, Narracan.</td>
<td>No</td>
<td>No</td>
<td>Yes. Golden Monterey Cypress</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO295</td>
<td>'Glenaveril', house 1105 McDonald's Track, Narracan. Incorporated Plan: Heritage Permit Exemptions</td>
<td>No</td>
<td>No</td>
<td>Yes. Magnolia Magnolia sp and Tulip trees Liriodendron tulipifera.</td>
<td>Yes. Lych gate, 1909 corrugated iron shed.</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>HO296</td>
<td>Narracan Uniting Church, 417 Narracan Connection Road, Narracan. Incorporated Plan: Heritage Permit Exemptions</td>
<td>No</td>
<td>No</td>
<td>Yes. Poplars.</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>HO298</td>
<td>House, 2570 Main Neerim Road, Neerim. Incorporated Plan: Heritage Permit Exemptions</td>
<td>No</td>
<td>No</td>
<td>Yes. Mature Monterey Pines, Cordyline</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO299</td>
<td>Neerim World War 1 Memorial, 2626 Main Neerim Road, Neerim.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO300</td>
<td>Thorngrove Farm, 2765 Main Neerim Road, Neerim.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO301</td>
<td>Sawyer Homestead, 865 Neerim East Road, Neerim East.</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO302</td>
<td>Neerim East Methodist Church (former), 940 Neerim East Road, Neerim East.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
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<td>HO303</td>
<td>Neerim East War Memorial, Honour Avenue, Former School Site and residence, 944 and 948 Neerim East Road, Neerim East.</td>
<td>No</td>
<td>No</td>
<td>Yes. Row of Elms Ulmus sp along east side of Neerim East Road, and mature Oaks, Pines and Elms on residence and school site.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO304</td>
<td>Neerim East Mechanics Hall (former), 955 Neerim East Road, Neerim East.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>HO305</td>
<td>Neerim Junction Store and residence, 2969 Main Neerim Road, Neerim Junction.</td>
<td>No</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>HO306</td>
<td>Commercial bank (former), Lot 2 PS 90054, Main Neerim Road, Neerim South</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>HO307</td>
<td>Butchers Shop, 141 Main Neerim Road, Neerim South</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO309</td>
<td>House and trees, 208 Main Neerim Road, Neerim South.</td>
<td>No</td>
<td>No</td>
<td>Yes. Norfolk Island pine Araucaria heterophylla; two large Oaks Quercus sp</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO310</td>
<td>Methodist Parsonage (former), 227 Main Neerim Road, Neerim South.</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>HO311</td>
<td>Railway Staff House (former), 42 Railway Road, Neerim South.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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</tbody>
</table>

NEERIM NORTH

<p>| HO259            | HF McCay Arboretum The heritage place comprises the Sierra Redwood and other mature exotic trees within the site of the former Neerim North School and in the adjoining road reserve. 360 Neerim North Road, Neerim North | No                             | No                                  | Yes                 | No                                        | No                                        | No                | No                       |</p>
<table>
<thead>
<tr>
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<tr>
<td>HO312</td>
<td>Neerim North Soldiers' Memorial Reserve, 375 Neerim North Road, Neerim North</td>
<td>No</td>
<td>No</td>
<td>Yes. The mature Sequoia giganteum adjacent to the memorial and other mature trees on site and the road reserve.</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO313</td>
<td>‘Blackwood Park’, house, Kuhnell Road, Neerim North.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes. Farm outbuildings.</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
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<tr>
<td></td>
<td><strong>NILMA</strong></td>
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<tr>
<td>HO51</td>
<td>Mature exotic trees in road reserve</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
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<tr>
<td></td>
<td>Bloomfield Road, Nilma (South of creek)</td>
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<tr>
<td>HO52</td>
<td>Nilma State School and octagonal shelter shed</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td></td>
<td>76 Bloomfield Road, Nilma</td>
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<td>HO53</td>
<td>Weatherboard house - teacher’s residence (opposite State School) 77 Bloomfield Road, Nilma. Incorporated Plan: Heritage Permit Exemptions</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO54</td>
<td>English Elm trees, Avenue of Honour. The heritage place comprises the row of English Elms within the median strip. Princes Freeway, Nilma (Median Strip)</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>HO166</td>
<td>Weatherboard house 156 Bloomfield Rd south of Nilma-Shady Creek Road, Nilma. Incorporated Plan: Heritage Permit Exemptions</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO167</td>
<td>Former Christ Church Anglican church, 262 Bloomfield Road, Nilma. Incorporated Plan: Heritage Permit Exemptions</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO35</td>
<td>Rail Bridge</td>
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<td>Yes Ref No H1435</td>
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<td></td>
<td>Noojee Trestle Bridge Rail Trail, Noojee</td>
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<tr>
<td>HO314</td>
<td>Fumina World War 1 Memorial, corner of Mt Baw Baw Tourist Road and Bennett Street, Noojee</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO315</td>
<td>Woolstencroft House, 10 Bennett Street, Noojee</td>
<td>No</td>
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<td>HO316</td>
<td>Noojee Public Hall, 7 Henty Street, Noojee</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO317</td>
<td>St Andrews Co-operating Church, 9 Henty Street, Noojee</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO10</td>
<td>Railway Cutting, Knott's Siding. Tyers-Walhalla Road, Rawson</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>HO297</td>
<td>Rawson Town Centre comprising the commercial centre, community buildings and former hostel.</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
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<td></td>
<td>RIPLEBROOK</td>
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<tr>
<td>HO318</td>
<td>Ripplebrook Cemetery, 687 North Yannathan Road, Ripplebrook</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes. Memorial gates.</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>ROKEBY</td>
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<tr>
<td>HO55</td>
<td>2 Deodar cedars - Cedrus deodara 1026 Brandy Creek Road, Rokeby.</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO56</td>
<td>Concrete shop (residence C.D.) 1021 Brandy Creek Road, Rokeby.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO57</td>
<td>Weatherboard house</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>1022 Brandy Creek Road (N.W. cnr Frederick St), Rokeby.</td>
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<tr>
<td>HO164</td>
<td>Warragul-Neerim railway bed, Rokeby</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>HO207</td>
<td>Rokeby water Pumping Station</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>Off Old Telegraph Road West, Rokeby</td>
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<td>SEAVIEW</td>
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<tr>
<td>HO191</td>
<td>Weatherboard cottage and planting</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td></td>
<td>651 Grand Ridge Road, Seaview.</td>
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<td>HO192</td>
<td>Seaview State School No. 2636</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>Off Grand Ridge Road.</td>
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<tr>
<td>HO193</td>
<td>Seaview Hall</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>Off Grand Ridge Road</td>
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<td></td>
<td>SHADY CREEK</td>
<td></td>
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<tr>
<td>HO319</td>
<td>Shady Creek Cemetery, Beards Road, off Old Sale Road, Shady Creek.</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>HO320</td>
<td>Drovers Rest Hotel (former) site, Beards Track off Old Sale Road, Shady Creek.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<td></td>
<td>STREZLECKI</td>
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<tr>
<td>HO212</td>
<td>Strzelecki Railway Embankment at Strzelecki</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>TANJIL BREN</td>
<td></td>
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<tr>
<td>HO321</td>
<td>‘Tanjil Lodge’, 3518 Mt Baw Baw Tourist Road, Tanjil Bren.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td></td>
<td>TANJIL SOUTH</td>
<td></td>
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<tr>
<td>HO11</td>
<td>‘Tanjil Hill’ Homestead 137 Knights Road, Tanjil South.</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>HO322</td>
<td>‘Alderwood’, house, 315 Moe-Willow Grove Road, Tanjil South.</td>
<td>No</td>
<td>No</td>
<td>Yes. Kurrajongs</td>
<td>Yes. Timber hut.</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>HO323</td>
<td>Tetoora Road Public Hall, 2575 Warragul Korumburra Road, Tetoora Road.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>HO225</td>
<td>Mountain Ash, <em>Eucalyptus regnans</em> (multiple) F.Muell Stand of Ash in CA 85D, Parish of Moe and Shackelton Park, along the south side of the Narracan Creek Reserve west from the Trafalgar-Thorpdale Road to the old road reserve.</td>
<td>No</td>
<td>No</td>
<td>Yes. Mountain Ash, <em>Eucalyptus regnans</em> (multiple) F.Muell</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO226</td>
<td>Monterey Pine, Pinus radiata (1), D.Don CA 138, Parish of Moe at site of Old Thorpdale School approximately 150 metres west of Trafalgar-Thorpdale Road, Thorpdale.</td>
<td>No</td>
<td>No</td>
<td>Yes. Monterey Pine, Pinus radiata (1), D.Don</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO231</td>
<td>English Elm, Ulmus procera (2) Salisb. Town elms, CA 82, Parish of Moe, Township of Thorpdale, within Pioneer Park adjacent to Trafalgar-Thorpdale Road</td>
<td>No</td>
<td>No</td>
<td>Yes. English Elm, Ulmus procera (2) Salisb.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO233</td>
<td>Canary Island Date Palm, Phoenix Canariensis (2) L. Part CA 82, Township of Thorpdale, Lot 49, LP 2393, 10 Railway Road, Thorpdale, each tree approx. 6 metres from the northern boundary of the lot.</td>
<td>No</td>
<td>No</td>
<td>Yes. Canary Island Date Palm, Phoenix Canariensis (2) L.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO324</td>
<td>St Marks Church of England, 5 Robinson Street, Thorpdale. Incorporated Plan: Heritage Permit Exemptions</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO325</td>
<td>Thorpdale and Childers War Memorial, Station Street, Thorpdale.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO326</td>
<td>Thorpdale Township Precinct: 1, 2 and 5 Robinson Street; 1-5 and 2-4 Railway Road; 20-40 Station Street; Lot 2 PS434636 and Lots 1-3 TP253307 Station Street, Thorpdale.</td>
<td>No</td>
<td>No</td>
<td>Yes. The mature Elms in the parkland on the west side of Station Street.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO326</td>
<td>Incorporated Plan:</td>
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<td>TRAFALGAR</td>
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<td>HO37</td>
<td>Plane trees, Princes Highway, west of Trafalgar and close to Sunny Creek Road.</td>
<td>No</td>
<td>No</td>
<td>Yes. Plane trees</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO38</td>
<td>Trafalgar Railway Station, Princes Highway, Trafalgar</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>HO39</td>
<td>Trafalgar War Memorial, 105 Princes Highway, Trafalgar</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>HO40</td>
<td>Colonial Bank of Australasia (former), 81 Princes Highway, Trafalgar</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO41</td>
<td>Wesleyan Methodist Church (former), 119 Princes Highway, Trafalgar</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>HO43</td>
<td>Yulungah State School No. 3413 (former), Yulungah Road, Trafalgar.</td>
<td>No</td>
<td>No</td>
<td>Yes. Oak tree Quercus robur and two Poplars Populus sp.</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>HO64</td>
<td>State Savings Bank of Victoria (former), 59-61 Princes Highway, Trafalgar</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO227</td>
<td>'Norau', house, Part CA 2, Section 8, Township of Trafalgar, Parish of Moe, 51 Princes Highway, Trafalgar.</td>
<td>No</td>
<td>No</td>
<td>Yes. Pin Oak, Quercus palustris (1) Muenchh. Approximately 2.5 metres and 5 metres from the north and east boundaries of the lot, respectively. Also Italian Cypress</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO228</td>
<td>Cockscomb Coral Tree, Erythrina crist-a-galli (1) L.</td>
<td>No</td>
<td>No</td>
<td>Yes. Cockscomb Coral Tree, Erythrina crist-a-galli L</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td></td>
<td>Part CA 9 and 10, Section 6, Township of Trafalgar, Parish of Moe, Lot 2 LP 63116, 1 Anzac Road, Trafalgar, approx. 9 metres and 2 metres from the north and east boundaries of the lot, respectively.</td>
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<tr>
<td>HO229</td>
<td>Grey Poplar, Populus canescens (1). The heritage place comprises the mature Grey Poplar approximately 78.3 metres and 8.5 metres from the south and east boundaries of the lot, respectively.</td>
<td>No</td>
<td>No</td>
<td>Yes. Grey Poplar, Populus canescens (1).L.</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td></td>
<td>CA 16, Section 11, Township of Trafalgar, Parish of Moe, Balfour Park, Anzac Road, Trafalgar.</td>
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Cupressus sempervirens next to house.
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<th>Aboriginal heritage place?</th>
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<tbody>
<tr>
<td>HO230</td>
<td>English Oak, Quercus robur (1) L.</td>
<td>No</td>
<td>No</td>
<td>Yes. English Oak, Quercus robur (1) L</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td></td>
<td>CA 16, Section 11, Township of Trafalgar, Parish of Moe, Balfour Park, Anzac Road, Trafalgar approximately 38.6 metres and 8.5 metres from the south and east boundaries of the lot, respectively.</td>
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<td>HO248</td>
<td>Trafalgar Co-op, Butter and Cheese Factory (former), 72-78 Waterloo Road, Trafalgar</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO327</td>
<td>House, 34 Ashby Street, Trafalgar.</td>
<td>No</td>
<td>No</td>
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<td>HO328</td>
<td>Trafalgar Memorial Hall, 30 Contingent Street, Trafalgar.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO329</td>
<td>Trafalgar Uniting Church Complex, 34-36 Contingent Street, Trafalgar.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO330</td>
<td>St Mary’s Anglican Church Complex, 40 Contingent Street, Trafalgar.</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO331</td>
<td>Trafalgar Returned Sailors and Soldiers Imperial League of Australia Hall (former), 55 Kitchener Street, Trafalgar.</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO332</td>
<td>Criterion Hotel, 85 Princes Highway, Trafalgar</td>
<td>No</td>
<td>No</td>
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<td>HO333</td>
<td>Trafalgar Post Office, 95 Princes Highway, Trafalgar</td>
<td>No</td>
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<td>HO334</td>
<td>St John’s Parish Centre (former convent building), 54 Waterloo Road, Trafalgar</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO335</td>
<td>Trafalgar Contingent Street Precinct, 55 Kitchener Street and 28-42 Contingent Street, Trafalgar.</td>
<td>No</td>
<td>No</td>
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<td>HO336</td>
<td>Trafalgar East Public Hall, 230 Telephone Road, Trafalgar East.</td>
<td>No</td>
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<td>HO337</td>
<td>Trafalgar South State School No. 2527 and residence (former), 142 Trafalgar South Road, Trafalgar South.</td>
<td>No</td>
<td>No</td>
<td>Yes. Mature Monterey Cypress and Monterey Pines.</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
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<td>HO338</td>
<td>Trafalgar Princes Highway East Precinct, 137-153 Princes Highway, Trafalgar.</td>
<td>No</td>
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WALHALLA

<p>| HO2 | Bruntons Bridge | - | - | - | - | Yes Ref No H1450 | - | - |</p>
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<td>Walhalla Bandstand</td>
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<td>Yes Ref No H1315</td>
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<td>HO4</td>
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<td>Yes Ref No H1443</td>
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<td>Thomson River, Walhalla and Rawson</td>
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<td>HO5</td>
<td>Former Walhalla Post Office and Residence</td>
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<td>Yes Ref No H583</td>
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<td>Right Hand Branch Road, Walhalla</td>
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<td>Walhalla Township including:</td>
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<td>Little Hercules Mullock Heap</td>
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<td>Walhalla Gold Mining Company sites</td>
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<td>Empress Gold Mining Company sites</td>
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<td>Base of Empress Gold Mining Battery site</td>
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<td>Long Tunnel Mines</td>
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<td>Farmer Robey, Brown and Co. Steam Engine. The heritage place comprises the Farmer, Robey, Brown and Co. portable steam engine, Langlands foundry stamp battery, a 'sectional' stamp battery and water wheel and Cornish Boiler, (off) Main (Walhalla) Road, Walhalla.</td>
<td>No</td>
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<td>Museum (former Fire Station), including the Horse Drawn Fire Cart Crown Site 12, Main Street, Walhalla.</td>
<td>No</td>
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<td>Former Walhalla Pearson Memorial Hospital Church Hill Road, Walhalla.</td>
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<td>Walhalla Cemetery</td>
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<td>HO23</td>
<td>Tramway Bridge</td>
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<td>Over Thomson River, Steel Bridge Track, Amor and Australian Alps Walking Track, Walhalla</td>
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<td>HO27</td>
<td>Stone Retaining Wall</td>
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<td>(North of CA 41A), Main Street, Walhalla.</td>
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<td>Walhalla Masonic Hall (former Wesleyan Church), including Curved Flight of Steps leading to Wesleyan Church.</td>
<td>No</td>
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<td>'Barkley Square' House, Crown Site 6, partly on Stringer's Creek Permanent Reserve, Walhalla.</td>
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<td>HO250</td>
<td>Camellia Japonica, CA. 6 Main Street, Walhalla</td>
<td>No</td>
<td>No</td>
<td>Yes, Camellia Japonica</td>
<td>No</td>
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<td>HO253</td>
<td>Douglas Fir, CA. 139, Main Street, Walhalla.</td>
<td>No</td>
<td>No</td>
<td>Yes, Douglas Fir</td>
<td>No</td>
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<td>HO254</td>
<td>Southern Magnolia, west of CA 5, Main Street, Walhalla.</td>
<td>No</td>
<td>No</td>
<td>Yes, Southern Magnolia</td>
<td>No</td>
<td>No</td>
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<td>HO261</td>
<td>Thomson River Diversion Tunnel</td>
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<td>Thomson River – 4km South West of Walhalla</td>
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<td>Walhalla Cricket Ground.</td>
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<td>No</td>
<td>No</td>
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<td>HO353</td>
<td>Chinese Gardens area</td>
<td>No</td>
<td>No</td>
<td>Yes – Fruit trees</td>
<td>No</td>
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<td>WARRAGUL</td>
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<td>HO58</td>
<td>Palm Trees</td>
<td>No</td>
<td>No</td>
<td>Yes, Palm Trees</td>
<td>No</td>
<td>No</td>
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<td></td>
<td>Albert Street, Warragul, north side between Witton &amp; Smith Streets, Warragul</td>
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<td>HO59</td>
<td>Plane trees.  Albert Street, Warragul</td>
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<td>Yes. Plane trees</td>
<td>No</td>
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<td>HO60</td>
<td>Mature Canary Island Palm tree 24 Albert Street, Warragul</td>
<td>No</td>
<td>No</td>
<td>Yes. Mature Canary Island Palm tree</td>
<td>No</td>
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<td>HO61</td>
<td>Weatherboard house 58 Albert Street, Warragul</td>
<td>No</td>
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<td>HO62</td>
<td>Bunya Bunya Pine 63 Albert Street, Warragul Adjacent to south east cnr of swimming pool fence</td>
<td>No</td>
<td>No</td>
<td>Yes. Bunya Bunya Pine</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO63</td>
<td>English Oak tree 94 Albert Street, Warragul.  Incorporated Plan:</td>
<td>No</td>
<td>No</td>
<td>Yes. English Oak tree</td>
<td>No</td>
<td>No</td>
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The heritage place comprises the mature palms on the North side between Witton & Smith Streets, Warragul.

The heritage place comprises the mature Plane trees on the south side between Victoria & Smith Streets.

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<td>HO65</td>
<td>Face Brick house</td>
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<td>HO66</td>
<td>Mature street trees. The heritage place comprises mature Oaks lining the eastern end of Alford Street, Warragul</td>
<td>No</td>
<td>No</td>
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<td>No</td>
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<td>HO67</td>
<td>James Biram's house</td>
<td>No</td>
<td>No</td>
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<td>Alfred Street, S.E. cnr. Galloway St, Warragul</td>
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<td>HO68</td>
<td>Mature street trees, park trees at Anderson St and Burke St Park, Warragul</td>
<td>No</td>
<td>No</td>
<td>Yes. Mature street trees</td>
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<td>HO69</td>
<td>Bowen Street trees. The heritage place comprises the mature Oaks on eastern side of Bowen Street south of Connor Street, Warragul</td>
<td>No</td>
<td>No</td>
<td>Yes. mature Oaks</td>
<td>No</td>
<td>No</td>
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<td>HO72</td>
<td>Castellated cement block building - Shire Caravan Park</td>
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<td>94 Burke Street, Warragul.</td>
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<td>HO75</td>
<td>Aleppo Pine tree</td>
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<td></td>
<td>Civic Place, Warragul opposite Municipal Office</td>
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<td>HO76</td>
<td>Clifford Street trees</td>
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<td>Yes. Pin Oaks</td>
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<td>HO78</td>
<td>Queen Street Precinct, Warragul: Queen Street Park and 1-3 Victoria Street, 1 Smith Street, 3-7 Mason Street, 14 Williams Square, 95 Queen Street, 105-107 Queen Street, 115 Queen Street and 58-60 &amp; 64-66 Queen Street.</td>
<td>No</td>
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<td>HO79</td>
<td>Weatherboard House ‘Highclere’</td>
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<td>HO81</td>
<td>Logan Park:</td>
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<td>(2) King George VI memorial entry gates.</td>
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<td>Canary Island Palm tree</td>
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<td>opposite 4 Hunter Crescent.</td>
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<td>‘Athens’, Weatherboard house</td>
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<td>HO86</td>
<td>Weeping Cherry tree</td>
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<td>West Gippsland Hospital boiler house chimney</td>
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<td>HO88</td>
<td>Mature Street trees</td>
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<td>Semi-detached houses</td>
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<td>Victorian Railways Electric Line control building (former)</td>
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<td>McDonald Street, Warragul</td>
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<td>HO91</td>
<td>House, 8 Napier Street, Warragul</td>
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<td>HO92</td>
<td>Normanby Street Trees. The heritage place comprises the mature Indian Bean street trees and Ash Trees on the west side of Normanby Street – south of Albert Street, Warragul</td>
<td>No</td>
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<td>Fuel storage tank (former) 188 Normanby Street, Warragul</td>
<td>No</td>
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<td>HO94</td>
<td>English Elm The heritage place is the mature English Elm on the south side of Palmerston Street, between Victoria &amp; Smith Streets, Warragul</td>
<td>No</td>
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<td>Yes. English Elm</td>
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<td>Permewan Lane trees The heritage place comprises the mature English Elms along both sides of Permewan Lane, Warragul</td>
<td>No</td>
<td>No</td>
<td>Yes. English Elms</td>
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<td>Masonic Hall (former) 19 Queen Street, Warragul</td>
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<td>HO100</td>
<td>Athenaeum building (former) 44 Queen Street, Warragul</td>
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<td>HO101</td>
<td>2 storey timber shop</td>
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<td>HO102</td>
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<td>Offices</td>
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<td>HO111</td>
<td>Bank of New South Wales (former) and tree at rear 68-70 Queen Street, Warragul.</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<td>HO112</td>
<td>2 storey brick shop 71 Queen Street, Warragul.</td>
<td>No</td>
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<td>HO113</td>
<td>Royal Hotel (former) and recent shops 71A and 73 Queen Street and 2A-10 Smith Street, Warragul.</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO114</td>
<td>Shire Hall (former) and Oak Trees 72 Queen Street, Warragul.</td>
<td>No</td>
<td>No</td>
<td>Yes. Oak Trees</td>
<td>No</td>
<td>No</td>
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<td>HO115</td>
<td>Queen Street trees</td>
<td>No</td>
<td>No</td>
<td>Yes, English Elms</td>
<td>No</td>
<td>No</td>
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<td>The heritage place comprises the mature English Elms on the south side of Queen Street between Smith &amp; Mason Streets, Warragul.</td>
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<td>HO116</td>
<td>D. McNeil &amp; Co. Central Emporium (former)</td>
<td>No</td>
<td>No</td>
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<td>HO117</td>
<td>Warragul Pharmacy (former)</td>
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<td>HO118</td>
<td>Railway Hotel, incorporating 2 shops</td>
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<td>HO119</td>
<td>Warragul Railway Station</td>
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<td>Yes Ref No H1598</td>
<td>Yes</td>
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<td>HO120</td>
<td>Canary Island Palm</td>
<td>No</td>
<td>No</td>
<td>Yes. Canary Island Palm</td>
<td>No</td>
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<td>The heritage place comprises the mature Canary Island Palm within the park on the south side of Queen Street, Warragul.</td>
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<td>HO121</td>
<td>Four 2 storey shops</td>
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<td>HO122</td>
<td>Hotel Orient</td>
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<td>HO123</td>
<td>Offices, Bank of Australasia (former)</td>
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<td>2 storey face brick shop 101 Queen Street, Warragul.</td>
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<td>Former Bonlac Foods factory 121 Queen Street, Warragul</td>
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<td>HO126</td>
<td>Face brick factory building – Formerly Holdenson and Neilson Butter Factory 134 Queen Street, Warragul</td>
<td>No</td>
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<td>Rulemount’ The heritage place comprises the house and mature exotic planting 101 Rulemount Road, Warragul</td>
<td>No</td>
<td>No</td>
<td>Yes. Mature exotic planting</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO129</td>
<td>Bluestone pitcher lane paving Between 1 &amp; 3 Smith Street, Warragul.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO130</td>
<td>London Chartered Bank (former) 3 Smith Street, Warragul.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO131</td>
<td>C.B.C. Bank (former) 5-7 Smith Street, Warragul.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO132</td>
<td>Warragul War Memorial The heritage place comprises the obelisk, memorial flagpoles, entry piers and site Smith Street, Warragul</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>HO134</td>
<td>3 Two storey shops 22-26 Smith Street, Warragul</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>HO135</td>
<td>Warragul Post Office 66-68 Smith St and 27-31 Palmerston St, Warragul</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>HO136</td>
<td>Two storey shop 35 Smith St &amp; cnr Palmerston Street, Warragul</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO137</td>
<td>Smith Street trees</td>
<td>No</td>
<td>No</td>
<td>Yes. English Elms</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td></td>
<td>The heritage place comprises the mature English Elms on the east side of Smith Street between Barkly and Palmerston, Warragul</td>
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<tr>
<td>HO138</td>
<td>State Public Offices</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>70 Smith Street, Warragul</td>
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<tr>
<td>HO139</td>
<td>Barkly Street Trees</td>
<td>No</td>
<td>No</td>
<td>Yes. mature trees</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>The heritage place comprises the mature trees within the Barkly Street car park, Warragul</td>
<td></td>
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<tr>
<td>HO140</td>
<td>Warragul Court House and trees</td>
<td>No</td>
<td>No</td>
<td>Yes. Bunya Bunya Pine, Holly Oak, Bhutan Cypresses and Hawthorn Oak</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td></td>
<td>The heritage place comprises the former court house and the mature Bunya Bunya Pine, Holly Oak, Bhutan Cypresses and Hawthorn Oak</td>
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<td>72 Smith Street, Warragul</td>
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<tr>
<td>HO141</td>
<td>European Beech tree</td>
<td>No</td>
<td>No</td>
<td>Yes. European Beech</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td></td>
<td>85 Smith Street, Warragul.</td>
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<tr>
<td>HO142</td>
<td>Former James Miller &amp; Co. factory</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td></td>
<td>57 Sutton Street, Warragul.</td>
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<tr>
<td>HO143</td>
<td>Weatherboard house</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>14 Tarago Court, Warragul</td>
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<tr>
<td>HO144</td>
<td>Mallacoota Lodge</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>No</td>
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<td></td>
<td>9 Toorak Avenue, Warragul</td>
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<td>HO145</td>
<td>State Bank (former)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td></td>
<td>27 Victoria Street, Warragul</td>
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<tr>
<td>HO146</td>
<td>Camphor Laurel tree</td>
<td>No</td>
<td>No</td>
<td>Yes Camphor Laurel</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO147</td>
<td>Notre Dame De Sion Convent (former)</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>6 Witton Street, Warragul</td>
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Heritage Permit Exemptions
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<tr>
<td>HO148</td>
<td>Wesley Uniting Church (former) and Manse site (part only)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>60-62 Victoria Street, Warragul.</td>
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<td>HO149</td>
<td>Bowen and Albert Streets Precinct, Warragul comprising 1,2 and 3 Albert Street, 1-37 and 10-34 Bowen Street, Warragul.</td>
<td>No</td>
<td>No</td>
<td>Yes. Mature street trees including Liquidambar and five Algerian oaks Quercus canariensis. Mature Canary Island Palm Phoenix canariensis in 3 Albert St garden. Mature trees in the garden of 25 Bowen Street.</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO150</td>
<td>St Andrew’s Uniting Church (former)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO151</td>
<td>Warragul State School No. 2104 Victoria Street, N.W. cnr. Albert St, Warragul</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO152</td>
<td>St Paul’s Anglican Church and Bell 92 Victoria Street, Warragul.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO153</td>
<td>St Paul’s Rectory 104 Victoria Street, Warragul.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO154</td>
<td>English Oak Tree 113 Victoria Street, S.W. cnr. Clifford Street, Warragul.</td>
<td>No</td>
<td>No</td>
<td>Yes. English Oak Tree</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO155</td>
<td>Weatherboard residence; and</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>No</td>
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<td>HO156</td>
<td>Peace Avenue and Gladstone Street Precinct: 1-3 Owen Stanley Lane, 10-42 and 13-47 Peace Avenue; 16-48 Gladstone Street and 80-90 Albert Road; Warragul.</td>
<td>No</td>
<td>No</td>
<td>Yes. Street trees only.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
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<tr>
<td>HO157</td>
<td>Warragul cemetery</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>HO158</td>
<td>Slaughterhouse</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>HO159</td>
<td>McMillan V.C.A.H.</td>
<td>No</td>
<td>No</td>
<td>Yes (need for Peace Avenue and Gladstone Street Precinct)</td>
<td>No</td>
<td>No</td>
<td>No</td>
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117 Victoria Street, Warragul.
Incorporated Plan:
Heritage Permit Exemptions

80-82 Albert Street, Warragul ('Office' only)
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<tr>
<td>HO160</td>
<td>Illawarra Flame tree 22 Williams Square rear of 77 Queen Street, Warragul</td>
<td>No</td>
<td>No</td>
<td>Yes. Illawarra Flame tree</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO161</td>
<td>Bell in grounds at rear of presbytery Witton Street, Warragul (rear of 4 Connor Street). Incorporated Plan: Heritage Permit Exemptions</td>
<td>No</td>
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<td>HO162</td>
<td>Victoria and Albert Streets Precinct, Warragul: 68 and 77-83 Victoria Street; 8-14 and 21-45 Albert Street, Warragul. Incorporated Plan: Heritage Permit Exemptions</td>
<td>No</td>
<td>No</td>
<td>Yes. Mature street trees.</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>HO163</td>
<td>Weatherboard house 13 Witton Street, Warragul</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO165</td>
<td>Treforest The heritage place comprises the mature exotic trees including Bunya Bunya Pines, Oaks, Elms, False Acacias and other trees associated with the former</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<td>Treforest property. 8-10 Burvill Court, 11 and 22 Fernery Boulevard and affected road reserves, Warragul.</td>
<td>No</td>
<td>No</td>
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<td>HO188</td>
<td>Weatherboard residence 270 East West Road, Warragul. Incorporated Plan: Heritage Permit Exemptions</td>
<td>No</td>
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<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>HO190</td>
<td>Weatherboard House ‘Carbethon’ 55 Gibson Road, Warragul</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO196</td>
<td>Hawthorn hedge Killamey Lane, Warragul</td>
<td>No</td>
<td>No</td>
<td>Yes. Hawthorn hedge</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO210</td>
<td>(1) Water supply reservoir; and (2) Concrete tank Reservoir Road, Warragul</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO213</td>
<td>7 English Elm trees - Ulmus procera Warragul-Lardner Road, Warragul</td>
<td>No</td>
<td>No</td>
<td>Yes. English Elm trees - Ulmus procera</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>PS map reference</td>
<td>Heritage place</td>
<td>External paint controls apply?</td>
<td>Internal alteration controls apply?</td>
<td>Tree controls apply?</td>
<td>Outbuildings or fences which are not exempt under Clause 43.01-3</td>
<td>Included on the Victorian Heritage Register under the Heritage Act 2017?</td>
<td>Prohibited uses permitted?</td>
<td>Aboriginal heritage place?</td>
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<tr>
<td>HO350</td>
<td>Victoria Street North Precinct, Warragul: 95-99, 103-117 and 90-106 Victoria Street, Warragul.</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>Incorporated Plan: Heritage Permit Exemptions</td>
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<tr>
<td></td>
<td>WILLOW GROVE</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>HO339</td>
<td>Willow Grove World War 1 Memorial, 12 Moe-Willow Grove Road, Willow Grove</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>YARRAGON</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HO13</td>
<td>House</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>22 Campbell Street, Yarragon.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>HO14</td>
<td>St Jarlath Catholic Church and Hall, 30 Campbell Street, Yarragon.</td>
<td>Yes</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></td>
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<tr>
<td>HO15</td>
<td>Yarragon Post Office, 3 Campbell Street, Yarragon</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>HO16</td>
<td>House, 3 Murray Street, Yarragon.</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>HO17</td>
<td>Yarragon Railway Station, Princes Highway, Yarragon</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO18</td>
<td>Yarragon World War 1 Memorial, Princes Highway, Yarragon</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO19</td>
<td>English Elm Ulmus sp. and Ash Fraxinus sp., Avenue in central median of Princes Freeway and two isolated trees on the south side, close to the town entrance, east of Yarragon</td>
<td>No</td>
<td>No</td>
<td>Yes. English Elm Ulmus sp. and Ash Fraxinus sp</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO24</td>
<td>Commercial Hotel, 105 Princes Highway, Yarragon</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>HO25</td>
<td>‘Flinton’, house 106 Shady Creek-Yarragon Road, Yarragon.</td>
<td>No</td>
<td>No</td>
<td>Yes.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>PS map reference</td>
<td>Heritage place</td>
<td>External paint controls apply?</td>
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<tr>
<td>HO26</td>
<td>‘Wilderslea’</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes. Indian Cedar, Great Western Yellow Pine, oaks (Quercus sp.), Bunya Pine, Cedars, Apple, Chestnut, Mulberry, Beech and Linden trees.</td>
<td>Yes. Miner’s Hut.</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>365 Yarragon-Shady Creek Road, Yarragon.</td>
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<tr>
<td>HO31</td>
<td>‘Carrington’</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>9 Old Yarragon-Leongatha Road, Yarragon South.</td>
<td></td>
<td></td>
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<tr>
<td>HO249</td>
<td>Yarragon Dairy Co., 106 Waterloo Road, Yarragon</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>OTHER</td>
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</tr>
<tr>
<td>HO255</td>
<td>Shining Gum, Northern Baw Baw Ranges, Sth of Junction of Whitelaw Creek and Upper Thomson Valley Road</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>PS map reference</td>
<td>Heritage place</td>
<td>External paint controls apply?</td>
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<td>Tree controls apply?</td>
<td>Outbuildings or fences which are not exempt under Clause 43.01-3</td>
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<td>Aboriginal heritage place?</td>
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</tr>
<tr>
<td>HO257</td>
<td>Mountain Ash, South Cascades, Mount Erica, 100m from road then right for 150m</td>
<td>No</td>
<td>No</td>
<td>Yes. Mountain Ash</td>
<td>No</td>
<td>No</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

### Class of application

<table>
<thead>
<tr>
<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>
</tr>
<tr>
<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>
</tr>
<tr>
<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

<table>
<thead>
<tr>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
</tr>
<tr>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
</tr>
<tr>
<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>
</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>
</tr>
<tr>
<td>Subdivide land into 2 lots if:</td>
</tr>
<tr>
<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>
</tr>
</tbody>
</table>
Class of application

- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.
- Has started lawfully.

- The subdivision does not create a vacant lot.

Exemption from notice and review

A schedule to this overlay may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Signs

Sign requirements are at Clause 52.05 unless otherwise specified in a schedule to this overlay.

Application requirements

An application must be accompanied by any information specified in a schedule to this overlay.

Decision guidelines

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

- The design objectives of the relevant schedule to this overlay.
- The provisions of any relevant policies and urban design guidelines.
- Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
- Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.
- Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
- The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking
- Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
- Any other matters specified in a schedule to this overlay.
SCHEDULE 1 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO1.

WARRAGUL TOWN CENTRE

1.0 Design objectives

To encourage high quality urban design that is responsive to and reinforces the locally distinctive topography, features, characteristics and landscape of the area.

To ensure the height of future development is determined having regard to the appropriate future scale and character of the precinct within the town centre.

To ensure that building front setbacks achieve appropriate spatial proportions of the street, define the street edge and provide a high amenity for users of the street.

To ensure that pedestrian routes, streets, footpaths, open spaces and other public spaces including transport facilities interact with and are overlooked by buildings.

To promote active frontages to streets, walkways and public spaces.

To promote high quality and distinctive built form outcomes on prominent corners, gateways and infill sites.

To ensure key public realm areas and pedestrian accessways and any streets have good access to sunlight, weather protection and clear pathways linking elements.

To maintain and improve the provision and integration of quality public spaces, including streets, laneways and other public spaces.

To encourage buildings to be designed to take advantage of views and vistas towards and within the town centre while retaining attractive long range vistas from key vantage points.

To encourage high quality contemporary building design that protects visual amenity when viewed from surrounding residential and rural areas.

To improve signage and way finding measures for users of the activity centre.

To recognise and support development of the town centre at key strategic redevelopment sites, including the Butter Factory site, as an integrated part of the town centre.

To encourage redevelopment of key strategic sites in an integrated manner, avoiding fragmented redevelopment of sites.

2.0 Buildings and works

A permit is required to construct a building or carry out works.

This does not apply to:

- Construction or carrying out the following within a Business Zone:
  - The installation of an automatic teller machine.
  - An alteration to an existing building facade provided:
    - The alteration does not include the installation of an external roller shutter.
    - At least 80 per cent of the building facade at ground 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.

A permit may be granted for buildings and works that do not accord with any of the requirements of this schedule provided the design objectives and outcomes in Table 1 are satisfied.
New development should address the design requirements and outcomes to be achieved for the
town centre as well as any design requirement/outcome specified for individual precincts in Table
1 to this schedule.

3.0
07/11/2019
C133bawb

Subdivision
None specified.

4.0
07/11/2019
C133bawb

Signs
None specified.

5.0
07/11/2019
C133bawb

Application requirements
If considered necessary, applications must be accompanied by the following plans and reports to
the satisfaction of the responsible authority:

- A report detailing how the proposed development responds to the Design objectives of this
  schedule.
- Three dimensional diagrams or visualisation showing the proposed building in the context of
  the surrounding activity centre buildings.
- An assessment of the impact on key vistas and the amenity of public spaces for developments
  of three or more storeys.
- All major new developments are to include, where applicable, an assessment of the following
  Ecological Sustainable Design principles:
  1. Energy efficiency achieved through such features as enhanced building fabric, efficient
     appliances and services, use of daylight, renewable energy generation, and use of alternative energy
     sources.
  2. Conservation of water use through such features as water sensitive urban design, water
     efficient fittings, rainwater harvesting, greywater and blackwater treatment.
  3. Indoor environmental qualities through such features as quality through natural ventilation,
     improved thermal comfort, good acoustics, visual comfort.
  4. Management of waste during demolition, construction, and at the operational stage.
  5. Reducing/recycling a percentage of demolition and construction waste.
  6. A waste management plan (WMP) that ensures future waste from buildings will have adequate
     space and facilities for collecting, processing.
  7. The selection of sustainable building materials.

6.0
07/11/2019
C133bawb

Decision guidelines
The following decision guidelines apply to an application for a permit under Clause 43.02, in
addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered,
as appropriate, by the responsible authority:

- The design objectives of this schedule.
- Whether the proposal achieves the preferred design requirements and the outcomes to be
  achieved in Table 1 of this schedule.
- Whether subdivision associated with a development proposal supports the design objectives
  for the Warragul Town Centre and will not result in fragmentation of sites.
7.0 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 does not exempt any application from notification and review requirements under any other clause, zone or overlay.

8.0 Background documents

Warragul Town Centre Urban Design Framework and Station Precinct Masterplan (April 2010).

Table 1

<table>
<thead>
<tr>
<th>General Design Requirements</th>
<th>Outcome to be achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building appearance</strong></td>
<td></td>
</tr>
<tr>
<td>Building facades should be designed with an appropriate scale, rhythm and proportion that respond to the building’s use and the character of the surrounding area.</td>
<td>High architectural quality.</td>
</tr>
<tr>
<td>Maximise the development potential of sloping sites by creating additional levels where the land falls away that require minimal excavation.</td>
<td>Building facades define adjoining public spaces and achieve the desired streetscape character.</td>
</tr>
<tr>
<td>Buildings should be suitably capped with a roof form or feature parapet street wall with all plant and rooftop equipment concealed from the surrounding street views and contribute to a high quality presentation in the streetscape and skyline context of the town centre.</td>
<td>Building design retain a harmonious town centre skyline when viewed from surrounding areas.</td>
</tr>
<tr>
<td>Bin enclosures and other storage should be appropriately located and screened from view to ensure a tidy presentation onto streets, pedestrian areas, laneways and public parking areas.</td>
<td>Building elements are integrated into the overall building form and facade design.</td>
</tr>
<tr>
<td><strong>Public/private interface</strong></td>
<td></td>
</tr>
<tr>
<td>The street facade and internal layout of the ground floor of developments should be designed to facilitate an activated edge and passive surveillance between the building and the adjoining street.</td>
<td>Buildings contribute to enhanced street life.</td>
</tr>
<tr>
<td>Pedestrian entries into buildings should promote safety for building users and should be clearly visible, well lit and directly face the street or adjoining public space.</td>
<td>Building frontages provide for natural surveillance and security of public spaces.</td>
</tr>
<tr>
<td>Entrances and key pedestrian routes should provide adequate weather protection. Buildings should be scaled appropriately to create an effective transition to adjoining residential uses or heritage buildings.</td>
<td>Development clearly connected to public spaces. Development to provide comfort and amenity to pedestrians.</td>
</tr>
<tr>
<td>General Design Requirements</td>
<td>Outcome to be achieved</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td><strong>Vehicle access and parking</strong></td>
<td></td>
</tr>
<tr>
<td>The number of vehicle crossovers should be reduced and where appropriate provided from laneways or secondary street frontages.</td>
<td>Vehicle movements and connections within the development and the street network are convenient, safe and efficient.</td>
</tr>
<tr>
<td>Onsite parking for vehicles should be located to have a minimal visual impact on the streetscape and adjoining public spaces where appropriate.</td>
<td>Sufficient car parking provided for building occupants and visitors.</td>
</tr>
<tr>
<td>All parking areas, including entry and exit points, should be well lit and clearly identified with signage.</td>
<td>Parking and access areas are safe, practical and attractive and can be easily maintained.</td>
</tr>
<tr>
<td>Vehicle access points should be separate from pedestrian access points where appropriate.</td>
<td></td>
</tr>
<tr>
<td>Car parking facilities to be rationalised and connected between adjoining outlets where appropriate.</td>
<td></td>
</tr>
<tr>
<td>Tandem spaces should not be provided unless associated with a single occupancy.</td>
<td></td>
</tr>
<tr>
<td>Basement car parks should be naturally ventilated.</td>
<td></td>
</tr>
<tr>
<td>Views of cars on upper storeys should be screened from public viewpoints.</td>
<td></td>
</tr>
<tr>
<td>Where multi deck car parking buildings are located on retail streets, consider options to screen the car park with ground level shop fronts or other suitable screening treatments.</td>
<td></td>
</tr>
<tr>
<td>Loading facilities should be located away from key pedestrian routes and screened from public spaces.</td>
<td></td>
</tr>
<tr>
<td><strong>Landscaping</strong></td>
<td></td>
</tr>
<tr>
<td>Landscaping should be designed to complement the landscape treatments of adjoining streets and public spaces where appropriate.</td>
<td>Landscaping is integrated with the design of the development and complements the landscaping of any adjoining public space.</td>
</tr>
<tr>
<td>New development to be appropriately landscaped, including canopy trees where appropriate.</td>
<td></td>
</tr>
<tr>
<td><strong>Signage</strong></td>
<td></td>
</tr>
<tr>
<td>Signage should be of a size and height that is complementary to the built form of the building and surrounding landscape, and does not detract from public view lines.</td>
<td>Signage is integrated into the design of the building facade, surrounding streetscape and landscape setting.</td>
</tr>
<tr>
<td>Sign structures and panels to be within parapet silhouette and architectural features so as not to visually dominate the building.</td>
<td></td>
</tr>
<tr>
<td>Signs should be limited in number and incorporate limited detail other than is necessary to identify the building name and key tenants.</td>
<td></td>
</tr>
</tbody>
</table>
### General Design Requirements

<table>
<thead>
<tr>
<th>Outcome to be achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signs should be consolidated in mixed use and commercial developments to avoid the visual clutter of signage and displays.</td>
</tr>
</tbody>
</table>

### DDO1 - 1 Bulky goods / main road sales precinct (*all precincts shown in Plan 4*)

<table>
<thead>
<tr>
<th>Outcome to be achieved</th>
</tr>
</thead>
</table>
| Building Height  
Building height to be generally limited to three storeys (11 metres).        |
| Development retains public views towards and within the town centre and ensures a connection between the private and public spaces. |
| Building appearance  
Buildings located on the north side of Alfred Street should ensure that appropriate landscaping and articulation of rear facades is provided to ensure an attractive view from the rail line, station and Hazel Creek area. |
| The sense of arrival is strengthened at a key gateway location. |
| Setbacks  
Front setbacks should be no more than 20 metres (limited parking to the front of buildings may be allowed, provided the bulk of parking is provided to the side or rear). |
| Development positively interacts with the street edge. |
| Gateway sites (south east and south west corners of Howitt and Alfred Street intersection)  
Development should reinforce the gateway presentation to the intersection of Howitt Street and Alfred Street. |
| Building design of new development reflects the gateway role of this prominent location. |
| Development should be setback no more than 5m from Howitt Street and Alfred Street. |
| Heritage assets are protected from adjoining development |
| Development should be setback a minimum of 3m from other boundaries. |
| A 3m soft landscape buffer should be established around the site perimeter. |
| The heritage trees along Permewa Lane will be protected by locating vehicle crossovers via other street frontages with a preference for vehicle and service access via the southern laneway. |
| The general form anticipated for development to the south east of Howitt and Alfred Street intersection is shown in Plan 1. |

### Other
<table>
<thead>
<tr>
<th><strong>Outcome to be achieved</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Support the incorporation of water sensitive urban design into developments to the west of Howitt Street given the proximity to Hazel Creek and flood prone land.</td>
</tr>
<tr>
<td>Impacts of flood water in this area are mitigated.</td>
</tr>
</tbody>
</table>

**DDO1 - 1a Bulky goods / main road sales precinct**

<table>
<thead>
<tr>
<th><strong>Design requirements</strong></th>
<th><strong>Outcome to be achieved</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building Height</strong></td>
<td>Development retains public views towards and within the town centre and ensures a connection between private and public spaces.</td>
</tr>
<tr>
<td>Building height to be generally limited to three storeys (11 metres).</td>
<td></td>
</tr>
</tbody>
</table>

**DDO1 – 2 Trinca Lane Precinct**

<table>
<thead>
<tr>
<th><strong>Design requirements</strong></th>
<th><strong>Outcome to be achieved</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building Height</strong></td>
<td>Development retains public views towards and within the town centre and ensures a connection between private and public spaces.</td>
</tr>
<tr>
<td>Building height to be generally limited to three storeys (11m) – not including gateway site.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Building Appearance</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings to incorporate windows, balconies and entrances to activate the Trinca Lane streetscape.</td>
</tr>
<tr>
<td>Design provides high quality presentation from the railway line.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Setbacks</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide a minimum 3m landscape setback from Trinca Lane.</td>
</tr>
<tr>
<td>Design provides high quality presentation from the railway line.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Gateway site (land at western edge of precinct)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide a minimum 5m landscape setback from the eastern boundary for planting of canopy trees.</td>
</tr>
<tr>
<td>Building design of new development reflects the gateway role of this prominent location.</td>
</tr>
<tr>
<td>Establish a parapet street wall of up to three storeys (11m) to Queen Street which transitions to two storeys (8m) at the eastern part of the site.</td>
</tr>
<tr>
<td>A maximum building height of four storeys above the Queen Street footpath level which steps down to three storeys at the eastern part of the site.</td>
</tr>
<tr>
<td>The western ‘wedge’ of the site should contain a distinctive corner feature treatment which wraps from the Queen Street frontage to Trinca Lane.</td>
</tr>
<tr>
<td>Building entries should be logically placed and designed towards the Queen Street frontage with secondary access to Trinca Lane.</td>
</tr>
</tbody>
</table>
**Outcome to be achieved**

**Design requirements**

Development should ensure a high quality presentation of equal resolution is achieved to both the Queen Street and Trinca Lane frontages.

Use the fall of the land to provide undercroft / semi-basement car parking which is concealed from views along Queen Street.

Visitor or customer car parking may be accommodated within a setback from the eastern boundary provided a landscape buffer of 5m is provided.

Vehicle access can be achieved via a maximum of one centralised vehicle crossover to Queen Street and/or vehicle access via Trinca Lane which is sited and designed to ensure that a row of shadow canopy trees can be established within/adjacent to the site along this frontage.

The general form anticipated for the western gateway development is shown in Plan 2.

---

**DDO1 – 3a Major development site – Bonlac factory precinct**

<table>
<thead>
<tr>
<th>Design requirements</th>
<th>Outcome to be achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building Height</strong></td>
<td>Development retains public views towards and within the town centre and ensures a connection between the private and public spaces.</td>
</tr>
<tr>
<td>Buildings should be generally limited to parapet street wall height of 11m. Development to be generally limited to four storeys (and 16m) measured at street level to the nearest street / accessway frontage from which the development will be visible. New development can be higher where appropriate.</td>
<td></td>
</tr>
<tr>
<td><strong>Building appearance</strong></td>
<td>New development improves physical and visual connectivity to the rest of the town centre and allow for the orderly expansion of the primary retail core.</td>
</tr>
<tr>
<td>Primary active retail frontages should be resolved and focussed along primary street frontages where possible. Buildings should be sited and designed to follow the site slope and avoid excessively elevated buildings which result in exposed blank walls (particularly at ground level).</td>
<td></td>
</tr>
<tr>
<td><strong>Setbacks</strong></td>
<td>Commercial development interacts appropriately with adjoining uses.</td>
</tr>
<tr>
<td>Commercial development to Mason Street should have a zero boundary setback where appropriate.</td>
<td></td>
</tr>
<tr>
<td><strong>Vehicle parking and access</strong></td>
<td></td>
</tr>
</tbody>
</table>

---

BAW BAW PLANNING SCHEME
### Design requirements | Outcome to be achieved
---|---
The number of vehicle crossovers to Mason Street, Queen Street and Gladstone Street should be reduced and where appropriate provided from laneways or secondary street frontages. A pedestrian precinct is to be provided on the site opposite the intersection of Palmerston Street and Mason Street and this is to extend into the site to provide a pedestrian link through the site between Mason Street and Gladstone Street. Servicing and loading areas should be visually appropriate and designed to avoid conflict with pedestrians, bicycle or car parking areas. | New development provides a legible and well connected network of streets or accessways with safe pedestrian and bicycle access within the site which integrate with the broader activity centre network.

### DDO1 – 3b Opportunity site – Williams Square precinct

<table>
<thead>
<tr>
<th>Design requirement</th>
<th>Outcome to be achieved</th>
</tr>
</thead>
</table>

**Building Height**

Development to be generally limited to a parapet street wall of up to 11m. Development above the parapet street wall should be setback a minimum of 3m to have a recessive presentation. | Development retains public views towards and within the town centre and ensures a connection between the private and public spaces.

**Building Appearance**

Conceal large retail forms (e.g. supermarket, mini major stores and discount department stores) behind active retail frontages which incorporate regularly spaced and well placed entries including highly glazed frontages at street level. Buildings should have a zero lot setback from Palmerston Street and Mason Street to create a consistent built form within the retail core of the activity centre. Blank walls should be avoided to Palmerston Street and Mason Street and achieve a minimum 80% active frontage to each street, whilst buildings interfacing Williams Street should include at least 20% active frontages comprising logically placed building entries and glazed retail frontage which integrate with the surrounding development. | Development regenerates and consolidates the retail core and the key pedestrian axis of Palmerston Street.

**Vehicle parking and access**

Maintain Williams Street as a public vehicle thoroughfare with pedestrian link along its southern edge.
<table>
<thead>
<tr>
<th>Design requirement</th>
<th>Outcome to be achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide for laneway widening (to a minimum width of 6m) along the western boundary of the Centrepoint shopping centre site to accommodate service vehicles for the precinct.</td>
<td></td>
</tr>
<tr>
<td><strong>Williams Square car park</strong></td>
<td>Decked car parking is designed to make a positive contribution to adjoining public space.</td>
</tr>
<tr>
<td>Retain the Williams Square Council car park and redevelop with a three storey deck car park subject to the following:</td>
<td></td>
</tr>
<tr>
<td>• Setback a minimum of 6m from the south, east and west boundaries and minimise unreasonable loss of daylight to the frontage of interfacing private properties interfacing with the car park;</td>
<td></td>
</tr>
<tr>
<td>• Any roof feature or weather protection over the third storey is lightweight in design and is well articulated;</td>
<td></td>
</tr>
<tr>
<td>• The overall design makes a positive contribution to the pedestrian environment; and</td>
<td></td>
</tr>
<tr>
<td>• Connect decked car parking areas on the Council and privately owned sites, as appropriate, to provide legibility and improved permeability of the precinct car parking.</td>
<td></td>
</tr>
<tr>
<td><strong>DDO1 – 3c Opportunity site – Triangle precinct</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Design requirement</strong></td>
<td>Outcome to be achieved</td>
</tr>
<tr>
<td><strong>Building Height</strong></td>
<td>Development retains public views towards and within the town centre and ensures a connection between the private and public spaces.</td>
</tr>
<tr>
<td>Development to be generally limited to four storeys (16m above natural ground level) with upper levels setback from the Palmerston shared zone to avoid overshadowing the pedestrian plaza. Building height should maintain vistas of the heritage listed church to the north.</td>
<td></td>
</tr>
<tr>
<td><strong>Setbacks</strong></td>
<td>The Triangle Precinct reinvigorates the image of the retail core with an inspiring and articulated built form.</td>
</tr>
<tr>
<td>Establish a parapet street wall with a zero lot setback and a height of up to 12m (equivalent two to three storeys) Development above the parapet street wall should be recessed a minimum of 5 metres from the front elevation.</td>
<td></td>
</tr>
<tr>
<td><strong>Vehicle parking and access</strong></td>
<td>Vehicle movements and connections within the development and the street network are convenient, safe and efficient.</td>
</tr>
<tr>
<td>New driveways and access ways should be located to maximise separation from existing and planned pedestrian crossings, with the primary access via Victoria Street.</td>
<td></td>
</tr>
<tr>
<td>Design requirement</td>
<td>Outcome to be achieved</td>
</tr>
<tr>
<td>--------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>Conceal car parking in a basement where possible and ensure the location of vehicle crossovers minimises impact to key pedestrian routes such as Palmerston Street. New driveways and access ways should be located to maximise separation from existing and planned pedestrian crossings, with a primary access via Victoria street. Maintain service laneway access to the rear of 41-47 Smith Street and 15-17 Palmerston Street unless alternative access arrangements can be found. Pedestrian spaces should be suitably designed for DDA compliance and where abutting service laneways, they should be established as a safely designed shared pedestrian/vehicle space.</td>
<td></td>
</tr>
</tbody>
</table>

**DDO1 – 4 Retail Precinct**

<table>
<thead>
<tr>
<th>Design requirements</th>
<th>Outcomes to be achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building Height</strong></td>
<td>Development retains public views towards and within the town centre and ensures a connection between the private and public spaces. Active retail frontages in the core retail areas and complementary uses located at upper levels or side streets.</td>
</tr>
<tr>
<td>Preferred height up to 3 storeys (11 metres). Ensure development maintains retail focus of the precinct and addresses all street frontages.</td>
<td></td>
</tr>
</tbody>
</table>

**DDO7 – 5 TAFE Precinct**

<table>
<thead>
<tr>
<th>Design requirements</th>
<th>Outcomes to be achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building Height</strong></td>
<td>Development retains public views towards and within the town centre and ensures a connection between the private and public spaces.</td>
</tr>
<tr>
<td>Any future redevelopment of the TAFE to be designed so as to allow commuters exiting via the existing pedestrian overpass to have clear visibility towards the Queen/ Mason intersection and views of the railway station are maintained.</td>
<td></td>
</tr>
<tr>
<td><strong>Building Appearance</strong></td>
<td>Redevelopment to functionally integrate with the town centre.</td>
</tr>
<tr>
<td>Integrate the design of the TAFE with pedestrian links to the town centre. Support the development of a new ‘landmark’ sustainable building over the new TAFE car park to the east.</td>
<td></td>
</tr>
</tbody>
</table>
southern gateway view from the corner of howitt and alfred streets
PLAN 2

View from queen street and trincala lane intersection of the corner feature form.

Aerial view of gateway buildings from queen street (east).
SCHEDULE 2 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO2.

DROUIN TOWN CENTRE

1.0 Design objectives

To encourage high quality urban design that is responsive to and reinforces the locally distinctive topography, features, characteristics and landscape of the area.

To ensure the height of future development is determined having regard to the appropriate future scale and character of the precinct within the town centre.

To ensure that building setbacks define the street edge and provide a high amenity for users of the street.

To ensure that pedestrian routes, streets, footpaths, open spaces and other public spaces including transport facilities interact with and are overlooked by buildings.

To promote active frontages to streets, walkways and public spaces.

To promote high quality and distinctive built form outcomes on prominent corners, gateways and infill sites.

To ensure key community nodes and pedestrian streets have good access to sunlight, weather protection and clear pathways linking elements.

To maintain and improve the provision and integration of quality public spaces, including streets, laneways and other public spaces.

To encourage buildings to be designed to take advantage of views and vistas towards and within the town centre while retaining attractive long range vistas from key vantage points.

To encourage high quality contemporary building design that protects visual amenity when viewed from surrounding residential and rural areas.

To improve signage and way finding measures for users of the activity centre.

2.0 Buildings and works

Permit requirement

A permit is required to construct a building or carry out works.

This does not apply to:

- Construction or carrying out the following within a Business Zone:
  - The installation of an automatic teller machine.
  - An alteration to an existing building facade provided:
    - The alteration does not include the installation of an external roller shutter.
    - At least 80 per cent of the building facade at ground 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.

- Construction or extension of the following within a Residential Zone:
  - A single dwelling on a site greater than 300 square metres.
  - The construction or extension of a garage or carport
  - Works normal to a dwelling.
- An open-sided pergola or verandah with a finished floor level not more than 800 millimetres above natural ground level and a maximum height not more than 3 metres above natural ground level.
- An outbuilding with a gross floor area not more than 10 metres and a maximum building height not more than 3 metres above natural ground level.
- A deck with a finished floor level not more than 800 millimetres above natural ground level.
- A domestic swimming pool or spa and associated mechanical equipment and safety fencing
- the construction or extension of a garage or carport

A permit may be granted for buildings and works that do not accord with any of the requirements of this schedule provided the design objectives and outcomes in Table 1 are satisfied.

New development should address the design requirements and outcomes to be achieved for the town centre as well as any design requirement/outcome specified for individual precincts in Table 1 to this schedule.

### Subdivision
None specified.

### Signs
None specified.

### Application requirements
In addition to other information required to be submitted with a planning application, if considered necessary, applications must be accompanied by the following plans and reports to the satisfaction of the responsible authority:

- A report detailing how the proposed development responds to the Design objectives of this schedule.
- Three dimensional diagrams or visualisation showing the proposed building in the context of the surrounding activity centre buildings.
- An assessment of the impact on key vistas and the amenity of public spaces for developments of three or more storeys.
- All major new developments are to include, where applicable, an assessment of the following Ecological Sustainable Design principles:
  - Energy efficiency achieved through such features as enhanced building fabric, efficient appliances and services, use of daylight, renewable energy generation, and use of alternative energy sources.
  - Conservation of water use through such features as water sensitive urban design, water efficient fittings, rainwater harvesting, greywater and blackwater treatment.
  - Indoor environmental qualities through such features as quality through natural ventilation, improved thermal comfort, good acoustics, visual comfort.
  - Management of waste during demolition, construction, and at the operational stage.
  - Reducing/recycling a percentage of demolition and construction waste.
  - A waste management plan (WMP) that ensures future waste from buildings will have adequate space and facilities for collecting, processing.
  - The selection of sustainable building materials.
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 does not exempt any application from notification and review requirements under any other clause, zone or overlay.

### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The design objectives of this schedule.
- Whether the proposal achieves the design requirements and the outcomes to be achieved in Table 1 of this schedule.
- Whether subdivision associated with a development proposal that supports the objectives for the Drouin Town Centre will not result in fragmentation of sites.

### Background documents

Drouin Town Centre Strategy November (2010)

### Table 1

<table>
<thead>
<tr>
<th>General Design Requirements</th>
<th>Outcome to be achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building height</strong></td>
<td></td>
</tr>
<tr>
<td>Establish building heights appropriate to each part of the town centre, shown on the Plan 1.</td>
<td>Development retains the historic character of the Princes Way ‘spine’.</td>
</tr>
<tr>
<td>Retain the two storey scale (9 metres) of the Princes Way retail spine.</td>
<td>Development retains public views towards and within the town centre and ensures a connection between the private and public spaces.</td>
</tr>
<tr>
<td>Allow buildings up to three storeys (11 metres) within other core retail areas.</td>
<td></td>
</tr>
<tr>
<td>Allow higher scale development along the railway corridor and key opportunity sites to the south of the railway line.</td>
<td></td>
</tr>
<tr>
<td>Retain the scale of development within established residential areas.</td>
<td></td>
</tr>
<tr>
<td><strong>Building appearance</strong></td>
<td></td>
</tr>
<tr>
<td>Building facade should be composed with an appropriate scale, rhythm and proportion that respond to the building’s use and the character of the surrounding area.</td>
<td>High architectural quality.</td>
</tr>
<tr>
<td>Where appropriate, provide opportunities for artwork within new development.</td>
<td></td>
</tr>
<tr>
<td>Maximise the development potential of sloping sites by creating additional levels where the land falls away that require minimal excavation.</td>
<td>Building facades define adjoining public spaces and achieve the desired streetscape character.</td>
</tr>
<tr>
<td>General Design Requirements</td>
<td>Outcome to be achieved</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Buildings should be suitably capped with a roof form or feature parapet street wall with all</td>
<td>Building design retains a harmonious town centre skyline when viewed from surrounding</td>
</tr>
<tr>
<td>plant and rooftop equipment concealed from the surrounding street views and contribute to a</td>
<td>areas</td>
</tr>
<tr>
<td>high quality presentation in the streetscape and skyline context of the town centre.</td>
<td></td>
</tr>
<tr>
<td>Provide a transitional building scale at the interface with residential uses or heritage</td>
<td></td>
</tr>
<tr>
<td>buildings.</td>
<td></td>
</tr>
<tr>
<td>Bin enclosures and other storage should be located at the rear of buildings and screened</td>
<td>Building elements are integrated into the overall building form and facade design</td>
</tr>
<tr>
<td>from view to ensure a tidy presentation onto streets, pedestrian areas, laneways and public</td>
<td></td>
</tr>
<tr>
<td>parking areas.</td>
<td></td>
</tr>
<tr>
<td><strong>Public/private interface</strong></td>
<td></td>
</tr>
<tr>
<td>The street facade and internal layout of the ground floor should be designed to facilitate</td>
<td>Buildings contribute to enhanced street life.</td>
</tr>
<tr>
<td>an activated edge and passive surveillance between the building and the adjoining street.</td>
<td></td>
</tr>
<tr>
<td>Pedestrian entries into buildings should promote safety for building users and should be</td>
<td>Building frontages provide for natural surveillance and security of public spaces.</td>
</tr>
<tr>
<td>clearly visible, well lit and directly face the street or adjoining public space.</td>
<td></td>
</tr>
<tr>
<td>Entrances and key pedestrian routes should provide adequate weather protection.</td>
<td>Development clearly connected to public spaces.</td>
</tr>
<tr>
<td>Buildings should be scaled appropriately to create an effective transition to adjoining</td>
<td>Development to provide comfort and amenity to pedestrians.</td>
</tr>
<tr>
<td>residential uses or heritage buildings.</td>
<td></td>
</tr>
<tr>
<td><strong>Vehicle access and parking</strong></td>
<td></td>
</tr>
<tr>
<td>The number of vehicle crossovers should be reduced and where appropriate provided from</td>
<td>Vehicle movements and connections within the development and the street network are</td>
</tr>
<tr>
<td>laneways or secondary street frontages.</td>
<td>convenient, safe and efficient</td>
</tr>
<tr>
<td>Onsite parking for vehicles should be located to have a minimal visual impact on the</td>
<td></td>
</tr>
<tr>
<td>streetscape and adjoining public spaces where appropriate.</td>
<td></td>
</tr>
<tr>
<td>All parking areas, including entry and exit points, should be well lit and clearly</td>
<td></td>
</tr>
<tr>
<td>identified with signage.</td>
<td></td>
</tr>
<tr>
<td>Vehicle access points should be separate from pedestrian access points where appropriate.</td>
<td>Sufficient car parking provided for building occupants and visitors.</td>
</tr>
<tr>
<td>Car parking facilities to be rationalised and connected between adjoining outlets where</td>
<td>Parking and access areas are safe, practical and attractive and can be easily maintained.</td>
</tr>
<tr>
<td>appropriate.</td>
<td></td>
</tr>
<tr>
<td>Tandem spaces should not be provided unless associated with a single occupancy.</td>
<td></td>
</tr>
<tr>
<td>Basement car parks should be naturally ventilated.</td>
<td></td>
</tr>
</tbody>
</table>
## General Design Requirements

<table>
<thead>
<tr>
<th>Outcome to be achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Views of cars on upper storeys should be screened from the public viewpoints.</td>
</tr>
<tr>
<td>Where multi deck car parking buildings are located on retail streets, consider options to screen the car park with ground level shop fronts or other suitable screening treatments.</td>
</tr>
<tr>
<td>Loading facilities should be located away from key pedestrian routes and screened from public spaces.</td>
</tr>
</tbody>
</table>

### Landscaping

Landscaping should be designed to complement the landscape treatments of adjoining streets and public space where appropriate.

Landscaping is integrated with the design of the development and complements the landscaping of any adjoining public space.

New development to be well landscaped, including canopy trees where appropriate.

### Signage

Signage should be of a size and height that is complementary to the built form of the building and surrounding landscape, and does not detract from public view lines.

Signage is integrated into the design of the building facade, surrounding streetscape and landscape setting.

Sign structures and panels to be within parapet silhouette and architectural features so as not to visually dominate the building.

Signs should be limited in number and incorporate limited detail other than is necessary to identify the building name and key tenants.

Signs should be consolidated in mixed use and commercial developments to avoid the visual clutter of signage and displays.

## DDO2 - 1 Community, office and residential precinct (* all precincts shown in Plan 2)

<table>
<thead>
<tr>
<th>Design Requirements</th>
<th>Outcomes to be achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td>No specific design guidelines</td>
<td></td>
</tr>
</tbody>
</table>

## DDO2 - 2 Core retail, services and offices precinct

<table>
<thead>
<tr>
<th>Design Requirements</th>
<th>Outcomes to be achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building appearance</td>
<td></td>
</tr>
</tbody>
</table>

Ensure development addresses all street frontages.

All buildings with frontage to key pedestrian routes and car parking areas to provide a 75% active frontage. For buildings that require blank walls on street frontages, clear glazing should be employed.

Development positively interacts with the street edge.

Active retail frontages in the core retail areas and complementary uses located at upper levels or side streets.
### Design Requirements | Outcomes to be achieved
--- | ---
Development on the east side of Hope Street to provide dual frontage to Hope Street and the car park to the rear, and provide through access. |  

### Public/private interface
Ensure that development on Young Street has an active frontage to Young Street. | Visual and pedestrian links between precinct and Civic Park are improved.

### Vehicle access and parking
All new car parking to be provided on site at basement level or multi deck. | Pedestrian safety and movement are improved.
Encourage the redevelopment of at grade car parking. |  

### Other
Facilitate provision of a laneway or covered walkway as part of new development between the car park and Hope Street.

---

### DDO2 - 3 Boutique retail, tourism & entertainment precinct

#### Design Requirements | Outcomes to be achieved
--- | ---
**Building appearance**
Development to create active frontages along Princes Way, and key links to Young Street. | Active retail frontages in the core retail areas and complementary uses located at upper levels or side streets.
Blanks walls, non-transparent windows, empty shopfronts and offices that do not generate pedestrian visits should be avoided at ground level. | Consistency in horizontal and vertical design rhythms in the design of new facades is created.
Maintain the ‘existing ‘fine grain’ appearance of buildings within the core retail areas which is created by the width of individual shopfronts. |  
All buildings with frontage to key pedestrian routes to provide a 75% active frontage. |  

### Other
Development to provide additional north –south pedestrian and laneway linkages. | Efficient pedestrian movement to key destinations.

---

### DDO2 - 4 Alex Goudie Park interface

#### Design Requirements | Outcomes to be achieved
--- | ---
**Landscaping** |  

---
### Design Requirements

| Development facing Alex Goudie Park or Montague Avenue to provide adequate land for planting of canopy trees. | Development to provide an attractive interface to Alex Goudie Park. |

### Other

Development to provide pedestrian linkages to provide access to Alex Goudie Park, key community uses and any future commuter car park to the north of the precinct.

### PLAN 1

[Diagram of Alex Goudie Park and Montague Avenue showing development areas and pedestrian linkages.

Legend:
- 9 meters (up to 3 stories)
- 8.11 meters (2 stories over grid boundary with 3 stories for 33 meters)
- 1 meter (up to 2 stories)

Building Heights Map: English Town Centre Streetview]
SCHEDULE 3 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO3**.

**TRAfalgar TOWN CENTRE**

1.0 Design objectives

To implement the design guidelines of the *Trafalgar Urban Design Framework (2018)*.

To encourage high quality urban design and architecture that is responsive to the built form character of the town centre and surrounding residential areas.

To maintain and improve the provision and integration of quality public spaces, including streets, laneways, public car parks and other public spaces.

To promote active frontages to the street edge, including at the ground levels of buildings and provide passive surveillance opportunities to public spaces.

2.0 Buildings and works

A permit is not required to construct a building or carry out our works for:

- An outbuilding (other than a garage or carport) provided the gross floor area of the outbuilding does not exceed 10 square metres and the maximum building height does not exceed 3 metres above ground level.

- An extension of an existing dwelling, if the increase in floor area is less than 50 square metres, the front setback is not altered and the building height requirements as shown on Map 1 of this Schedule are met.

A permit is required to construct a fence if one of the following applies:

- The fence is a front fence and constructed of chain-wire mesh.

- The fence is a front fence and exceeds 1.2 metres in height.

- The fence is a front fence and provides less than 50 percent transparency.

- The fence is on a side street boundary and exceeds 1.2 metres in height for more than 40 percent of the total length.

Design requirements

New development should address the design requirements and outcomes to be achieved for the town centre as well as any design requirement specified for individual precincts in this Schedule.

Building height and setback

Buildings should meet the following height and setback requirements:

- Development should comply with the preferred building height specified for each precinct in Map 1.

- Buildings should be setback the distance specified in Map 2 for each precinct.

- Building height should not exceed the parapet height of any abutting heritage building with Princes Highway frontage.

Building design

Buildings should:

- Be well proportioned with respect to surrounding built form.

- Protect the public realm views to the Strzelecki Ranges.
• Reflect the rural character of the area through use of natural building materials such as stone, brick, weatherboard and timber products, and the use of non-reflective surfaces and neutral, muted colours.

• Have long continuous facades divided into smaller vertical sections, using variation in wall articulation, window openings, materials and colours.

• Use non-reflective glass in commercial areas.

• Complement existing historic development in scale and height and retain the integrity of heritage buildings.

• Maintain view lines of the former Wesleyan Methodist Church from Princes Highway and Anzac Road.

• Incorporate any third level proposals into the roof form (i.e. loft-style with dormer windows).

• Be designed with commercial verandahs or canopies consistent with the streetscape and extended to the kerb line.

• Use cantilevered verandahs on street frontages and avoid the use of posts.

• Incorporate a roof form which complements the prevailing character within the surrounding residential context (i.e. pitched, hipped or gable), with a second storey incorporated into the roof form where possible.

**Active frontages**

• New developments should avoid blank, inactive walls on street frontages and encourage provision of passive surveillance.

• Operable glazed frontages are encouraged for food and drink premises to improve integration with the street.

• Buildings should be designed to provide a minimum 70 percent transparent front façade at ground level to the street and public car parking areas.

• In Precincts 2a and 3a, new development should establish new active interfaces with the car park and public space to the rear of the technology centre.

• Wide or consolidated frontages should incorporate breaks in building mass to reflect the existing residential form in the streetscape.

**Pedestrian and vehicle access**

• Development should facilitate the creation of pedestrian links as shown on Map 2.

• Pedestrian access points should be separate from vehicle access points.

• In Precinct 2b, new development should facilitate the creation of the accessway connecting to Kitchener Street, as shown on Map 2.

**Car parking**

• Development of sites fronting the Princes Highway and Contingent Street should provide for rear parking accessed from Depot Lane.

**Landscaping**

• Landscaping in setbacks should be consistent with Map 2.

• In Precinct 2a, an open landscaped area to the west of the former church should be retained. Planting near the northern boundary of the church site should be low profile to maintain views of the historic building from the Princes Highway.
- Existing canopy trees should be retained and incorporated into the site design.
- Landscaping and fencing treatments on sites adjoining an arterial road should not obstruct vehicle sight lines.

### Subdivision

None specified.

### Signs

The following requirements apply in addition to sign requirements in Clause 52.05.

- Signs should be integrated into the design of the building and not be visually dominant in proportion and scale.
- Signs should not project above parapet level or out from the building façade above verandah or canopy level.
- Internally illuminated signs are not encouraged.

### Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A report detailing how the proposed development addresses the design objectives and requirements specified in this Schedule and meets the preferred building height setbacks shown in Map 1 and Map 2 of this Schedule.

### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal is generally in accordance with the decision guidelines of the *Trafalgar Urban Design Framework (2018)*.
- Whether the Objectives and Design requirements of this Schedule are satisfied.
- The architectural quality of the proposal, which includes the design, scale, height, materials, mass and visual bulk of the development in relation to the surrounding built form.
- Whether the proposal provides an active interface to street frontages and contributes positively to the pedestrian environment and other areas of the public realm.
Map 1 – Precinct and Building Height Plan

LEGEND
- Town Centre Boundary
- Precinct Boundary

Precinct Heights

Precinct 1
Preferred building height up to 9 metres (1-2 storeys)

Precinct 2
Precinct 2a - Preferred building height up to 9 metres (1-2 storeys)
Precinct 2b - Preferred building height 9-11 metres (2-3 storeys)

Precinct 3
Precincts 3a and 3b - Preferred building height up to 9 metres (1-2 storeys)

Precinct 4
Precinct 4a - Building height up to 11 metres (1-3 storeys)
Precinct 4b - Building height up to 9 metres (1-2 storeys)

Note: Building height is the vertical distance from natural ground level to the roof or parapet at any point.
Map 2 – Building Setbacks and Access Plan

LEGEND

- Town Centre Boundary
- Proposed Accessway
- Built to Street Edge
- Shallow Setback 1-2 metres
  (Small setback to allow space for path widening to 3 metres wide along building edge)
- Landscaped Setback 3-10 metres
  (Setback to be sympathetic to adjoining setback. Landscaping to be provided in front setback)
- Chamfered Building Corner
- Key Pedestrian Connection
SCHEDULE 4 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO4**.

**RESIDENTIAL DEVELOPMENT NEERIM SOUTH**

1.0 Design objectives

To ensure that the size, density and location of residential lots is responsive to the natural topography of the land to allow for design of buildings and works which will not adversely impact on the amenity of residents and neighbouring residents.

To ensure that design of the subdivision provides an attractive gateway to the town

To ensure that waterways are protected and enhanced having regard to the need to improve water quality, improve ecological values and provide open space linkages.

To ensure that public open space areas are provided in locations which are useable and accessible.

2.0 Buildings and works

A permit is not required to construct a building or to construct or carry out works.

3.0 Subdivision

A permit to subdivide land must meet the following requirements:

**Township Entry & Access management**

The subdivision must be designed to include:

- An access road or service lane provided adjacent to Main Neerim Road to ensure dwellings and fences do not back onto the town gateway.
- Safe pedestrian and bicycle connections back to the town centre where possible.

**Vehicle crossovers and driveways**

- Gradients of vehicle crossovers are to be designed in accordance with Baw Baw Shire Council standards.
- Gradients of internal vehicle driveways are to be designed in accordance with *AS 2890.1 Parking facilities*.

**Infrastructure**

- Design and construction standards for relevant infrastructure shall be in accordance with the background document *Infrastructure Design Manual*.

**Topography and Lot sizes**

- The extent of modification of existing levels and the risk of erosion shall be minimised through consideration of road alignments, location and design of open space and the orientation and size of lots.
- The following lot sizes are considered appropriate for the various slope gradient categories:
  - Greater than 800 square metres where the slope gradient exceeds 10 per cent
  - Between 300 and 799 square metres where the slope gradient is less than 10 per cent
- Lots containing 2 or more dwellings and lots with an area less than 300 square metres are encouraged on land with a slope gradient less than 10 per cent.
- Lots shall be designed to contain an adequate sized and dimensioned building envelope, taking into account the ground level changes of the site and adjoining lots and the need to protect solar access for future dwellings.

- Lots shall be designed to ensure residential amenity is protected, taking into account the ground level changes of the site and adjoining lots.

**Retaining Walls**

Any retaining structures (with the exception of those which are part of building) should be:

- No more than 1.0 metres in height between a dwelling and a street or public space, or where visible from a street or public space.
- Set back at least 1.0 metres from any building envelope.
- Staggered, with a minimum 0.75 metre distance between each stagger to allow for the inclusion of landscaping, where cutting and filling is deeper than 1.0 metres.
- Positioned so that associated drainage infrastructure and structural foundations are fully located within the same lot.

**Flora and Fauna**

The application must accurately describe natural features of the land and adjoining road reserve including trees and other significant vegetation. Where required, a flora and fauna assessment is required to be prepared by a suitably qualified expert.

Where required, species surveys are to be prepared, in consultation with the Department of Environment, Land, Water and Planning, and measures required to protect the species identified in the survey.

**Open Space**

- A neighbourhood park, approximately 4,000 square metres (including play equipment) in size located on land with less than 15 per cent slope.
- Linear links to be provided along waterways where possible.

**Signs**

None specified.

**Application requirements**

None specified.

**Decision guidelines**

None specified.
SCHEDULE 5 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO5.

YARRAGON TOWNSHIP CHARACTER

Precinct 1 – Boutique retail, tourism, offices, restaurant and arts

Precinct 2 – Offices, bulky goods, business and commercial services

Precinct 3 – Industrial

Refer to Map 1 for precinct boundaries

1.0 Design objectives

Precinct 1 - Boutique retail, tourism, offices, restaurant and arts; and

Precinct 2 - Offices, bulky goods, business and commercial services

To build on the historic rural character of the town, through the appropriate design and style of commercial buildings and signs.

To encourage high quality urban design that is responsive to and reinforces the locally distinctive features, characteristics and landscape of the area.

To encourage high quality, fine grained building design that provides an attractive and articulated form when viewed from surrounding residential and rural areas.

To ensure that development is of a low-rise scale and design that is compatible with the streetscape character of the town.

To ensure that building setbacks achieve the desired spatial proportion of the street, define the street edge and provide a high amenity for users of the street, with adequate space for landscaping in the front setback of development in Precinct 2.

To ensure that pedestrian routes, streets, footpaths, open spaces and other public spaces are overlooked by buildings.

To promote active frontages to streets, walkways and public spaces.

To maintain and improve the provision and integration of quality public spaces, including streets, laneways, public car parks and other public spaces.

To ensure that signs are used for business identification purposes rather than product advertising and that signs do not dominate or detract from the visual amenity, rural character or identity of the town.

Precinct 3 – Industrial

To encourage high quality building design that provides an attractive and articulated form when viewed from the Princes Highway.

To ensure that development is of a low-rise scale and design that is compatible with the streetscape character of the town.

To ensure that building setbacks provide adequate space for landscaping.

To ensure that pedestrian routes, streets, footpaths, open spaces and other public spaces are overlooked by buildings.

To promote active frontages to streets, walkways and public spaces.

To ensure that signs are used for business identification purposes rather than product advertising and that signs do not dominate or detract from the visual amenity, rural character or identity of the town.
2.0 Buildings and works

Permit requirement

A permit is required to construct a building or carry out works.

This does not apply to:

- Construction or carrying out the following within a Commercial Zone:
  - The installation of an automatic teller machine.
  - An alteration to an existing building facade provided:
    - The alteration does not include the installation of an external roller shutter.
    - At least 80 per cent of the building facade at ground level is maintained as an entry or window with clear glazing.

A permit may be granted for buildings and works that do not accord with the requirements of this schedule provided the design objectives of this schedule and the outcomes in Table 1 are satisfied.

New development and alterations to existing buildings should address the design requirements and outcomes specified for in Table 1 to this schedule.

3.0 Subdivision

None specified.

4.0 Signs

Sign requirements are at Clause 52.05, Category 1 – Commercial Areas for land in the C1Z, B1Z, C2Z and B4Z and Category 2 – Office and Industrial for land in the Industrial 1 Zone.

The following signs are strongly discouraged:

- Promotion sign
- Pole sign
- Reflective sign
- Illuminated sign
- Fence sign
- Signs protruding above the parapet or roof line

5.0 Application requirements

In addition to other information required to be submitted with a planning application, if considered necessary, applications must be accompanied by the following plans and reports to the satisfaction of the responsible authority:

- A report detailing how the proposed development responds to the Design objectives of this schedule. The report must demonstrate the design responses to the objectives.
- Elevation drawings and three dimensional diagrams or visualisation showing the proposed building in the context of the surrounding buildings and the streetscape.

6.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The design objectives of this schedule.
Whether the proposal achieves the design requirements and the outcomes to be achieved in Table 1 of this schedule.

Whether subdivision is associated with a development proposal that supports the objectives for Yarragon Township Character and will not result in fragmentation of sites.

Whether the appearance of a sign will have a detrimental impact on the visual amenity of the streetscape or the Princes Highway/Freeway.

## 7.0 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 does not exempt any application from notification and review requirements under any other clause, zone or overlay.

## 8.0 Background documents

Yarragon Structure Plan (October 2010)

### Table 1 DDO5 Precinct 1 - Boutique retail, tourism, office, restaurant and arts

<table>
<thead>
<tr>
<th>Design Requirements</th>
<th>Outcome to be achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building Height and Setbacks</strong></td>
<td></td>
</tr>
<tr>
<td>To preserve the scale built character of the town, retaining the 1-2 storey building height.</td>
<td>Development retains the existing character of the Princes Highway ‘commercial spine’.</td>
</tr>
<tr>
<td>Retain buildings of single storey scale at street frontage.</td>
<td>Building height retains a harmonious town centre skyline when viewed from the Princes Highway and public places.</td>
</tr>
<tr>
<td>Allow buildings up to two storey scale (9 metres) to top of hip or gable roof along the Princes Highway retail spine.</td>
<td>Commercial development interacts appropriately with adjoining uses.</td>
</tr>
<tr>
<td>Any building of two storeys should set back the upper level (at least 5 metres from the front boundary) to avoid overshadowing of public streets.</td>
<td></td>
</tr>
<tr>
<td>The ground floor of commercial development fronting the Princes Highway should have a zero boundary setback where appropriate.</td>
<td></td>
</tr>
<tr>
<td>A permit may be granted to vary the preferred maximum building height or encroach into the recommended upper storey setback where it can be demonstrated that the variation:</td>
<td></td>
</tr>
<tr>
<td>• meets the design objectives of this schedule; and</td>
<td></td>
</tr>
<tr>
<td>• protects heritage places on the site or in proximity to the site.</td>
<td></td>
</tr>
<tr>
<td><strong>Building appearance</strong></td>
<td></td>
</tr>
<tr>
<td>Building facade should be composed with an appropriate rhythm and proportion that respond to the building’s use and the character of the surrounding area.</td>
<td>High architectural quality.</td>
</tr>
<tr>
<td>Building facades define adjoining public spaces and achieve the desired streetscape character.</td>
<td></td>
</tr>
<tr>
<td>Design Requirements</td>
<td>Outcome to be achieved</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Buildings should be scaled appropriately to create an effective transition to buildings on adjoining sites.</td>
<td>Building design retains a harmonious town centre skyline when viewed from the Princes Highway and public places.</td>
</tr>
<tr>
<td>Where appropriate, provide opportunities for artwork within new development.</td>
<td></td>
</tr>
<tr>
<td>Buildings should be suitably capped with a pitched roof form or feature parapet street wall with pitched roof form behind with all plant and rooftop equipment concealed from the surrounding street views and contribute to a high quality presentation in the streetscape and skyline context of the town centre.</td>
<td></td>
</tr>
<tr>
<td>The main roof of the building or dwelling has a pitch greater than 25 degrees.</td>
<td></td>
</tr>
<tr>
<td>Provide a transitional building scale at the interface with heritage buildings.</td>
<td></td>
</tr>
<tr>
<td>The dominant cladding of the building is weatherboard, brick or rendered masonry with corrugated iron roofing.</td>
<td>Design and choice of materials should be reflective of the Yarragon architecture in the Princes Highway 'commercial spine'.</td>
</tr>
<tr>
<td>Blank walls should be avoided to Princes Highway and secondary streets and achieve a minimum 70% active frontage to each street, whilst buildings interfacing with the public car park accessed from Hanns Lane should include at least 20% active frontage comprising logically placed building entries and glazed retail frontage which integrate with the surrounding development.</td>
<td></td>
</tr>
<tr>
<td>The use of a combination of solid material and non-reflective glass is preferred to fully glazed shop fronts.</td>
<td></td>
</tr>
<tr>
<td>Bin enclosures and other storage should be located at the rear of buildings and screened from view to ensure a tidy presentation onto streets, pedestrian areas, laneways and public parking areas.</td>
<td>Building elements are integrated into the overall building form and facade design</td>
</tr>
<tr>
<td><strong>Public/private interface</strong></td>
<td></td>
</tr>
<tr>
<td>The street facade and internal layout of the ground floor should be designed to facilitate an activated edge and passive surveillance between the building and the adjoining street.</td>
<td>Buildings contribute to enhanced street life and pedestrian safety.</td>
</tr>
<tr>
<td>Pedestrian entries into buildings should promote safety for building users and should be clearly visible, well lit and directly face the street or adjoining public space.</td>
<td>Building frontages provide for natural surveillance and security of public spaces.</td>
</tr>
<tr>
<td>Entrances and key pedestrian routes should provide adequate weather protection.</td>
<td>Development clearly connected to public spaces.</td>
</tr>
<tr>
<td></td>
<td>Development to provide comfort and amenity to pedestrians.</td>
</tr>
</tbody>
</table>
## Design Requirements

### Vehicle access and parking

- Development of sites fronting the Princes Highway should provide for rear parking accessed from Hanns Lane where possible.
- The number of vehicle crossovers should be reduced and where possible provided from laneways or secondary street frontages.
- Onsite parking for vehicles should be located to have a minimal visual impact on the streetscape and adjoining public spaces where appropriate.
- All parking areas, including entry and exit points, should be well lit and clearly identified with signage.
- Vehicle access points should be separate from pedestrian access points where appropriate.

### Signage

- Signage should be of a size and height that is complementary to the built form of the building and surrounding landscape, and does not detract from public view lines.
- Sign structures and panels to be within parapet silhouette and architectural features so as not to visually dominate the building.
- Signs should be limited in number and incorporate limited detail other than is necessary to identify the building name and key tenants.
- Advertisement signs as at Clause 52.05 – Category 1 - Commercial Areas.

### DDO5 Precinct 2 - Offices, bulky goods, business and commercial services

#### Design Requirements

- To preserve the scale built character of the town, retaining the 1-2 storey building height.
- Allow buildings up to two storey scale (9 metres) to top of hip or gable roof.
- Buildings should be set back at least 5 metres from the front boundary to provide a transition between the town entry approach and Precinct 1.
- A landscaping buffer is to be provided in the front setback.

#### Outcomes to be achieved

- Building height retains a harmonious skyline when viewed from the Princes Highway and public places.
- Commercial development interacts appropriately with adjoining uses.
### Design Requirements

<table>
<thead>
<tr>
<th>Design Requirements</th>
<th>Outcomes to be achieved</th>
</tr>
</thead>
</table>
| A permit may be granted to vary the preferred maximum building height or encroach into the recommended front setback where it can be demonstrated that the variation:  
  - meets the design objectives of this schedule.                                                                                                                                       |                         |

#### Building appearance

| Building facade should be composed with an appropriate rhythm and proportion that respond to the building’s use and the character of the surrounding area.                                                                 | High architectural quality.  
Building facades achieve the desired streetscape character objectives.                                                                                         |
| Buildings should be scaled appropriately to create an effective transition to buildings on adjoining sites.                                                                                                           |                         |
| Where appropriate, provide opportunities for artwork within new development.                                                                                                                                 |                         |

| Buildings should be suitably capped with a pitched roof form or feature parapet street wall with pitched roof form behind with all plant and rooftop equipment concealed from the surrounding street views and contribute to a high quality presentation in the streetscape and skyline context of the town centre.  
The main roof of the building or dwelling has a pitch greater than 25 degrees.                                                                                       | Building design retains a harmonious skyline when viewed from the Princes Highway.                         |

| The dominant cladding of the building is weatherboard, brick or rendered masonry with corrugated iron roofing.                                                                                                                                  | Design and choice of materials should be reflective of the Yarragon architecture in the Princes Highway ‘commercial spine’. |
| Blank walls should be avoided to Princes Highway and secondary streets and achieve a minimum 70% active frontages to the Princes Highway and Rollo Street.                                                                                          |                         |
| The use of a combination of solid material and non-reflective glass is preferred to fully glazed shop fronts.                                                                                                                                 |                         |

| Bin enclosures and other storage should be located at the rear of buildings and screened from view to ensure a tidy presentation onto streets, pedestrian areas, laneways and public parking areas.                                                   | Building elements are integrated into the overall building form and facade design |

#### Public/private interface

<p>| The street facade and internal layout of the ground floor should be designed to facilitate an activated edge and passive surveillance between the building and the Princes Highway and Rollo Street.                      | Buildings contribute to enhanced street life and pedestrian safety. |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Pedestrian entries into buildings should promote safety for building users and should be clearly visible, well lit and directly face the street or adjoining public space. Entrances and key pedestrian routes should provide adequate weather protection.</td>
<td>Building frontages provide for natural surveillance and security of public spaces. Development clearly connected to public spaces. Development to provide comfort and amenity to pedestrians.</td>
</tr>
</tbody>
</table>

**Vehicle access and parking**

- Development of sites fronting the Princes Highway should provide for rear parking and loading where possible.
- A small number of onsite carparks for vehicles may be located in the front setback provided that landscaping is provided around the perimeter of the carparks and that the car parks have a minimal visual impact on the streetscape.
- All parking areas, including entry and exit points, should be well lit and clearly identified with signage.
- Vehicle access points should be separate from pedestrian access points where appropriate.

- Vehicle movements and connections within the development and the street network are convenient, safe and efficient with minimal visual impact on the streetscape and adjoining public spaces.
- Sufficient car parking provided for building occupants and visitors.
- Car parking is satisfactorily landscaped to achieve desired character objectives.

**Signage**

- Signage should be of a size and height that is complementary to the built form of the building and surrounding landscape, and does not detract from public view lines.
- Sign structures and panels to be within parapet silhouette and architectural features so as not to visually dominate the building.
- Signs should be limited in number and incorporate limited detail other than is necessary to identify the building name and key tenants.
- Advertisement signs as at Clause 52.05 – Category 1 - Commercial Areas.

Signage is integrated into the design of the building facade, surrounding streetscape and landscape setting.

**Landscaping**

- Landscaping should be designed to complement the landscape treatments of adjoining streets and public space where appropriate. New development to be well landscaped, including canopy trees where appropriate.

- Landscaping is integrated with the design of the development and complements the landscaping of any adjoining public space.
# DDO5 Precinct 3 - Industrial

<table>
<thead>
<tr>
<th>Design requirements</th>
<th>Outcomes to be achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building Height and Setbacks</strong></td>
<td></td>
</tr>
<tr>
<td>To preserve the scale built character of the town, retaining the 1-2 storey building height.</td>
<td>Building height retains a harmonious skyline when viewed from the Princes Highway and public places.</td>
</tr>
<tr>
<td>Allow buildings up to two storey scale (9 metres) to top of hip or gable roof.</td>
<td>Industrial development interacts appropriately with adjoining uses.</td>
</tr>
<tr>
<td>Buildings should be set back at least 7 metres from the front boundary to provide sufficient space for landscaping buffer to be provided in the front setback.</td>
<td></td>
</tr>
<tr>
<td>A permit may be granted to vary the preferred maximum building height or encroach into the recommended front setback where it can be demonstrated that the variation:</td>
<td></td>
</tr>
<tr>
<td>meets the design objectives of this schedule; and protects heritage places on the site or in proximity to the site.</td>
<td></td>
</tr>
<tr>
<td><strong>Building appearance</strong></td>
<td></td>
</tr>
<tr>
<td>Buildings should be scaled appropriately to create an effective transition to buildings on adjoining sites.</td>
<td>High architectural quality.</td>
</tr>
<tr>
<td>Buildings should be suitably capped with a pitched roof form.</td>
<td>Building design retains a harmonious skyline when viewed from the Princes Highway.</td>
</tr>
<tr>
<td>All plant and rooftop equipment concealed from the surrounding street views and contribute to a high quality presentation in the streetscape and skyline context of the town centre.</td>
<td></td>
</tr>
<tr>
<td>Provide a transitional building scale at the interface with heritage buildings.</td>
<td></td>
</tr>
<tr>
<td>The dominant cladding of the building is corrugated iron, brick or rendered masonry with corrugated iron roofing.</td>
<td>Design and choice of materials should be reflective of the Yarragon architecture in the Yarragon industrial area.</td>
</tr>
<tr>
<td>Offices or shopfronts, where proposed, should be located at the front of the building and should be constructed of brick or rendered masonry with corrugated iron roofing.</td>
<td></td>
</tr>
<tr>
<td>Bin enclosures and other storage should be located at the rear of buildings and screened from view to ensure a tidy presentation onto streets, pedestrian areas, laneways and public parking areas.</td>
<td>Building elements are integrated into the overall building form and facade design.</td>
</tr>
<tr>
<td><strong>Public/private interface</strong></td>
<td></td>
</tr>
<tr>
<td>Design requirements</td>
<td>Outcomes to be achieved</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>The street facade should be designed to facilitate passive surveillance between the building and Waterloo Road and secondary streets.</td>
<td>Buildings contribute to enhanced pedestrian safety.</td>
</tr>
<tr>
<td>Blank walls should be avoided to Princes Highway, Waterloo Road and secondary streets.</td>
<td></td>
</tr>
<tr>
<td>Pedestrian entries into buildings should promote safety for building users and should be clearly visible, well lit and directly face the street or adjoining public space.</td>
<td>Building frontages provide for natural surveillance and security of public spaces.</td>
</tr>
<tr>
<td>Entrances and key pedestrian routes should provide adequate weather protection.</td>
<td>Development clearly connected to public spaces.</td>
</tr>
<tr>
<td></td>
<td>Development to provide comfort and amenity to pedestrians.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Vehicle access and parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development of sites fronting the Princes Highway should provide for parking and loading at the side or rear of the building where possible.</td>
</tr>
<tr>
<td>A small number of onsite car parks for vehicles may be located in the front setback provided that landscaping is provided around the perimeter of the car parks and that the car parks have a minimal visual impact on the streetscape.</td>
</tr>
<tr>
<td>All parking areas, including entry and exit points, should be well lit and clearly identified with signage.</td>
</tr>
<tr>
<td>Vehicle access points should be separate from pedestrian access points where appropriate.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signage should be of a size and height that is complementary to the built form of the building and surrounding landscape, and does not detract from public view lines.</td>
</tr>
<tr>
<td>Sign structures and panels to be within parapet silhouette and architectural features so as not to visually dominate the building.</td>
</tr>
<tr>
<td>Signs should be limited in number and incorporate limited detail other than is necessary to identify the building name and key tenants.</td>
</tr>
<tr>
<td>Advertisement signs as at Clause 52.05 – Category 2 - Office and Industrial.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Landscaping</th>
</tr>
</thead>
<tbody>
<tr>
<td>New development to be well landscaped, including canopy trees where appropriate.</td>
</tr>
</tbody>
</table>
Map 1 to Schedule 5 to Clause 43.02

Legend:

Precinct 1 - Boutique retail, tourism, offices, restaurants and arts
Precinct 2 - Offices, bulky goods, business and commercial services
Precinct 3 - Industrial
SCHEDULE 6 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO6.

RESIDENTIAL DEVELOPMENT – BLUE ROCK

1.0

Design objectives

To ensure that the size, density and location of residential lots is responsive to the natural topography of the land to allow for design of buildings and works which will not adversely impact on the amenity of residents and neighbouring residents.

To ensure that design of the subdivision provides an attractive gateway to the town and where appropriate is integrated with Blue Rock Lake enhancing its visual amenity and setting.

To ensure future buildings and works when viewed from the surface of Blue Rock Lake and the opposite shore, are of high visual amenity and sensitive to its setting.

To ensure that waterways are protected and enhanced having regard to the need to improve water quality, improve ecological values and provide open space linkages.

To ensure that public open space areas are provided in locations which are useable and accessible.

2.0

Buildings and works

A permit is not required to construct a building or to construct or carry out works.

3.0

Subdivision

A permit to subdivide land must meet the following requirements:

Township Entry & Access management

Subdivision must be designed to include:

- Access roads or service lanes to ensure dwellings and fences do not back onto town gateway and Willow Grove township.
- Safe pedestrian and bicycle connections back to the town centre where possible
- Integration of residential areas with Blue Rock Lake reserves with vehicle, pedestrian and visual links. This includes providing for housing orientated towards Blue Rock Lake with road frontage and/or public open space for Water Sensitive Urban Design where possible and practical.

Vehicle crossovers and driveways

- Gradients of vehicle crossovers are to be designed in accordance with Baw Baw Shire Council standards.
- Gradients of internal vehicle driveways are to be designed in accordance with AS 2890.1 Parking facilities.

Infrastructure

Design and construction standards for relevant infrastructure shall be in accordance with the Infrastructure Design Manual.

Topography and Lot sizes

The extent of modification of existing levels and the risk of erosion shall be minimised through consideration of road alignments, location and design of open space and the orientation and size of lots.
Flora and Fauna

The application must accurately describe natural features of the land and adjoining road reserve including trees and other significant vegetation. Where required, a flora and fauna assessment is required to be prepared by a suitably qualified expert.

Where required, species surveys are to be prepared, in consultation with the Department of Environment, Land, Water and Planning, and measures required to protect the species identified in the survey.

Open Space

- Linear links to be provided along waterways where possible.
- Provide links to adjoining oval and town centre, walkways etc where possible.

Signs

None specified.

Application requirements

None specified.

Decision guidelines

None specified.
SCHEDULE 7 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO7.

LOW DENSITY RESIDENTIAL ZONE

1.0 Design objectives

To ensure that the size, density and location of residential lots is responsive to the natural topography of the land to allow for design of buildings and works which will not adversely impact on the amenity of residents and neighbouring residents.

To ensure that design of the subdivision provides an attractive interface to roads on town entrance approaches, residential areas and public open space.

To ensure that waterways are protected and enhanced having regard to the need to improve water quality, improve ecological values and provide open space linkages.

2.0 Buildings and works

A permit is not required to construct a building or to construct or carry out works.

3.0 Subdivision

A permit to subdivide land must meet the following requirements:

Township Entry & Access management

Subdivision must be designed to include:

• Where development adjoins a Category 1 Road, any access points need to be minimised, provide attractive interfaces where possible through the use of internal access roads and service lanes to ensure lots have frontages facing Category 1 Roads.

Vehicle crossovers and driveways

• Gradients of vehicle crossovers are to be designed in accordance with Baw Baw Shire Council standards.

• Gradients of internal vehicle driveways are to be designed in accordance with AS 2890.1 Parking facilities.

Infrastructure

Design and construction standards for relevant infrastructure shall be in accordance with the background document Infrastructure Design Manual.

Topography

• The extent of modification of existing levels and the risk of erosion shall be minimised through consideration of road alignments and the orientation and size of lots.

Waterways

• Linear pedestrian links to be provided along waterways where possible.
Flora and Fauna

- The application must accurately describe natural features of the land and adjoining road reserve including trees and other significant vegetation. Where required, a flora and fauna assessment is required to be prepared by a suitably qualified expert.

- Where required, species surveys are to be prepared, in consultation with the Department of Environment, Land, Water and Planning, and measures required to protect the species identified in the survey.

4.0  
07/11/2019  
C133baeb

Signs
None specified.

5.0  
07/11/2019  
C133baeb

Application requirements
None specified.

6.0  
07/11/2019  
C133baeb

Decision guidelines
None specified.
SCHEDULE 8 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO8.

WARRAGUL HOSPITAL EMERGENCY MEDICAL SERVICES HELICOPTER FLIGHT PATH PROTECTION (INNER AREA)

1.0

Design objectives

To ensure that the height of buildings and works do not encroach on the flight path areas associated with the Warragul Hospital helicopter landing site.

To ensure that the height of development avoids creating a hazard to aircraft using the Warragul Hospital helicopter landing site.

2.0

Buildings and works

A permit is not required to construct a building or to:

- construct or carry out works that would result in the height of the building or works being less than the referral height, being 145.4 metres above the Australian Height Datum (AHD).
- construct or carry out buildings and works in relation to an existing dwelling that exceeds 145.4 metres above the AHD provided:
  - The buildings and works do not exceed the existing height of the building (measured at the apex of the roofline); and
  - The lot does not immediately adjoin the hospital land (hospital land is defined by the extent of the Public Use Zone 3).
- construct a building or to construct or carry out works within the Public Use Zone 3.

Note: Check the “Hospital Emergency Medical Services – Helicopter Flight Path Protection Areas Incorporated Document, June 2017” for additional requirements for land affected by this schedule.

Exemption from notice and appeal

An application is exempt from 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.

Note: The Warragul Hospital helicopter landing site is at an elevation of 145.4 metres above the AHD.

3.0

Subdivision

A permit is not required to subdivide land.

4.0

Signs

None specified.

5.0

Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- The location and topography of the subject land in relation to the helicopter landing site.
The location and height of the main features on the subject land, including existing buildings, structures, trees or any other tall features.

The proposed buildings and works on the land including details of the maximum height of the proposed buildings, works and construction equipment measured relative to the height of the helipad (AHD).

6.0
07/11/2019
C133baeb

Decision guidelines
The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the height and design of any proposed buildings or works will have an impact on the flight paths associated with the Warragul Hospital helicopter landing site.
- The views of the Department of Health and Human Services (Vic).
SCHEDULE 9 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO9.

WARRAGUL HOSPITAL EMERGENCY MEDICAL SERVICES HELICOPTER FLIGHT PATH PROTECTION (OUTER AREA)

1.0 Design objectives

To ensure that the height of buildings and works do not encroach on the flight path areas associated with the Warragul Hospital helicopter landing site.

To ensure that the height of development avoids creating a hazard to aircraft using the Warragul Hospital helicopter landing site.

2.0 Buildings and works

A permit is not required to:

- construct a building or to construct or carry out works that would result in the height of the building or works being less than the referral height, being 155.4 metres above the Australian Height Datum (AHD).

- construct or carry out buildings and works in relation to an existing dwelling that exceeds 155.4 metres above the AHD provided:
  - The buildings and works do not exceed the existing height of the building (measured at the apex of the roofline); and
  - The lot does not immediately adjoin the hospital land (hospital land is defined by the extent of the Public Use Zone 3).

- construct a building or to construct or carry out works within the Public Use Zone 3.

Referral of applications

An application must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause.

Exemption from notice and appeal

An application is exempt from 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.

Note: Check the “Hospital Emergency Medical Services – Helicopter Flight Path Protection Areas Incorporated Document, June 2017” for additional requirements for land affected by this schedule.

Notes: The Warragul Hospital helicopter landing site is at an elevation of 145.4 metres above the AHD.

3.0 Subdivision

None specified.

4.0 Signs

None specified.

5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:
- The location and topography of the subject land in relation to the helicopter landing site.
- The location and height of the main features on the subject land, including existing buildings, structures, trees or any other tall features.
- The proposed buildings and works on the land including details of the maximum height of the proposed buildings, works and construction equipment measured relative to the height of the helipad (AHD).

6.0
07/11/2019
C133bawb

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the height and design of any proposed buildings or works will have an impact on the flight paths associated with the Warragul Hospital helicopter landing site.
- The views of the Department of Health and Human Services (Vic).
SCHEDULE 10 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO10.

NEERIM SOUTH TOWN CENTRE

1.0

Design objectives

To implement the design guidelines of the Neerim South Urban Design Framework (2018).
To encourage high quality urban design and architecture that responds to the built form character of the town centre, respects the character and amenity of surrounding residential areas and achieves high amenity for users of the street.
To encourage high quality, fine (urban) grained building design that provides an attractive and articulated form when viewed from surrounding streets, laneways, car parks, and residential and rural areas.
To maintain and improve the provision and integration of quality public spaces, including streets, laneways, public car parks and other public spaces.
To maintain the key views and visual outlook to the agricultural and environmental surrounds.

2.0

Buildings and works

A permit is not required to construct a building or carry out works for:

- An outbuilding (other than a garage or carport) on a lot provided the gross floor area of the outbuilding does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- An extension of an existing dwelling, if the increase in floor area is less than 50 square metres, the front setback is not altered and the building height requirements as shown on Map 1 are met.

A permit is required to construct a fence if one of the following applies:

- The fence is a front fence constructed of chain - wire mesh.
- The fence is a front fence and is more than 1.2 metres in height.
- The fence is a front fence and provides less than 50 percent transparency.
- The fence is on a side street boundary and is more than 1.2 metres in height for more than 40 percent of the side boundary length.

Design requirements

New development or an extension to an existing building should address the design requirements and outcomes to be achieved for the town centre as well as any design requirement specified for individual precincts in the following sections.

Building height and setback

Buildings should meet the following height and setback requirements:

- Development should comply with the preferred building height specified for each precinct in Map 1.
- Buildings should be setback the distance specified in the design requirements for each precinct in Map 2.

Building design

Buildings should:

- Be well proportioned with respect to surrounding built form.
- Divide long continuous facades into smaller vertical sections, using variation in wall articulation, window openings, materials and colours.
- Incorporate contemporary design with finishes that reflect the rural character of the area, including, but not limited to: brick, stone, weatherboard and timber products.
- Incorporate any third level proposals into the roof form (i.e. loft-style with dormer windows).
- Have all plant and rooftop equipment, bin enclosures and other service related structures concealed from the surrounding street views.
- Be designed with commercial verandahs or canopies consistent with the streetscape and extended to the kerb line.
- Use cantilevered verandahs on street frontages and avoid the use of posts.
- Have roof form that complements the prevailing character within the surrounding residential context (i.e. pitched, hipped or gable).
- Along Main Neerim Road, retain existing traditional built forms.

**Active frontages**
- Development should avoid blank, inactive walls on street frontages and encourage provision of passive surveillance.
- Commercial buildings should be designed to provide a minimum 70 percent active frontage at ground level.
- Pedestrian entries into buildings should be clearly visible, well-lit and directly face the street or adjoining public space to promote safety.
- In Precinct 4b new development should establish active interfaces with new accessways.
- Operable glazed frontages are encouraged for food and drink premises to improve integration with the street.

**Pedestrian and vehicle access**
- Development should facilitate the creation of pedestrian links and accessways as shown on Map 2.
- The number of vehicle crossovers should be minimised and where possible provided from laneways or secondary street frontages.
- Development of sites fronting Main Neerim Road should provide for rear parking.

**Landscaping**
- Landscaping in setbacks should be consistent with Map 2.
- Existing canopy trees must be retained and incorporated into the site design of new buildings, including commercial buildings.
- Existing Eucalyptusstrezelickii (Strezelecki Gum) should be retained and incorporated into the site design of new buildings, including commercial buildings.
- Landscaping and fencing treatments on sites adjoining an arterial road should not obstruct vehicle sight lines.

**3.0 Subdivision**
None specified.
4.0
14/01/2021
C131bawb

Signs
The following requirements apply in addition to sign requirements for Category 1 signs in Clause 52.05.
- Signs should be integrated into the design of the building and not be visually dominant in proportion and scale.
- Signs should not project above the parapet level or out from the building façade above verandah or canopy level.
- Internally illuminated signs are not encouraged.

5.0
14/01/2021
C131bawb

Application requirements
The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:
- A report detailing how the proposed development addresses the Design requirements and outcomes specified in this Schedule.
- Elevation drawings and three-dimensional diagrams or visualisation showing the proposed building in the context of the surrounding buildings and the streetscape.
- For commercial developments with landscaped setbacks, 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.

6.0
14/01/2021
C131bawb

Decision guidelines
The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:
- Whether the proposal is generally in accordance with the design guidelines of the Neerim South Urban Design Framework (2018).
- Whether the Objectives and Design requirements of this Schedule are satisfied.
- The architectural quality of the proposal, which includes the design, scale, height, materials, mass and visual bulk of the development in relation to the surrounding built form.
- Whether the proposal provides an active interface to street frontages and contributes positively to the pedestrian environment and other areas of the public realm.
- Whether the proposal maintains the key views to the agricultural and environmental surrounds.
- Whether the materials and finishes of a proposed fence reflect the rural character of the municipality.
- The role of mature canopy trees and the native Eucalyptus strezelickii in contributing to the character of the area.
LEGEND

- Town Centre Boundary
- Precinct Boundary
- Building height of up to 9 metres (1-2 storeys) applies in all precincts

Note: Building height is the vertical distance from natural ground level to the roof or parapet at any point.
Map 2 – Building Setbacks and Access Plan

LEGEND
- Town Centre Boundary
- Proposed Accessway
- Proposed Shared Accessway
- Built to Street Edge
- Landscaped Setback 3-10 metres (Setback to be sympathetic to adjoining setback. Landscaping to be provided in front setback)
- Key Pedestrian Connection
SCHEDULE 11 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO11**.

**LONGWARRY TOWN CENTRE**

1.0 **Design objectives**

To implement the design guidelines of the *Longwarry Urban Design Framework (2019)*.

To encourage high quality urban design and architecture that is responsive to the built form character of the town centre and surrounding residential areas.

To encourage the inclusion of water sensitive urban design features within new developments.

To promote active frontages to the street edge, provide passive surveillance opportunities to public spaces, and accommodate commercial activity at the ground levels of buildings.

2.0 **Buildings and works**

A permit is not required to construct a building or carry out works for:

- An outbuilding (other than a garage or carport) provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height does not exceed 3 metres above ground level.

- An extension of an existing dwelling, if the increase in floor area is less than 50 square metres, the front setback is not altered and the building height design requirements are met.

A permit is required to construct a front fence.

**Design requirements**

New development or an extension to an existing building should address the design requirements and outcomes to be achieved for the town centre in the following sections.

**Building height and setback**

Buildings should meet the following height and setback requirements:

- Development should not exceed with the preferred building height of three storeys (11 meters).

- Buildings should be setback to the distance specified in Map 1.

**Building design**

Buildings should:

- Be well proportioned with respect to surrounding built form.

- Divide long continuous facades should into smaller vertical sections, using variation in wall articulation, window openings, materials and colours.

- Reflect the rural character of the area through use of natural building materials such as stone, brick, weatherboard and timber products, and the use of non-reflective surfaces and neutral, muted colours.

- Have plant and rooftop equipment, bin enclosures and other service related structures concealed from the surrounding street views.

- Incorporate any third level proposals into the roof form (ie. loft-style with dormer windows).

- Be designed with cantilevered verandahs or canopies that are consistent with the streetscape, extended to the kerb line and avoid use of posts and barriers.

- Buildings and fences adjoining a railway line are designed to provide interface treatments that manage noise, glare and stormwater impacts.
Active frontages

- Development should avoid blank, inactive walls on street frontages and encourage provision of passive surveillance.
- Buildings should be designed to provide a minimum 70 percent transparent front facade at ground level.
- Pedestrian entries into buildings should be clearly visible, well-lit and directly face the street or adjoining public space to promote safety.
- Operable glazed frontages are encouraged for food and drink premises to improve integration with the street.

Pedestrian and vehicle access

- Development should facilitate the creation of pedestrian links and access ways as shown on Map 1.
- The number of vehicle access points should be minimised and provided from laneways or secondary street frontages.
- Pedestrian access points should be separate from vehicle access points and pedestrian crossings clearly distinguished within the car parks.

Landscaping

- Landscaping in setbacks should be consistent with Map 1.
- The front setback landscape treatment should incorporate drought tolerant and hardy plant species and at least 50 percent of its area should be permeable.
- Existing canopy trees should be retained and incorporated into the site design.
- Landscaping and fencing treatments on sites adjoining an arterial road should not obstruct vehicle sight lines.

Subdivision

None specified.

Signs

The following requirements apply in addition to requirements for Category 1 signs in Clause 52.05.

- Signs should be integrated into the design of the building and not be visually dominant in proportion and scale.
- Signs should not project above the parapet level or out from the building facade above verandah or canopy level.
- Internally illuminated signs are not encouraged.

Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A report detailing how the proposed development addresses the design requirements and outcomes specified in this Schedule.
- Elevation drawings and three-dimensional diagrams or visualisation showing the proposed building in the context of the surrounding buildings and the streetscape.
- For commercial developments with landscaped setbacks, 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.

6.0

Decision guidelines
The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal is generally in accordance with the design guidelines of the Longwarry Urban Design Framework (2019).
- Whether the Objectives and Design requirements of this Schedule are satisfied.
- The architectural quality of the proposal, which includes the design, scale, height, materials, mass and visual bulk of the development in relation to the surrounding built form.
- Whether the proposal provides an active interface to street frontages and contributes positively to the pedestrian environment and other areas of the public realm.
- Whether the materials and finishes of a proposed fence reflect the rural character of the area.
Map 1 – Street Setback and Access Plan

LEGEND

- Town Centre Boundary
- Proposed Accessway
- Built to Street Edge
- Landscaped Setback 3-10 metres
  (Setback to be sympathetic to adjoining setback. Landscaping to be provided in front setback)
- Key Pedestrian Connection
DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO with a number.

Purpose

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

To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.

To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.

Objectives

A schedule to this overlay may specify objectives to be achieved for the area affected by the overlay.

Requirement before a permit is granted

A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.

This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.

A permit granted must:

- Be generally in accordance with the development plan.
- Include any conditions or requirements specified in a schedule to this overlay.

Exemption from notice and review

If a development plan has been prepared to the satisfaction of the responsible authority, an application under any provision of this planning scheme is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Preparation of the development plan

The development plan may consist of plans or other documents and may, with the agreement of the responsible authority, be prepared and implemented in stages.

A development plan that provides for residential subdivision in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone, Township Zone, Comprehensive Development Zone and Priority Development Zone must meet the requirements of Clause 56 as specified in the zone.

The development plan must describe:

- The land to which the plan applies.
- The proposed use and development of each part of the land.
- Any other requirements specified for the plan in a schedule to this overlay.

The development plan may be amended to the satisfaction of the responsible authority.
SCHEDULE 3 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO3.

LOW DENSITY RESIDENTIAL ZONE DEVELOPMENT PLAN

1.0 Objectives

None specified.

2.0 Requirement before a permit is granted

A permit may be granted to use or subdivide land, construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the responsible authority.

3.0 Conditions and requirements for permits

A permit granted should include the following conditions or requirements:

- All residential development should be serviced with reticulated water and sewerage.
- If sewerage infrastructure cannot be provided, soil and water reports should be submitted demonstrating:
  - Compliance with State and local policies on effluent and stormwater disposal.
  - That soil type and environmental conditions within the catchment can treat the number of proposed effluent disposal systems both from the site and those within the surrounding area.
- All development should be serviced with sealed roads.

4.0 Requirements for development plan

The development plan should:

- Describe the relationship of developments proposed on the land to existing and proposed developments on adjoining land and proposed buffer areas separating land uses.
- Identify any sites of conservation, heritage or archaeological significance and the means by which they will be managed.
- Provide appropriate arrangements for the provision of necessary physical and social infrastructure.
- Identify the staging and anticipated timing of development.
- Provide for an overall scheme of landscaping and any necessary arrangements for the preservation or regeneration of existing vegetation.
- Provide suitable road, bicycle and pedestrian facilities in urban areas.
- Provide a soil and water report to demonstrate the capacity of infrastructure to service the development, treat and retard stormwater, and reduce any impacts on soil and water downstream of the development.
SCHEDULE 4 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO4.

INDUSTRIAL 1 ZONE DEVELOPMENT PLAN

1.0

Objectives

None specified.

2.0

Requirement before a permit is granted

A permit may be granted to use or subdivide land, construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the responsible authority.

3.0

Conditions and requirements for permits

A permit granted should include the following conditions or requirements:

- All industrial development should be serviced with reticulated water and sewerage.
- All industrial development should be serviced with sealed roads.

4.0

Requirements for development plan

The development plan should:

- Describe the relationship of developments proposed on the land to existing and proposed developments on adjoining land and proposed buffer areas separating land uses.
- Provide appropriate arrangements for the provision of necessary physical and social infrastructure.
- Identify the staging and anticipated timing of development.
- Provide for an overall scheme of landscaping and any necessary arrangements for the preservation or regeneration of existing vegetation.
- Provide a soil and water report to demonstrate the capacity of infrastructure to service the development, treat and retard stormwater, and reduce any impacts on soil and water downstream of the development.
SCHEDULE 7 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO7**.

MCGLONE ROAD DROUIN

1.0

Objectives

None specified.

2.0

Requirement before a permit is granted

A planning permit for subdivision must not be issued prior to the approval of the development plan.

3.0

Conditions and requirements for permits

A permit must contain conditions that give effect to the provisions and requirements of the approved development plan.

4.0

Requirements for development plan

The development plan must be prepared to the satisfaction of the responsible authority.

A single development plan must be prepared for the whole of the land to which this schedule applies.

The development plan must be informed by a detailed site analysis of the natural, cultural and strategic context of the site to the satisfaction of the responsible authority.

The plan must show:

**Land use and subdivision**

How the future subdivision will address any relevant requirements and guidelines from the Drouin Precinct Structure Plan at Clause 21.04 to the satisfaction of the responsible authority.

**R10**

- Residential subdivision applications must demonstrate how the subdivision has been designed to minimise adverse amenity impacts on any existing low-density lots directly abutting the development, as appropriate.

**G13**

- The design of residential subdivisions abutting existing low density areas should provide for a sensitive interface to those existing low density areas by minimising the number of new lots abutting an existing low density lot and providing sufficient space within new lots to allow screen planting along the interface.

**R39**

- Subdivision layouts must form a permeable local street network that provides convenient access to local open space and allows for the effective integration with neighbouring properties and the wider urban area.

**R53**

- Stormwater conveyance and treatment must be designed in accordance with the relevant Development Services Scheme (DSS), to the satisfaction of Melbourne Water. Where a DSS is not in place, development may not proceed without the preparation of an interim drainage strategy that is approved by both Melbourne Water and the responsible authority.
The overall subdivision of the area, including where possible, the proposed lot layout, sizes and density of lots which provide opportunities for a diverse range of housing types.

The overall pattern of development of the area, including any land use activity areas.

Building setbacks must ensure that buildings on new lots are positioned with a generous setback distance from the abutting low density lots.

A landscape buffer to create a physical separation between new lots and existing lots so as to minimise amenity impacts such as noise, overlooking from windows and overshadowing from buildings.

Create a positive interface to adjacent public open space giving appropriate consideration to issues of safety and surveillance.

Street networks that support building frontages with two way surveillance.

An accessible and integrated network of walking and cycling routes for safe and convenient travel to adjoining communities (including existing and future areas included in the DPO), local destinations or points of local interest, activity centres, community hubs, open spaces and public transport.

**Infrastructure services**

The subdivisional layout provided as part of the development plan must be supported by a comprehensive Traffic Impact Assessment showing the impact of the proposed development on the Arterial Road network.

The Transport Impact Assessment Report (TIAR) should be prepared in accordance with the background documents VicRoads Guidelines for Transport Impact Assessment Reports for Major Use and Development Proposals and Austroads Guideline – Guide to Traffic Management Part 12: Traffic Impacts of Development. It must address traffic and access issues arising from the proposed development on this site, predicted traffic generation and the impact of the development on the existing arterial road network in all relevant peak periods, in particular its impact on the intersection with Princes Way and interaction at the intersection of the Princes Freeway ramps, McGlone Road and Princes Way.

The report is to be prepared to the satisfaction of the Roads Corporation.

Subject to the results of the TIAR, concept plans for works on Arterial Road intersections must be prepared in accordance with the relevant Austroads Guidelines, ‘Safe System’ philosophy, ‘Smart Roads’ plans, VicRoads Tree Planting Policies, etc to the satisfaction of VicRoads.

Any works identified requiring the upgrade of any Arterial Roads or intersections are to ensure no loss of service and adequate road safety on the Arterial Road network. These works would be required to be undertaken to the satisfaction and at no cost to VicRoads.

An implementation plan must be submitted as part of the development plan, indicating the proposed timing and staging of infrastructure provision.

Planning permit applications for the subdivision or development of the land must be referred to VicRoads.

In consultation with relevant agencies and authorities, provision of public transport stops where appropriate within easy walking distance to residential dwellings and key destinations. Stops should also be located near active areas where possible.
Open space
- A landscape concept plan for all open space areas, indicating the location of plantings, pathways, shade, shelter and seating at activity areas as well as at intervals along pathways.
- The location and size of the proposed open spaces that cater for a range of user groups and provide a variety of functions that perform both an active and passive role for recreation, as appropriate.

Waterways
- A buffer zone of 30 metres each side of the waterways designated under the Water Act 1989 or a buffer based on a study which identifies the flood or drainage extent must be set aside for ecological purposes.
- An integrated stormwater management plan that incorporates water sensitive urban design techniques which provides for the protection of natural systems, integration of stormwater treatment into the landscape, improved water quality, and reduction and mitigation of run-off and peak flows, including consideration of downstream impacts.

Flora and fauna
- An assessment of any native vegetation to be removed having regard to Permitted Clearing of Native Vegetation: Biodiversity Assessment Guidelines. Including how it is proposed to protect and manage any appropriate native vegetation.
- Where there is vegetation to be retained, a vegetation protection envelope and building envelope is to be provided on the plan.
- Vegetation protection envelopes must provide for a Tree Protection Zone in accordance with the Australian Standard AS4970-2009 (Protection of Trees on Development Sites).

Offsets to compensate for the loss of any native vegetation on site must be in accordance with an Offset Management Plan prepared to the satisfaction of the Department of Environment, Land, Water and Planning (DELWP) and the responsible authority. Unless otherwise agreed in writing by the Department of Environment, Land, Water and Planning, any offsets required must be secured prior to the removal of native vegetation.
EROSION MANAGEMENT OVERLAY

Shown on the planning scheme map as **EMO** with a number (if shown).

**Purpose**

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

To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.

**Erosion management objectives and statement of risk**

A schedule to this overlay may contain:

- Erosion management objectives to be achieved.

- A statement of risk.

**Buildings and works**

A permit is required to construct a building or construct or carry out works, including:

- Roadworks.

- Buildings and works associated with a dependent person’s unit.

- A domestic swimming pool or spa and associated mechanical and safety equipment.

- Any matter specified in Clause 62.02-2 if specified in a schedule to this overlay.

This does not apply if a schedule to this overlay specifically states that a permit is not required.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a fence.</td>
<td>Clause 59.05</td>
</tr>
<tr>
<td>Construct a building or construct or carry out works for:</td>
<td>Clause 59.05</td>
</tr>
<tr>
<td>- A carport, garage, pergola, verandah, deck, shed or similar structure.</td>
<td></td>
</tr>
<tr>
<td>- A rainwater tank.</td>
<td></td>
</tr>
<tr>
<td>The buildings and works must be associated with a dwelling.</td>
<td></td>
</tr>
</tbody>
</table>

**Vegetation removal**

A permit is required to remove, destroy or lop any vegetation. This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.

- If the table to Clause 44.01-4 specifically states that a permit is not required.

- To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.
### Table of exemptions

<table>
<thead>
<tr>
<th>Requirement to obtain a permit does not apply to:</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>Extractive industry</strong></td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the <em>Mineral Resources (Sustainable Development) Act 1990</em> and authorised by a work authority granted under that Act.</td>
</tr>
<tr>
<td><strong>Fire protection</strong></td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of any of the following fire protection activities:</td>
</tr>
<tr>
<td></td>
<td>- fire fighting;</td>
</tr>
<tr>
<td></td>
<td>- planned burning;</td>
</tr>
<tr>
<td></td>
<td>- making or maintenance of a fuelbreak or fire fighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;</td>
</tr>
<tr>
<td></td>
<td>- making of a strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <em>Conservation, Forests and Lands Act 1987</em>);</td>
</tr>
<tr>
<td></td>
<td>- is ground fuel within 30 metres of a building and is vegetation other than native vegetation;</td>
</tr>
<tr>
<td></td>
<td>- in accordance with a fire prevention notice issued under either:</td>
</tr>
<tr>
<td></td>
<td>- Section 65 of the <em>Forests Act 1958</em>; or</td>
</tr>
<tr>
<td></td>
<td>- Section 41 of the <em>Country Fire Authority Act 1958</em>.</td>
</tr>
<tr>
<td></td>
<td>- keeping vegetation clear of, or minimising the risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the <em>Electricity Safety Act 1998</em>;</td>
</tr>
<tr>
<td></td>
<td>- minimising the risk to life and property from bushfire on a roadside of a public road managed by the relevant responsible road authority, and carried out by, or on behalf of that authority in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <em>Conservation, Forests and Lands Act 1987</em>). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the <em>Road Management Act 2004</em>.</td>
</tr>
<tr>
<td><strong>Note:</strong> Additional permit exemptions for bushfire protection are provided at Clause 52.12.</td>
<td></td>
</tr>
<tr>
<td><strong>Geothermal energy exploration and extraction</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 <em>Geothermal Energy Resources Act 2005</em>.</td>
</tr>
<tr>
<td><strong>Greenhouse gas sequestration and exploration</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 <em>Greenhouse Gas Geological Sequestration Act 2008</em>.</td>
</tr>
<tr>
<td><strong>Land management or directions notice</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 <em>Catchment and Land Protection Act 1994</em>.</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 <em>Catchment and Land Protection Act 1994</em>.</td>
</tr>
<tr>
<td><strong>Mineral exploration and extraction</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 <em>Mineral Resources (Sustainable Development) Act 1990</em>.</td>
</tr>
</tbody>
</table>
The requirement to obtain a permit does not apply to:

- that is low impact exploration within the meaning of Schedule 4A of the *Mineral Resources (Sustainable Development) Act 1990*; or
- in accordance with a work plan approved under Part 3 of the *Mineral Resources (Sustainable Development) Act 1990*.

*Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration.*

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noxious weeds</td>
<td>Vegetation that is a noxious weed subject of a declaration under section 58 or section 58A of the <em>Catchment and Land Protection Act 1994</em>. This exemption does not apply to Australian Dodder (<em>Cuscuta australis</em>).</td>
</tr>
<tr>
<td>Pest animal burrows</td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows. In the case of native vegetation the written agreement of an officer of the department responsible for administering the <em>Flora and Fauna Guarantee Act 1988</em> 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 <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 costeasuring and bulk sampling activities. |
| Surveying              | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the *Surveying Act 2004*) using hand-held tools to establish a sightline for the measurement of land. |
| Traditional owners     | Vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with: |
The requirement to obtain a permit does not apply to:

- a natural resources agreement under Part 6 of the Traditional Owners Settlement Act 2010; or
- an authorisation order made under sections 82 or 84 of the Traditional Owner Settlement Act 2010 as those sections were in force immediately before the commencement of section 24 of the Traditional owners Settlement Amendment Act in 2016 (1 May 2017).

### Subdivision

A permit is required to subdivide land.

### Application requirements

An application must be accompanied by any information specified in a schedule to this overlay and information showing:

- The existing site conditions, including land gradient and the extent of any existing erosion, landslip or other land degradation.
- The extent of any proposed earthworks.
- The means proposed to stabilise disturbed areas.
- Any other application requirements specified in a schedule to this overlay.

### Exemption from notice and review

An application under this overlay is exempt from the notice requirements of sSection 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

### Decision guidelines

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

- Regional Catchment Strategy (*Catchment and Land Protection Act 1994*).
- Control of Erosion on Construction Sites, Soil Conservation Authority.
- Your Dam, an Asset or a Liability, Department of Conservation and Natural Resources.
- Any proposed measures to manage concentrated runoff and site drainage.
- Any proposed measures to minimise the extent of soil disturbance.
- Whether the removal of vegetation will increase the possibility of erosion, the susceptibility to landslip or other land degradation processes, and whether such removal is consistent with sustainable land management.
- The need to stabilise disturbed areas by engineering works or revegetation.
- Whether the land is capable of providing a building envelope which is not subject to high or severe erosion concern.
- Whether buildings or works are likely to cause erosion or landslip.
- Whether access and servicing of the site or building envelope is likely to result in erosion or landslip.
- Land Capability Report (if prepared) as developed by the Department of Environment, Land, Water and Planning.
- The need to remove, destroy or lop vegetation to a create defendable space to reduce the risk of bushfire to life and property.
- Any technical information or reports required to be provided by a schedule to this overlay.
- Any other matters specified in a schedule to this overlay.
SCHEDULE 1 TO CLAUSE 44.01 EROSION MANAGEMENT OVERLAY

Shown on the planning scheme map as EMO.

1.0

Erosion management objectives to be achieved

None specified.

2.0

Statement of risk

None specified.

3.0

Permit requirement

A permit is not required to:

- Undertake buildings and works where the natural ground level has a slope less than 20 per cent (1 in 5), where the slope is the average slope of the land measured perpendicular to the contours of the land for a distance of 50 metres either side of the area of the proposed works.

- Construct an outbuilding ancillary to a dwelling with a floor area less than 100 square metres where no earthworks are required.

- Construct a building used to support agricultural production on the land and which does not exceed 100 square metres in floor area.

Applications proposing or involving earthworks or native vegetation removal must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause.

4.0

Application requirements

None specified.

5.0

Decision guidelines

None specified.
FLOODWAY OVERLAY

Shown on the planning scheme map as FO or RFO with a number (if shown).

Purpose

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

To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.

To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.

To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.

To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

Floodway objectives and statement of risk

A schedule to this overlay may contain:

- Floodway management objectives to be achieved.
- A statement of risk.

Buildings and works

A permit is required to construct a building or to construct or carry out works, including:

- A fence.
- Roadworks, if the water flow path is redirected or obstructed.
- Bicycle pathways and trails.
- Public toilets.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- Rainwater tank with a capacity of not more than 10,000 litres.
- A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
- A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.
- A non-domestic disabled access ramp.
- A dependent person’s unit.

This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- To flood mitigation works carried out by the responsible authority or floodplain management authority.
To the following works in accordance with plans prepared to the satisfaction of the responsible authority:

- The laying of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.
- The erection of telephone or power lines provided they do not involve the construction of towers or poles.

- To post and wire and post and rail fencing.

### Subdivision

A permit is required to subdivide land. A permit may only be granted to subdivide land if the following apply:

- The subdivision does not create any new lots, which are entirely within this overlay. This does not apply if the subdivision creates a lot, which by agreement between the owner and the relevant floodplain management authority, is to be transferred to an authority for a public purpose.
- The subdivision is the resubdivision of existing lots and the number of lots is not increased, unless a local floodplain development plan incorporated into this scheme specifically provides otherwise.

### Application requirements

#### Local floodplain development plan

If a local floodplain development plan has been developed for the area and has been incorporated into this scheme, an application must be consistent with the plan.

#### Flood risk report

If a local floodplain development plan for the area has not been incorporated into this scheme, an application must be accompanied by a flood risk report to the satisfaction of the responsible authority, which must consider the following, where applicable:

- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:
  - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
  - The flood warning time available.
  - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
- The effects of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.
An application must be accompanied by any information specified in a schedule to this overlay.

**Exemption from notice and review**

An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

**Referral of applications**

An application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority.

**Decision guidelines**

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

- The local floodplain development plan or flood risk report.
- Any comments of the relevant floodplain management authority.
- The Victorian River Health Strategy (2002) and any relevant regional river health strategy and associated wetland plan.
- Any other matters specified in a schedule to this overlay.
SCHEDULE 1 TO CLAUSE 44.03 FLOODWAY OVERLAY

Shown on the planning scheme map as FO.

1.0
Floodway objectives to be achieved
None specified.

2.0
Statement of risk
None specified.

3.0
Permit requirement
None specified.

4.0
Application requirements
None specified.

5.0
Decision guidelines
None specified.
LAND SUBJECT TO INUNDATION OVERLAY

Shown on the planning scheme map as LSIO with a number (if shown).

**Purpose**

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

To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.

To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

To reflect any declaration under Division 4 of Part 10 of the *Water Act, 1989* where a declaration has been made.

To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

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**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.

**44.04-3**  
31/07/2018  
VC148  
**Subdivision**  
A permit is required to subdivide land.

**44.04-4**  
31/07/2018  
VC148  
**Application requirements**  
An application must be accompanied by any information specified in a schedule to this overlay.

**44.04-5**  
31/07/2018  
VC148  
**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.

**44.04-6**  
31/07/2018  
VC148  
**Exemption from notice and review**  
An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

**44.04-7**  
31/07/2018  
VC148  
**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.

**44.04-8**  
24/01/2020  
VC160  
**Decision guidelines**  
Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:
- Any local floodplain development plan.
- Any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:
  - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
- The flood warning time available.
- The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.

- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.

- The effect of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.

- Any other matters specified in a schedule to this overlay.
SCHEDULE 1 TO CLAUSE 44.04 LAND SUBJECT TO INUNDATION OVERLAY

Shown on the planning scheme map as LSIO.

1.0

Land subject to inundation objectives to be achieved
None specified.

2.0

Statement of risk
None specified.

3.0

Permit requirement
None specified.

4.0

Application requirements
None specified.

5.0

Decision guidelines
None specified.
BUSHFIRE MANAGEMENT OVERLAY

Shown on the planning scheme map as BMO with a number (if shown).

Purpose

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

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

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

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

Bushfire management objectives and application of schedules

A schedule to this overlay must contain a statement of the bushfire management objectives to be achieved for the area affected by the schedule and when the requirements within it apply.

Permit requirement

Subdivision

A permit is required to subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.

Buildings and works

A permit is required to construct a building or construct or carry out works associated with the following uses:

- Accommodation (including a Dependent person’s unit)
- Education centre
- Hospital
- Industry
- Leisure and recreation
- Office
- Place of assembly
- Retail premises
- Service station
- Timber production
- Warehouse

This does not apply to any of the following:

- If a schedule to this overlay specifically states that a permit is not required.
- A building or works consistent with an agreement under Section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of Clause 44.06-5.
- An alteration or extension to an existing building used for a dwelling or a dependent person’s unit that is less than 50 percent of the gross floor area of the existing building.
- An alteration or extension to an existing building (excluding a dwelling and a dependent person’s unit) that is less than 10 percent of the gross floor area of the existing building.
- A building or works with a floor area of less than 100 square metres not used for accommodation and ancillary to a dwelling.

- A building or works associated with Timber production provided the buildings or works are not within 150 metres of Accommodation or land zoned for residential or rural residential purposes.

### Application requirements

Unless a schedule to this overlay specifies different requirements, an application must be accompanied by:

- A **bushfire hazard site assessment** including a plan that describes the bushfire hazard within 150 metres of the proposed development. The description of the hazard must be prepared in accordance with Sections 2.2.3 to 2.2.5 of AS3959:2009 Construction of buildings in bushfire prone areas (Standards Australia) excluding paragraph (a) of section 2.2.3.2. Photographs or other techniques may be used to assist in describing the bushfire hazard.

- A **bushfire hazard landscape assessment** including a plan that describes the bushfire hazard of the general locality more than 150 metres from the site. Photographs or other techniques may be used to assist in describing the bushfire hazard. This requirement does not apply to a dwelling that includes all of the approved measures specified in Clause 53.02-3.

- A **bushfire management statement** describing how the proposed development responds to the requirements in this clause and Clause 53.02. If the application proposes an alternative measure, the bushfire management statement must explain how the alternative measure meets the relevant objective.

If in the opinion of the responsible authority any part of these requirements is not relevant to the assessment of an application, the responsible authority may waive, vary or reduce the requirement.

### Requirements of Clause 53.02

An application must meet the requirements of Clause 53.02 unless the application meets all of the requirements specified in a schedule to this overlay.

A schedule to this overlay may specify substitute approved measures, additional alternative measures and additional or substitute decision guidelines for the purposes of Clause 53.02.

### Mandatory condition

**Subdivision**

A permit which creates a lot for a single dwelling on land zoned for residential or rural residential purposes must include the following condition:

“Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:

- State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the [*insert name of applicable planning scheme] Planning Scheme.

- Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.

- State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.”
This does not apply:

- If a schedule to this overlay specifies that a Section 173 Agreement is not required.
- Where the relevant fire authority states in writing the preparation of an agreement under Section 173 of the Act is not required for the subdivision.
- For the subdivision of the land into lots each containing an existing dwelling or car parking space.

A permit to subdivide land must include any condition specified in a schedule to this overlay.

**Buildings and works**

A permit to construct a building or construct or carry out works must include the following condition:

> “The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.”

A permit allowing a dwelling to be constructed to the next lower bushfire attack level in accordance with AM1.2 in Clause 53.02-3 must include the following condition:

> “Before the development starts, the owner must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 to provide for the following:

- A dwelling constructed in accordance with planning permit [*insert planning permit reference] must not be occupied until a private bushfire shelter (a Class 10c building within the meaning of the Building Regulations 2006) is:
  - Constructed on the same land as the dwelling.
  - Available for use by the occupants of the dwelling at all times.
  - Maintained in accordance with the requirements of the building permit issued for that private bushfire shelter.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.”

A permit to construct a building or construct or carry out works must include any condition specified in a schedule to this overlay.

### Referral of applications

An application must be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03, unless a schedule to this overlay specifies otherwise.

### Notice and review

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act, unless a schedule to this overlay specifies otherwise.

A schedule to this overlay may specify that notice be given to any person or body in accordance with section 52(1)(c) of the Act.

### Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 53.02 and Clause 65, the responsible authority must consider, as appropriate:

Any other matters specified in a schedule to this overlay.

### Transitional arrangements

The requirements of Clause 44.06 Bushfire Management Overlay do not apply to a single dwelling, or a dependent person's unit, when a permit under the *Building Act 1993* was issued before the commencement of Amendment GC13, if:

- vegetation is managed to accord with the bushfire attack level assessment undertaken at the time the building permit was issued; and

- a static water supply of:
  - 2500 litres on lots of 500 square metres or less
  - 5000 litres on lots of more than 500 square metres,
    is provided to the satisfaction of the responsible authority.

- no permit was required for such development under Clause 44.06 before the commencement of Amendment GC13.
SCHEDULE 1 TO CLAUSE 44.06 BUSHFIRE MANAGEMENT OVERLAY

Shown on the planning scheme map as BMO1.

WALHALLA

1.0

Statement of the bushfire management objectives to be achieved

To specify bushfire protection measures to construct or extend one dwelling or office or retail premises on a lot.

2.0

Application

This schedule applies where all of the following are met:-

- The application to construct or extend one dwelling, office or retail premises on a lot.
- The application includes the substitute approved measures set out in this schedule.

3.0

Permit requirement

None specified.

4.0

Application requirements

The following application requirements apply to an application for a permit under Clause 44.06:

An application must be accompanied by:-

- A bushfire management statement that describes how a proposed development responds to this schedule; and
- A plan that shows how vegetation will be managed to achieve the defendable space requirements set out in the substitute approved measure AM3.1.

5.0

Requirements to be met

None specified.

6.0

Substitute approved measures for Clause 53.02

<table>
<thead>
<tr>
<th>Approved Measure</th>
<th>Substitute approved measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM2.1</td>
<td>Does not apply if all the substitute approved measures in the schedules are met.</td>
</tr>
<tr>
<td>AM2.2</td>
<td>Approved measure in Clause 53.02 to be met.</td>
</tr>
<tr>
<td>AM2.3</td>
<td>Approved measure in Clause 53.02 to be met.</td>
</tr>
<tr>
<td>AM3.1</td>
<td>Defendable space to the property boundary. Bushfire Attack Level of BAL29.</td>
</tr>
<tr>
<td>AM3.2</td>
<td>None specified.</td>
</tr>
<tr>
<td>AM4.1</td>
<td>Approved measure in Clause 53.02 to be met.</td>
</tr>
<tr>
<td>AM4.2</td>
<td>Approved measure in Clause 53.02 to be met.</td>
</tr>
<tr>
<td>AM5.1</td>
<td>Approved measure in Clause 53.02 to be met.</td>
</tr>
<tr>
<td>AM5.2</td>
<td>Approved measure in Clause 53.02 to be met.</td>
</tr>
</tbody>
</table>
### Approved Measure Substitute approved measure

<table>
<thead>
<tr>
<th>Approved Measure</th>
<th>Substitute approved measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM5.3</td>
<td>Approved measure in Clause 53.02 to be met.</td>
</tr>
<tr>
<td>AM5.4</td>
<td>Approved measure in Clause 53.02 to be met.</td>
</tr>
</tbody>
</table>

#### Additional alternative measures for Clause 53.02
None specified.

#### Mandatory Condition
None specified.

#### Referral of application not required
An application is required to be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.04.

#### Notice and review
None specified.

#### Decision guidelines
The following decision guidelines apply to an application for a permit under Clause 44.06, in addition to those specified in Clause 44.06 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether all of the substitute approved measures specified in this schedule have been met,
- Whether adjoining land is permanently occupied and regularly maintained, and whether this level of maintenance can be predicted to continue.
- The views of the relevant fire authority.
SCHEDULE 2 TO CLAUSE 44.06 BUSHFIRE MANAGEMENT OVERLAY

Shown on the planning scheme map as BMO2.

DROUIN BAL-12.5 AREAS

1.0

Statement of the bushfire management objectives to be achieved
To specify bushfire protection measures to construct or extend one dwelling on a lot.
To specify referral requirements for applications to construct or extend one dwelling on a lot.

2.0

Application
An application to construct or extend one dwelling on a lot must include all the requirements set out in this schedule.
Clause 53.02 applies in all other circumstances.

3.0

Permit requirement
None specified.

4.0

Application requirements
The following application requirements apply to an application for a permit under Clause 44.06:
An application must be accompanied by a bushfire management plan that:

- Shows all of the required bushfire protection measures specified in this schedule,
- Includes written conditions that implement the required bushfire protection measures,
- Identifies water supply including the location of any fire hydrant within 120 metres of the rear of the building, and
- Details vehicle access.

5.0

Requirements to be met
The following requirements apply to an application to construct a single dwelling on a lot:

- The dwelling must be constructed to BAL-12.5
- Defendable space is to be provided for a distance of 30 metres around the dwelling or to the property boundary, whichever is the lesser and maintained in accordance with the vegetation management requirements of Clause 53.02 with the following variation:
  - The canopy of trees must be separated by at least 2 metres.
- A static water supply must be provided in accordance with Clause 53.02, and
- Vehicle access must be provided in accordance with Clause 53.02.
If these requirements are not met, the requirements of Clause 53.02 apply.

6.0

Substitute approved measures for Clause 53.02
None specified.

7.0

Additional alternative measures for Clause 53.02
None specified.
Mandatory Condition
An application must include the mandatory conditions as specified in Clause 44.06-5.

Referral of application not required
An application for a single dwelling on a lot meeting all of the required bushfire protection measures is not required to be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03.

Notice and review
None specified.

Decision guidelines
Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider whether all of the bushfire protection measures in this schedule have been met.
PUBLIC ACQUISITION OVERLAY

Shown on the planning scheme map as PAO with a number.

**Purpose**

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

To identify land which is proposed to be acquired by a Minister, public authority or municipal council.

To reserve land for a public purpose and to ensure that changes to the use or development of the land do not prejudice the purpose for which the land is to be acquired.

To designate a Minister, public authority or municipal council as an acquiring authority for land reserved for a public purpose.

**Permit required**

A permit is required to:

- Use land for any Section 1 or Section 2 use in the zone.
- Construct a building or construct or carry out works, including:
  - A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
  - A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
  - A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.
- Damage, demolish or remove a building or works.
- Damage, remove, destroy or lop any vegetation. This does not apply:
  - If the vegetation has been planted for pasture, timber production or any other crop.
  - To any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the Electricity Safety Act 1998.
  - If the vegetation presents an immediate risk of personal injury or damage to property.
- Subdivide land.

This does not apply:

- To the acquiring authority for the land if the land has been acquired and any of the above matters for which a permit is required is consistent with the purpose for which the land was acquired.
- To an authority or a municipal council if the responsible authority, after consulting with the acquiring authority for the land, is satisfied that any of the above matters for which a permit is required is consistent with the purpose for which the land is to be acquired.

**Exemption from notice and review**

An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.
45.01-3  Referral of applications
An application must be referred under Section 55 of the Act to the acquiring authority for the land.

45.01-4  Decision guidelines
Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The effect of the proposed use or development on the purpose for which the land is to be acquired as specified in the schedule to this overlay.

A permit granted under this clause may be conditional on:

- The extent of alterations and extensions to an existing building and works, and the materials that may be used.
- The location, dimensions, design and material or a new building or works.
- The demolition, removal or alteration of any buildings or works.
- The demolition or removal of buildings or works constructed or carried out in accordance with a permit under this clause.
- No compensation being payable for the demolition or removal of any buildings or works constructed under the permit.

45.01-5  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.

45.01-6  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.

45.01-7  Acquiring authority
An acquiring authority is the Minister, public authority or municipal council specified in the schedule to this overlay as the acquiring authority for the land.
### Public acquisition

<table>
<thead>
<tr>
<th>PS map ref</th>
<th>Acquiring Authority</th>
<th>Purpose of acquisition</th>
</tr>
</thead>
<tbody>
<tr>
<td>PAO1</td>
<td>Gippsland Water</td>
<td>In order to reserve land on which the tank facility is located for public purposes.</td>
</tr>
<tr>
<td>PAO3</td>
<td>Baw Baw Shire Council</td>
<td>In order to reserve land for road works.</td>
</tr>
</tbody>
</table>
ENVIRONMENTAL AUDIT OVERLAY

Shown on the planning scheme map as EAO.

Purpose
To implement the Municipal Planning Strategy and the Planning Policy Framework.
To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.

Requirement
Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
- An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.
45.05
31/07/2018
VC148

RESTRUCTURE OVERLAY

Shown on the planning scheme map as RO with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To identify old and inappropriate subdivisions which are to be restructured.
To preserve and enhance the amenity of the area and reduce the environmental impacts of dwellings and other development.

45.05-1
19/01/2006
VC37

Subdivision

A permit is required to subdivide land.

A subdivision must be in accordance with a restructure plan for the land listed in the schedule to this overlay. This does not apply if the subdivision is for one of the following purposes and no additional lots or subdivision potential is created:

- To realign boundaries between lots that have been consolidated in accordance with the restructure plan.
- To consolidate a restructure lot with a section of closed road or other land not included in a proposed restructure lot.

Each lot must be provided with reticulated sewerage if available. If reticulated sewerage is not available, the application must be accompanied by:

- A land assessment report which demonstrates that each lot is capable of treating and retaining all waste water in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- A plan which indicates the building envelope and effluent disposal area for each lot.

Before deciding on an application to subdivide land into residential lots, the responsible authority must consider Clause 56.

45.05-2
19/01/2006
VC37

Dwellings and other buildings

A permit is required to construct or extend a dwelling or other building.

A permit must be in accordance with a restructure plan for the land listed in a schedule to this overlay. This does not apply if:

- No restructure plan is listed in the schedule and the permit is required to extend an existing dwelling or other building.
- The land is a lot for which a permit has been granted under Clause 45.05-1.

45.05-3
31/07/2018
VC148

Exemption from notice and review

An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

45.05-4
31/07/2018
VC148

Decision guidelines

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

- The objectives of the restructuring plan for the area.
- Appropriate measures to cope with any environmental hazard or constraint affecting the land, including slope, drainage, salinity and erosion.

- The protection and enhancement of the natural environment and the character of the area including the retention of vegetation and fauna habitats and the need to revegetate along waterways, gullies, ridge lines and property boundaries.

- The availability of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.

- The relationship of the intended use and development to the existing or likely use and development of adjoining and nearby land.

- The effect on surrounding uses, especially agricultural uses and nearby public land.

- The design of buildings.
## SCHEDULE TO CLAUSE 45.05 RESTRUCTURE OVERLAY

### Restructure plan

<table>
<thead>
<tr>
<th>PS map ref</th>
<th>Land</th>
<th>Title of restructure plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>RO1</td>
<td>Land south of Nayook</td>
<td>Nayook Restructure Allotment Plan – April 2007 (revised February 2009)</td>
</tr>
<tr>
<td>RO2</td>
<td>Land in the township of Neerim Junction</td>
<td>Neerim Junction Restructure Allotment Plan – April 2007</td>
</tr>
<tr>
<td>RO3</td>
<td>Land in and adjacent to the township of Neerim</td>
<td>Neerim Restructure Allotment Plan – April 2007</td>
</tr>
<tr>
<td>RO4</td>
<td>Land in the Tarago</td>
<td>Reservoir Restructure Allotment Plan – June 2007 (revised February 2009)</td>
</tr>
</tbody>
</table>
DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as DCPO with a number.

Purpose

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

To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

Development contributions plan

A permit must not be granted to subdivide land, construct a building or construct or carry out works until a development contributions plan has been incorporated into this scheme.

This does not apply to the construction of a building, the construction or carrying out of works or a subdivision specifically excluded by a schedule to this overlay.

A permit granted must:

- Be consistent with the provisions of the relevant development contributions plan.
- Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.

Preparation of a development contributions plan

The development contributions plan may consist of plans or other documents and may, with the agreement of the planning authority, be prepared and implemented in stages.

The development contributions plan must:

- Specify the area to which the plan applies.
- Set out the works, services and facilities to be funded through the plan, including the staging of the provision of those works, services and facilities.
- Relate the need for the works, services or facilities to the proposed development of land in the area.
- Specify the estimated costs of each of the works, services and facilities.
- Specify the proportion of the total estimated costs of the works, services and facilities which is to be funded by a development infrastructure levy or community infrastructure levy or both.
- Specify the land in the area and the types of development in respect of which a levy is payable and the method for determining the levy payable in respect of any development of land.
- Provide for the procedures for the collection of a development infrastructure levy in respect to any development for which a permit is not required.

The development contributions plan may:

- Exempt certain land or certain types of development from payment of a development infrastructure levy or community infrastructure levy or both.
- Provide for different rates or amounts of levy to be payable in respect of different types of development of land or different parts of the area.
SCHEDULE 1 TO CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as DCPO1.

BAW BAW SHIRE DEVELOPMENT CONTRIBUTIONS PLAN

1.0

Area covered by this development contributions plan

The Plan applies to all land within the boundaries of the 63 areas designated in Baw Baw Shire Development Contributions Plan from area 1a to area 48. The Plan provides for different amounts of levy to be payable in specified areas, which are shown on the Plans to this Schedule, and in the Baw Baw Shire Development Contributions Plan (23 March 2007).
## Summary of costs

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Estimated Total Cost Attributable to DCP Excluding GST</th>
<th>Estimated Time of Provision</th>
<th>Estimated Cost Recoverable from DCP</th>
<th>Estimated Proportion of Cost Recoverable from DCP</th>
</tr>
</thead>
<tbody>
<tr>
<td>CICF001 West Gippsland Arts Centre redevelopment</td>
<td>$5,000,000</td>
<td>2007 To 2011</td>
<td>$1,149,949</td>
<td>23.0%</td>
</tr>
<tr>
<td>CICF002 Municipal Gymnastics Venue (Warragul)</td>
<td>$350,000</td>
<td>2009 To 2009</td>
<td>$107,329</td>
<td>30.7%</td>
</tr>
<tr>
<td>CICF003 Tennis centre development (Municipal &amp; Local for Warragul &amp; district)</td>
<td>$600,000</td>
<td>2012 To 2012</td>
<td>$242,225</td>
<td>40.4%</td>
</tr>
<tr>
<td>CICF004 Leisure centre development (Municipal)</td>
<td>$13,500,000</td>
<td>2012 To 2015</td>
<td>$5,174,770</td>
<td>38.3%</td>
</tr>
<tr>
<td>CICF005 Municipal Recreation Precinct (Local for Warragul &amp; Drouin)</td>
<td>$5,200,000</td>
<td>2014 To 2030</td>
<td>$1,594,596</td>
<td>30.7%</td>
</tr>
<tr>
<td>CIOS001 Drouin Recreation Reserve upgrade (Drouin)</td>
<td>$500,000</td>
<td>2008 To 2009</td>
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<td>CIOS002 Bellbird park facility upgrade (Drouin)</td>
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<td>CIOS003 New/enhanced Equestrian Facilities</td>
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<td>DICF001 Multipurpose Centre including Kindergarten (Drouin)</td>
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<td>DICF003 Multipurpose Centre including Kindergarten (Warragul)</td>
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<td>DIDR004 Hazel Creek restoration (section 3)</td>
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<td>DIDR009 Hazel Creek restoration (section 15)</td>
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<td>DIOUS001 Picnic facilities and drinking fountains (Warragul)</td>
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<td>DIOUS002 Playgrounds with shade (Warragul)</td>
<td>$60,000</td>
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<td>DIOUS003 Park seating / signage, paths and playground equipment on existing linear park network (Warragul)</td>
<td>$150,000</td>
<td>2007 To 2016</td>
<td>$62,140</td>
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<td>DIOUS004 Picnic facilities / drinking fountains / toilets / lighting (Drouin)</td>
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<td>DIOUS005 Open space upgrades</td>
<td>$356,000</td>
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<td>$136,461</td>
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<td>DIOUS006 Upgraded playground facilities for the disabled (Warragul)</td>
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<td>DIOUS007 Upgraded playground facilities for the disabled (Drouin)</td>
<td>$80,000</td>
<td>2008 To 2009</td>
<td>$50,801</td>
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<td>DIOUS008 Public toilets (2 of) within linear parks (Warragul)</td>
<td>$250,000</td>
<td>2010 To 2010</td>
<td>$103,567</td>
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<td>DIOUS009 Tennis court lighting (Drouin)</td>
<td>$20,000</td>
<td>2008 To 2008</td>
<td>$12,700</td>
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<td>DIOUS010 Bellbird park synthetic hockey field - municipal</td>
<td>$400,000</td>
<td>2011 To 2011</td>
<td>$91,996</td>
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<td>DIOS011 Eastern Park development including toilets and change room facility, playground, carparking, beautification (Warragul)</td>
<td>$310,000</td>
<td>2008 To 2010</td>
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<td>DIOS012 Additional 5 upgraded Netball courts (Warragul)</td>
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<td>DIOS014 Land acquisition bush area, rear Roberts Court (Drouin)</td>
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<td>DIRS001 Bowen Street / Sutton Street (traffic lights)</td>
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<td>DIRS002 Bowen Street upgrade – south of Sutton Street</td>
<td>$1,200,000</td>
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<td>DIRS004 Buln Buln Road upgrade (Drouin)</td>
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<td>DIRS005 Construct roundabout at the intersection of road links B,D and C</td>
<td>$200,000</td>
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<td>$47,665</td>
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<td>DIRS009 Footpath, cycle paths and seating works (Warragul)</td>
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<td>DIRS012 Intersection works Main Sth Rd/Cook St</td>
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<td>DIRS013 Intersection works McNeily Rd/Albert St</td>
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<td>2012 To 2015</td>
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<td>DIRS014 Mason Street / Albert Street, Warragul (intersection treatment)</td>
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<td>DIRS015 Napier Street / Queen Street, Warragul (traffic lights)</td>
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<td>DIRS016 Paths Linear trails (Drouin)</td>
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<td>DIRS018 Queen Street / Bowen Street intersection (Warragul)</td>
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<td>DIRS019 Road upgrades (2 of) - Settlement Road, Shillinglaw Road (Drouin)</td>
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<td>DIRS020 Roundabout – Copelands Rd / No 1 Road</td>
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<td>DIRS021 Roundabout – Sutton Street / North Rd / Stoddarts Road</td>
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<td>DIRS022 Sutton Street, Warragul road realignment</td>
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<td>DIRS025 Townscape works (Warragul)</td>
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<td>DIRS028 Warragul road link C</td>
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<td>DIRS035 Land for Sutton Street, Warragul</td>
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<td>2020 To 2025</td>
<td>$280,054</td>
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<td>DIRS037 Land for third rail crossing (Warragul)</td>
<td>$500,000</td>
<td>2007 To 2008</td>
<td>$145,178</td>
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<td><strong>Total</strong></td>
<td><strong>$52,689,000</strong></td>
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<td><strong>$19,524,191</strong></td>
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</table>

Notes: This table sets out a summary of the costs prescribed in Baw Baw Shire Development Contributions Plan. Refer to the incorporated document (23 March 2007) for full details. The list of projects included in the table were amended under Amendment C101 by the deletion of projects which are no longer to be undertaken by Baw Baw Shire Council or are to be funded by the State Government of Victoria and under Amendment C112 which transferred a number of projects to the DCPO2 and DCPO3 schedules. For the purpose of this DCP, the projects shall be delivered in accordance with the timing shown for each project, or within 5 years beyond the date shown. Council reserves the right to deliver projects earlier than the delivery dates shown.

Summary of contributions
The following table has three parts. The first part lists contributions for Residential Development, the second part for Business Development, the third part for Industry Development.
# BAW BAW PLANNING SCHEME

## Part 1 – Residential Levy

### DCP01 - RESIDENTIAL LEVY 2017

<table>
<thead>
<tr>
<th>Area</th>
<th>DI Community Facilities</th>
<th>DI Drainage</th>
<th>DI Open Space</th>
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<th>Total Development Infrastructure</th>
<th>CI Community Facilities</th>
<th>CI Open Space</th>
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<th>Total Development &amp; Community Facilities</th>
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Page 621 of 1108
## BUSINESS LEVY

### Infrastructure Charges by Area

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### Amendment 28th August 2024

Page 622 of 1108
### Part 3 – Industry Levy

#### Notes:
- Square metres of floorspace refers to leaseable floorspace.
- Business refers to retail, office and other similar commercial uses.
- Should a development proposal technically fall outside of the Residential, Business and Industrial classifications used in this DCP, Baw Baw Shire Council shall determine the most appropriate development charge to be used for the development. Such developments may require

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<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Area 048</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

(Data as of 31 August 2023)

---

Notes:
- Square metres of floorspace refers to leaseable floorspace.
- Business refers to retail, office and other similar commercial uses.
- Should a development proposal technically fall outside of the Residential, Business and Industrial classifications used in this DCP, Baw Baw Shire Council shall determine the most appropriate development charge to be used for the development. Such developments may require
a case-by-case assessment of the number of demand units that they represent. This assessment may occur at the time a planning permit is applied for, or at the time a building permit is registered with the Council.

The contribution amounts are based on the rates included in the Baw Baw Shire Development Contributions Plan (23 March 2007) which have been adjusted to reflect the deletion of projects in the Summary of Costs table approved in Amendment C101 and to allow for annual adjustment on 1 July of each year from 23 March 2007 to 30 June 2013 to allow for the rise or fall in prices. They will be adjusted annually on July 1 each year to adjust for the rise or fall in prices using the following formula:

\[ \text{Charges} + (\text{Charges} \times (\text{Construction index} \times 0.944) + (\text{Land value index} \times 0.056)) \]

Construction index = Building Price Index June Quarter for Melbourne in Rawlinsons Australian Construction Handbook. Land index = Annual valuation of land in the area of the DCP conducted by the Victorian Valuer General.

Payment of development contributions is to be made in cash. Council, at its discretion, may consider accepting works or land in lieu of cash contributions, provided the independently assessed value of the works / land in question does not exceed the cash liability of the proponent under this DCP.

Payment of the Residential Levy - Development Infrastructure is to be made prior to the issue of a statement of compliance for the approved subdivision. At Council’s discretion, payment of the levy may be deferred to a later date, subject to the developer/land owner entering into an agreement under section 173 of the Planning and Environment Act 1987 to pay the levy at an alternative date agreed upon.

Payment of the Business Levy and Industry Levy – Development Infrastructure is to be made at the building permit stage.

Payment of the Residential Levy – Community Infrastructure is to be made at the building permit stage.

These tables set out a summary of the costs prescribed in Baw Baw Shire Development Contributions Plan (23 March 2007). Refer to this document for full details.

The Community Infrastructure Levy (CIL) payable under this Development Contributions Plan (DCP)

Section 46L of the Planning and Environment Act 1987 sets the maximum CIL amount that can be collected under an approved DCP

If the maximum amount of the CIL which may be collected under an approved DCP is varied under section 46L of the Planning and Environment Act 1987, the collecting agency may adjust the amount of the CIL payable under this DCP in accordance with section 46L of the Planning and Environment Act 1987.

If the collecting agency adjusts the amount of the CIL payment under this DCP, the collecting agency will publish the adjusted amount of the CIL payable under this DCP on its website.

Land or development excluded from development contributions plan

The Business Levy and Industry Levy - Development Infrastructure Drainage does not apply to floorspace above ground floor level.

The Residential Levy - Community infrastructure does not apply to a replacement dwelling or extension to an existing dwelling.

The Residential Levy – Development Infrastructure, Business Levy – Development Infrastructure and Industry Levy – Development Infrastructure, under schedule DCP01, do not apply to any development on land to which the Warragul Precinct Structure Plan or Drouin Precinct Structure Plan apply.
**SCHEDULE 2 TO CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY**

Shown on the planning scheme map as **DCPO2**.

**WARRAGUL DEVELOPMENT CONTRIBUTIONS PLAN**

**1.0**

Area covered by this development contributions plan

All land within the Warragul Development Contributions Plan area shown as DCPO2 on the planning scheme maps.

**2.0**

Summary of costs

Summary of costs in 2014 dollars:

<table>
<thead>
<tr>
<th>Facility</th>
<th>Total cost $</th>
<th>Time of provision</th>
<th>Actual cost contribution attributable to development $</th>
<th>Proportion of cost attributable to development %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial road intersections</td>
<td>$7,029,455</td>
<td>Refer to details in the Warragul Development Contributions Plan.</td>
<td>$7,029,455</td>
<td>100%</td>
</tr>
<tr>
<td>Shared paths</td>
<td>$1,155,000</td>
<td>Refer to details in the Warragul Development Contributions Plan.</td>
<td>$1,155,000</td>
<td>100%</td>
</tr>
<tr>
<td>Road construction</td>
<td>$54,480,518</td>
<td>Refer to details in the Warragul Development Contributions Plan.</td>
<td>$54,399,970</td>
<td>100%</td>
</tr>
<tr>
<td>Local road intersections</td>
<td>$16,971,398</td>
<td>Refer to details in the Warragul Development Contributions Plan.</td>
<td>$16,964,231</td>
<td>100%</td>
</tr>
<tr>
<td>Bridges and culverts</td>
<td>$6,599,027</td>
<td>Refer to details in the Warragul Development Contributions Plan.</td>
<td>$6,599,027</td>
<td>100%</td>
</tr>
<tr>
<td>Community facilities</td>
<td>$13,405,037</td>
<td>Refer to details in the Warragul Development Contributions Plan.</td>
<td>$13,244,717</td>
<td>99%</td>
</tr>
<tr>
<td>Recreation</td>
<td>$24,748,450</td>
<td>Refer to details in the Warragul Development Contributions Plan</td>
<td>$24,748,450</td>
<td>100%</td>
</tr>
<tr>
<td>Facility</td>
<td>Total cost $</td>
<td>Time of provision</td>
<td>Actual cost contribution attributable to development $</td>
<td>Proportion of cost attributable to development %</td>
</tr>
<tr>
<td>-------------------</td>
<td>---------------</td>
<td>------------------------------------------</td>
<td>--------------------------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>Drainage</td>
<td>$36,562,575</td>
<td>Refer to details in the Warragul Development Contributions Plan.</td>
<td>$35,919,913</td>
<td>98%</td>
</tr>
<tr>
<td>DCP preparation</td>
<td>$60,000</td>
<td>Refer to details in the Warragul Development Contributions Plan</td>
<td>$60,000</td>
<td>100%</td>
</tr>
<tr>
<td>TOTAL (est.)</td>
<td>$161,011,459</td>
<td></td>
<td>$160,120,762</td>
<td>99%</td>
</tr>
</tbody>
</table>
Summary of contributions for Charge Area 1 (Residential) in 2014 dollars

<table>
<thead>
<tr>
<th>Facility</th>
<th>Levies payable by the development ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Development Infrastructure</td>
</tr>
<tr>
<td></td>
<td>All development</td>
</tr>
<tr>
<td></td>
<td>Per net developable hectare</td>
</tr>
<tr>
<td>Transport</td>
<td>$7,303</td>
</tr>
<tr>
<td>Local transport</td>
<td>$69,564</td>
</tr>
<tr>
<td>Facility</td>
<td>Levies payable by the development ($)</td>
</tr>
<tr>
<td>---------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Development Infrastructure</td>
<td>Community infrastructure</td>
</tr>
<tr>
<td>All development</td>
<td>Residential</td>
</tr>
<tr>
<td>Per net developable hectare</td>
<td>Per dwelling</td>
</tr>
<tr>
<td>DCP preparation</td>
<td>$46</td>
</tr>
<tr>
<td>Drainage</td>
<td>$27,321</td>
</tr>
<tr>
<td>Community facilities</td>
<td>$12,586</td>
</tr>
<tr>
<td>Recreation</td>
<td>$23,518</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$140,337</strong></td>
</tr>
</tbody>
</table>

Summary of contributions for Charge Area 2 (Low Density Residential) in 2014 dollars

<table>
<thead>
<tr>
<th>Facility</th>
<th>Levies payable by the development ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Infrastructure</td>
<td>Community infrastructure</td>
</tr>
<tr>
<td>All development</td>
<td>Residential</td>
</tr>
<tr>
<td>Per net developable hectare</td>
<td>Per dwelling</td>
</tr>
<tr>
<td>Transport</td>
<td>$2,921</td>
</tr>
<tr>
<td>Local transport</td>
<td>$27,826</td>
</tr>
<tr>
<td>DCP preparation</td>
<td>$18</td>
</tr>
<tr>
<td>Drainage</td>
<td>$10,928</td>
</tr>
<tr>
<td>Community facilities</td>
<td>$4,740</td>
</tr>
<tr>
<td>Recreation</td>
<td>$8,857</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$55,291</strong></td>
</tr>
</tbody>
</table>

Summary of contributions for Charge Area 3 (Business & Industry) in 2014 dollars

<table>
<thead>
<tr>
<th>Facility</th>
<th>Levies payable by the development ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Infrastructure</td>
<td>Community infrastructure</td>
</tr>
<tr>
<td>All development</td>
<td>Residential</td>
</tr>
<tr>
<td>Per net developable hectare</td>
<td>Per dwelling</td>
</tr>
<tr>
<td>Transport</td>
<td>$7,303</td>
</tr>
<tr>
<td>Local transport</td>
<td>$69,564</td>
</tr>
<tr>
<td>DCP preparation</td>
<td>$46</td>
</tr>
<tr>
<td>Facility</td>
<td>Levies payable by the development ($)</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Development Infrastructure</td>
<td>Community infrastructure</td>
</tr>
<tr>
<td>All development</td>
<td>Residential Per dwelling</td>
</tr>
<tr>
<td>Per net developable hectare</td>
<td></td>
</tr>
</tbody>
</table>

**Drainage**  
$27,321 -$

**TOTAL**  
$104,233 $0

### Summary of contributions for Charge Area 4 (External Drainage) in 2014 dollars

<table>
<thead>
<tr>
<th>Facility</th>
<th>Levies payable by the development ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Infrastructure</td>
<td>Community infrastructure</td>
</tr>
<tr>
<td>All development</td>
<td>Residential Per dwelling</td>
</tr>
<tr>
<td>Per net developable hectare</td>
<td></td>
</tr>
</tbody>
</table>

**Drainage**  
$27,321 -$

**DCP preparation**  
$46

**TOTAL**  
$27,367 $0

The development infrastructure levy is payable by all development per net developable hectare as set out in the *Warragul Development Contributions Plan*.

### Indexation

All capital costs of infrastructure items will be adjusted quarterly in the following manner:

- Roads, intersections and bridges / culverts will be indexed in line with the Australian Bureau of Statistics Road and Bridge Construction Index – Victoria
- All other items will be indexed in line with the Australian Bureau of Statistics Non Residential Construction Index.

Land values will be adjusted on 1 July each year following valuations undertaken by a registered valuer.

### Land or development excluded from development contributions plan

Land required for the following is exempt from the provisions of this overlay:

- Non government school.

*Note: This schedule sets out a summary of the costs and contributions prescribed in the development contributions plan. Refer to the incorporated development contributions plan for full details.*
SCHEDULE 3 TO CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as DCPO3.

DROUIN DEVELOPMENT CONTRIBUTIONS PLAN

1.0

Area covered by this development contributions plan
All land within the Drouin Development Contributions Plan area shown as DCPO3 on the planning scheme maps.

2.0

Summary of costs

In 2014 dollars:

<table>
<thead>
<tr>
<th>Facility</th>
<th>Total cost $</th>
<th>Time of provision</th>
<th>Actual cost contribution attributable to development $</th>
<th>Proportion of cost attributable to development %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial road intersections</td>
<td>$7,561,005</td>
<td>Refer to details in the Drouin Development Contributions Plan.</td>
<td>$7,549,164</td>
<td>100%</td>
</tr>
<tr>
<td>Shared paths</td>
<td>$540,000</td>
<td>Refer to details in the Drouin Development Contributions Plan.</td>
<td>$540,000</td>
<td>100%</td>
</tr>
<tr>
<td>Road construction</td>
<td>$37,580,906</td>
<td>Refer to details in the Drouin Development Contributions Plan.</td>
<td>$37,580,906</td>
<td>100%</td>
</tr>
<tr>
<td>Local road intersections</td>
<td>$9,058,773</td>
<td>Refer to details in the Drouin Development Contributions Plan.</td>
<td>$9,058,773</td>
<td>100%</td>
</tr>
<tr>
<td>Bridges and culverts</td>
<td>$11,776,060</td>
<td>Refer to details in the Drouin Development Contributions Plan.</td>
<td>$11,776,060</td>
<td>100%</td>
</tr>
<tr>
<td>Community facilities</td>
<td>$7,131,000</td>
<td>Refer to details in the Drouin Development Contributions Plan.</td>
<td>$7,131,000</td>
<td>100%</td>
</tr>
<tr>
<td>Recreation</td>
<td>$12,639,000</td>
<td>Refer to details in the Drouin Development Contributions Plan.</td>
<td>$12,639,000</td>
<td>100%</td>
</tr>
<tr>
<td>DCP preparation</td>
<td>$40,000</td>
<td>Refer to details in the Drouin Development Contributions Plan.</td>
<td>$40,000</td>
<td>100%</td>
</tr>
<tr>
<td>TOTAL (est.)</td>
<td>$86,326,744</td>
<td></td>
<td>$86,314,903</td>
<td>100%</td>
</tr>
</tbody>
</table>
Summary of contributions

Charge area
Summary of contributions for Charge Area 1 (Residential) in 2014 dollars

<table>
<thead>
<tr>
<th>Facility</th>
<th>Levies payable by the development ($)</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Development Infrastructure</td>
<td>Community</td>
<td></td>
</tr>
<tr>
<td></td>
<td>All development</td>
<td>infrastructure</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Per net developable hectare</td>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Per dwelling</td>
<td></td>
</tr>
<tr>
<td>Transport</td>
<td>$12,430</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local transport</td>
<td>$89,766</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DCP preparation</td>
<td>$61</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community facilities</td>
<td>$11,517</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>Recreation</td>
<td>$20,414</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$134,189</td>
<td>$0</td>
<td></td>
</tr>
</tbody>
</table>

Summary of contributions for Charge Area 2 (Low Density Residential) in 2014 dollars

<table>
<thead>
<tr>
<th>Facility</th>
<th>Levies payable by the development ($)</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Development Infrastructure</td>
<td>Community</td>
<td></td>
</tr>
<tr>
<td></td>
<td>All development</td>
<td>infrastructure</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Per net developable hectare</td>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Per dwelling</td>
<td></td>
</tr>
<tr>
<td>Transport</td>
<td>$4,972</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local transport</td>
<td>$35,906</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DCP preparation</td>
<td>$25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community facilities</td>
<td>$4,607</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>Recreation</td>
<td>$8,165</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$53,676</td>
<td>$0</td>
<td></td>
</tr>
</tbody>
</table>

Summary of contributions for Charge Area 3 (Business & Industry) in 2014 dollars

<table>
<thead>
<tr>
<th>Facility</th>
<th>Levies payable by the development ($)</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Development Infrastructure</td>
<td>Community</td>
<td></td>
</tr>
<tr>
<td></td>
<td>All development</td>
<td>infrastructure</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Per net developable hectare</td>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Per dwelling</td>
<td></td>
</tr>
<tr>
<td>Transport</td>
<td>$12,430</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local transport</td>
<td>$89,766</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The development infrastructure levy is payable by all development per net developable hectare as set out in the *Drouin Development Contributions Plan*.

**Indexation**

All capital costs of infrastructure items will be adjusted quarterly in the following manner:

- Roads, intersections and bridges / culverts will be indexed in line with the Australian Bureau of Statistics Road and Bridge Construction Index – Victoria.
- All other items will be indexed in line with the Australian Bureau of Statistics Non Residential Construction Index.

Land values will be adjusted on 1 July each year following valuations undertaken by a registered valuer.

**Land or development excluded from development contributions plan**

Land required for the following is exempt from the provisions of this overlay:

- Non government school.

*Note: This schedule sets out a summary of the costs and contributions prescribed in the development contributions plan. Refer to the incorporated development contributions plan for full details.*
PARKING OVERLAY

Shown on the planning scheme map as PO with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To facilitate an appropriate provision of car parking spaces in an area.
To identify areas and uses where local car parking rates apply.
To identify areas where financial contributions are to be made for the provision of shared car parking.

Operation

This overlay operates in conjunction with Clause 52.06.

A schedule to this overlay may:

- Vary the requirements of Clause 52.06 as allowed by this overlay.
- Specify additional requirements to the requirements of Clause 52.06 as allowed by this overlay.
- Specify requirements for the provision of a financial contribution as a way of meeting the car parking requirements of Clause 52.06 or this overlay.

Parking objectives

A schedule to this overlay must specify the parking objectives to be achieved for the area affected by the schedule.

Permit requirement

A schedule to this overlay may specify that:

- The exemption from the requirement for a permit in Clause 52.06-3 does not apply. If the exemption does not apply, a permit is required for any of the matters set out in Clause 52.06-3.
- A permit must not be granted to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or this overlay.
- A permit must not be granted to provide some or all of the car parking spaces required under Clause 52.06-5 or this overlay on another site.
- A permit must not be granted to provide more than the maximum parking provision specified in a schedule to this overlay.
- A permit is not required under Clause 52.06-3.

Number of car parking spaces required

A schedule to this overlay may:

- Vary the car parking rate and measure for any use listed in Table 1 of Clause 52.06-5.
- Specify the car parking requirements for any use of land not listed in Table 1 of Clause 52.06-5.
- Specify maximum and minimum car parking requirements for any use of land.
- For any use listed in Table 1 of Clause 52.06-5, apply Column B in the Table to that use.

Application requirements and decision guidelines for permit applications

Before deciding on an application under Clause 52.06-3, in addition to the relevant decision guidelines in Clause 52.06-7, the responsible authority must consider, as appropriate:
The parking objectives of the relevant schedule to this overlay.

Any application requirements and decision guidelines specified in a schedule to this overlay.

### Financial contribution requirement

A schedule to this overlay may allow a responsible authority to collect a financial contribution in accordance with the schedule as a way of meeting the car parking requirements that apply under this overlay or Clause 52.06.

A schedule must specify:

- The area to which the provisions allowing the collection of financial contributions applies.
- The amount of the contribution that may be collected in lieu of each car parking space that is not provided, including any indexation of that amount.
- When any contribution must be paid.
- The purposes for which the responsible authority must use the funds collected under the schedule. Such purposes must be consistent with the objectives in section 4 of the Act.

### Requirements for a car parking plan

A schedule to this overlay may specify additional matters that must be shown on plans prepared under Clause 52.06-8.

### Design standards for car parking

A schedule to this overlay may specify:

- Additional design standards.
- Other requirements for the design and management of car parking.

Plans prepared in accordance with Clause 52.06-8 must meet any design standards and requirements specified in a schedule to this overlay.

### Decision guidelines for car parking plans

Before deciding whether a plan prepared under Clause 52.06-8 is satisfactory, in addition to the decision guidelines in Clause 52.06-10, the responsible authority must consider, as appropriate, any other matter specified in a schedule to this overlay.
SCHEDULE 1 TO CLAUSE 45.09 PARKING OVERLAY

Shown on the planning scheme map as PO1.

WARRAGUL AND DROUIN TOWN CENTRES

1.0

Parking objectives to be achieved
To identify appropriate car parking rates for land uses in the Warragul and Drouin town centres.

2.0

Permit requirement
None specified.

3.0

Number of car parking spaces required
If a use is specified in the Table below, the number of car parking spaces required for the use is calculated by multiplying the Rate specified for the use by the accompanying Measure.

Table: Car parking spaces

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate</th>
<th>Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

For all other uses listed in Table 1 of Clause 52.06-5, the Rate in Column B of Table 1 in Clause 52.06-5 applies.

4.0

Application requirements and decision guidelines for permit applications
None specified.

5.0

Financial contribution requirement
None specified.

6.0

Requirements for a car parking plan
None specified.

7.0

Design standards for car parking
None specified.

8.0

Decision guidelines for car parking plans
None specified.

9.0

Background document
None specified.
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>SCO2</td>
<td>Gippsland Line Upgrade - Corridor Works Incorporated Document, November 2019</td>
</tr>
</tbody>
</table>
PARTICULAR PROVISIONS

This section sets out Particular Provisions which apply to the matters specified.
PROVISIONS THAT APPLY ONLY TO A SPECIFIED AREA
SPECIFIC SITES AND EXCLUSIONS

Purpose

To recognise specific controls designed to achieve a particular land use and development outcome existing on the approval date.

To provide in extraordinary circumstances specific controls designed to achieve a particular land use and development outcome.

Use or development

Land identified in the schedule to this clause may be used or developed in accordance with the specific controls contained in the incorporated document corresponding to that land. The specific controls may:

- allow the land to be used or developed in a manner that would otherwise be prohibited or restricted;
- prohibit or restrict the use or development of the land beyond the controls that may otherwise apply;
- exclude any other control in this scheme.

Expiry of a specific control

If a specific control contained in an incorporated document identified in the schedule to this clause allows a particular use or development, that control will expire if any of the following circumstances applies:

- The development and use is not started within two years of the approval date or another date specified in the incorporated document.
- The development is not completed within one year of the date of commencement of works or another date specified in the incorporated document.

The responsible authority may extend the periods referred to if a request is made in writing before the expiry date or within three months afterwards.

Upon expiry of the specific control, the land may be used and developed only in accordance with the provisions of this scheme.
### SCHEDULE TO CLAUSE 51.01 SPECIFIC SITES AND EXCLUSIONS

### Specific sites and exclusions

<table>
<thead>
<tr>
<th>Address of land</th>
<th>Title of incorporated document</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Melbourne to Traralgon Railway shown on the project area maps for the Regional Fast Rail Project and the Fibre Optic Project in the incorporated document.</td>
<td>Rail Infrastructure Projects (comprising the Rail Gauge Standardisation Project, the Regional Fast Rail Project and the Fibre Optic Project) (December 2002)</td>
</tr>
<tr>
<td>Land affected by Schedules 8 and 9 to the Design and Development Overlay.</td>
<td>Hospital Emergency Medical Services - Helicopter Flight Path Protection Areas Incorporated Document (June 2017)</td>
</tr>
</tbody>
</table>
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.
- Owned by the Crown, a Minister, municipal council or public authority, including a public authority established for a public purpose under a Commonwealth Act.

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; or
- Owned by the Crown, a Minister, municipal council or public authority, including a public authority established for a public purpose under a Commonwealth Act,

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 EASEMENTS, RESTRICTIONS AND RESERVES

#### Under Section 23 of the Subdivision Act 1988

<table>
<thead>
<tr>
<th>Land</th>
<th>Easement or restriction</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Under Section 24A of the Subdivision Act 1988

<table>
<thead>
<tr>
<th>Land</th>
<th>Person</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Under Section 36 of the Subdivision Act 1988

<table>
<thead>
<tr>
<th>Land</th>
<th>Easement or right of way</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
LEVEL CROSSING REMOVAL PROJECT

Purpose
To facilitate the Level Crossing Removal Project.

Application
This clause applies to the use and development of land (other than the subdivision of land) for projects undertaken by the Level Crossing Removal Project and declared under section 10(1)(b) of the Major Transport Projects Facilitation Act 2009.

This clause does not apply to a project for which a document has been incorporated into this planning scheme expressly for that project.

Exemption from planning scheme requirements
Any requirement of this planning scheme to obtain a permit or any provision of this planning scheme that prohibits the use or development of land, requires the use or development of land to be carried out in a particular manner, or requires a specified thing to be done to the satisfaction of a specified person or body, does not apply to any use or development this Clause 52.03 applies to if the requirements of Clause 52.03 are met.

The provisions of this clause prevail over any inconsistent provision in this planning scheme.

Use and development requirements
The use and development of land must be undertaken in accordance with the plans and documents approved under this clause, to the satisfaction of the Minister for Planning.

The construction of a building or the construction or carrying out of works in a Floodway Overlay, Land Subject to Inundation Overlay, Special Building Overlay or Urban Floodway Zone must be undertaken to the satisfaction of the relevant floodplain management authority.

The creation or alteration of access to a road in a Road Zone, Category 1, or land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road, must be undertaken to the satisfaction of the Roads Corporation.

The use and development of land in a Public Acquisition Overlay must be undertaken to the satisfaction of the relevant acquiring authority.

Consultation requirement
Prior to the commencement of the use or development:

- Public consultation, and consultation with the relevant municipal council, must be undertaken to the satisfaction of the Minister for Planning.

- A report that summarises the feedback provided during consultation and explains how the feedback has been considered and responded to must be prepared to the satisfaction of the Minister for Planning.

Project boundary requirement
Prior to the commencement of the use or development, a plan that shows the boundary of the land on which the use or development will be undertaken must be prepared to the satisfaction of the Minister for Planning.
Other pre-commencement requirements

The following requirements may be satisfied for separate components or stages of a project but each requirement must be satisfied prior to the commencement of the use or development for that component or stage.

The following requirements may be varied or waived by the Minister for Planning.

Prior to the commencement of the use or development (other than a preparatory use or development), the following plans and documents must be prepared to the satisfaction of the Minister for Planning:

- An environmental management framework, prepared in consultation with each relevant municipal council, that includes:
  - A summary of key construction methodologies.
  - An overarching framework of measures to reduce and manage environmental and amenity effects during construction.
  - A summary of performance monitoring and reporting processes, including auditing, to ensure environmental and amenity effects are reduced and managed during construction.
  - A summary of how each relevant municipal council, the community and other stakeholders will be engaged during construction, including enquiries and complaints management.

The environmental management framework must be accompanied by a summary of the consultation with each relevant municipal council that informed the preparation of the environmental management framework.

- If the land is in the Heritage Overlay and the development would require a permit under the overlay were it not for the exemption in Clause 52.03-2:
  - A report that addresses the impact of that development on the heritage significance of the heritage place.
  - Site plans and elevations showing the extent of that development on the land.
  - Photographs of any buildings or works to be demolished or removed, including photographs of the exterior and interior of the building and contextual images of the building’s environs and setting.

- If the land is in an Environmental Significance Overlay, a Significant Landscape Overlay or a Vegetation Protection Overlay and the development would require a permit under the overlay were it not for the exemption in Clause 52.03-2, a report that addresses the impact of the development on any environmental, vegetation or landscape significance or objective specified in a schedule to the overlay.

- Any other information the Minister for Planning considers necessary to assist the Minister’s assessment of the plans and documents required to be submitted under this clause.

Prior to the commencement of the use of any new open space, an environmental assessment (or similar) that demonstrates that the environmental conditions of the land are suitable for that use must be undertaken to the satisfaction of the Minister for Planning.

Native vegetation requirements

The following requirements may be satisfied for separate components or stages of a project. However, each requirement must be satisfied prior to the removal, destruction or lopping of native vegetation for that component or stage.

Prior to the removal, destruction or lopping of native vegetation to enable a preparatory use or development, information about that native vegetation must be submitted to the Secretary to the Department of Environment, Land, Water and Planning. The information must include a description
of, and maps showing, the native vegetation to be removed, destroyed or lopped in accordance with application requirement 1 in Table 4 of the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017).

Prior to the removal, destruction or lopping of native vegetation (other than to enable a preparatory use or development):

- Information about that native vegetation in accordance with application requirements 1, 5 and 9 in Table 4 of the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) must be provided to the satisfaction of the Secretary to the Department Environment, Land, Water and Planning. The information provided to the Secretary must include information about any native vegetation that has been or is to be removed, destroyed or lopped to enable a preparatory use or development.

- The biodiversity impacts from the removal, destruction or lopping of that native vegetation must be offset in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017). The biodiversity impacts from the removal, destruction or lopping of native vegetation to enable a preparatory use or development must be included in the total biodiversity impacts when determining the offset.

- Evidence that the required offset has been secured must be provided to the satisfaction of the Secretary to the Department Environment, Land, Water and Planning.

The Secretary to the Department Environment, Land, Water and Planning may vary the timing of the above offset requirement if the Secretary considers there are exceptional circumstances to warrant the variation.

The secured offset for the project may be reconciled at the completion of a project in accordance with the *Assessor’s handbook – Applications to remove, destroy or lop native vegetation* (Department of Environment, Land, Water and Planning, October 2018).

### Preparatory use and development

For the purposes of Clause 52.03, a preparatory use or development is a use or development required to prepare for the construction of a project. It is limited to the following:

- Use and development that would not require a permit under a provision of this planning scheme were it not for the exemption in Clause 52.03-2.

- Works associated with investigating, testing and surveying land.

- Creation and use of construction access points, accessways and working platforms.

- Site establishment works including construction of temporary site fencing and hoarding, site offices, and hardstand and laydown areas.

- Construction and use of temporary car parking.

- Construction or installation of environment and traffic controls.

- Construction, protection, modification, removal or relocation of utility services, rail signalling, and overhead and associated infrastructure.

- Salvage and relocation of cultural heritage material and other management actions required to be undertaken in compliance with:
  - a cultural heritage management plan approved under the *Aboriginal Heritage Act 2006* or otherwise in compliance with that Act; or
  - the conditions of any permit or consent granted under the *Heritage Act 2017* or otherwise in compliance with that Act.
Demolition or removal of a building (other than a building in a Heritage Overlay) or works to the minimum extent necessary to enable another preparatory use or development.

Removal, destruction or lopping of vegetation (other than a tree in the Heritage Overlay specified below) to the minimum extent necessary to enable another preparatory use or development.

For the purposes of Clause 52.03, preparatory development does not include:

- Demolition or removal of a building in a Heritage Overlay.
- Removal, destruction or lopping of a tree in a Heritage Overlay if the schedule to the overlay specifies the heritage place as one where tree controls apply.
SATELLITE DISH

Purpose
To provide an opportunity to consider the impact of a satellite dish attached to a building or structure listed in a schedule to the Heritage Overlay.
To provide an opportunity to consider the effect of a satellite dish on the amenity of residential areas.

Application
This clause applies to:
- A building or structure listed in a schedule to the Heritage Overlay.
- Land in a Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Low Density Residential Zone, Mixed Use Zone or Township Zone.

Permit requirement
A permit is required to use land or to construct or install or carry out works for a satellite dish (whether or not it forms part of a network) even if it is ancillary to another use on the land.
This does not apply to a satellite dish with a diameter:
- Less than 1.2 metres.
- Between 1.2 metres and 2.4 metres provided:
  - The dish is not visible from the street (other than a lane) or a public park,
  - The dish is setback from the side or rear boundary 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, and
  - The dish is setback at least 3 metres from the boundary where it is opposite an existing habitable room window.

Decision guidelines
Before deciding on an application, in addition to Clause 15.01-2S and the decision guidelines in clause 65, the responsible authority must consider the effect of the satellite dish on the visual amenity of nearby land.
SIGNs

Purpose
To regulate the development of land for signs and associated structures.
To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
To ensure signs do not contribute to excessive visual clutter or visual disorder.
To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

Application
This clause applies to the development of land for signs.

Requirements
Sign categories
Clauses 52.05-11 to 52.05-14 specify categories of sign control. The zone provisions specify which category of sign control applies to the zone.
Each category is divided into three sections.
If a sign can be interpreted in more than one way, the most restrictive requirement must be met.

Section 1
A sign in Section 1 of the category may be constructed or put up for display without a permit, but all the conditions opposite the sign must be met. If the conditions are not met, the sign is in Section 2.
Some overlays require a permit for Section 1 signs.

Section 2
A permit is required to construct or put up for display a sign in Section 2.
This does not apply to a sign specified in Clause 52.05-10.
All the conditions opposite the sign must be met. If the conditions are not met, the sign is prohibited.

Section 3
A sign in Section 3 is prohibited and must not be constructed or put up for display.

VicSmart applications
Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.
Class of application

- The sign is not a pole sign, a sky sign, a reflective sign, internally illuminated sign, floodlit sign, electronic sign or animated sign.
- The display area of the sign does not exceed 10 square metres.

Information requirements and decision guidelines

Referral of applications

An application to construct or put up for display an animated or electronic sign within 60 metres of a freeway or arterial road declared under the Road Management Act 2004 must be referred in accordance with section 55 of the Act to the referral authority specified in Clause 66.03 or a schedule to that clause.

Expiry of permits

A permit for a sign other than a major promotion sign expires on the date specified in the permit. If no date is specified, the expiry date is 15 years from the date of issue of the permit.

Existing signs

A sign that was lawfully displayed on the approval date or that was being constructed or put up for display on that date may be displayed or continue to be displayed and may be repaired and maintained.

The content of a lawfully displayed sign may be renewed or replaced. However, a permit is required if:

- The display area is to be increased.
- The renewal or replacement would result in a different type of sign.

A major promotion sign displayed in accordance with a permit granted between 19 September 1995 and 18 September 1997 may continue to be displayed:

- until 31 December 2008; or
- where a permit application seeking permission to display the sign is lodged before 31 December 2008, until the permit application is finally determined.

Application requirements

An application must be accompanied by the following information, as appropriate:

Site context

- A site context report, using a site plan, photographs or other methods to accurately describe:
  - The location of the proposed sign on the site or building and distance from property boundaries.
  - The location and size of existing signage on the site including details of any signs to be retained or removed.
  - The location and form of existing signage on abutting properties and in the locality.
  - The location of closest traffic control signs.
  - Identification of any view lines or vistas that could be affected by the proposed sign.
Sign details

- The location, dimensions, height above ground level and extent of projection of the proposed sign.
- The height, width, depth of the total sign structure including method of support and any associated structures such as safety devices and service platforms.
- Details of associated on-site works.
- Details of any form of illumination, including details of baffles and the times at which the sign would be illuminated.
- The colour, lettering style and materials of the proposed sign.
- The size of the display (total display area, including all sides of a multi-sided sign).
- The location of any logo box and proportion of display area occupied by such a logo box.
- For animated or electronic signs, a report addressing the decision guidelines at Clause 52.05-8 relating to road safety.
- Any landscaping details.

Signs with a display area of 18 square metres or more

- For a sign with a display area of 18 square metres or more:
  - A description of the existing character of the area including built form and landscapes.
  - The location of any other signs over 18 square metres, or scrolling, electronic or animated signs within 200 metres of the site.
  - Any existing identifiable advertising theme in the area.
  - Photo montages or a streetscape perspective of the proposed sign.
  - Level of illumination including:
    - Lux levels for any sign on or within 60 metres of a Road Zone or a residential zone or public land zone.
    - The dwell and change time for any non-static images.
  - The relationship to any significant or prominent views and vistas.

Exemption from notice and review

An application for a sign is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act provided the sign:

- Is to be constructed or displayed on land specified in the schedule to this clause.
- Meets any condition specified in the schedule to this clause.

Decision guidelines

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

All signs

- The character of the area including:
  - The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.
- The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.
- The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.
- The consistency with any identifiable outdoor advertising theme in the area.

- Impacts on views and vistas:
  - The potential to obscure or compromise important views from the public realm.
  - The potential to dominate the skyline.
  - The potential to impact on the quality of significant public views.
  - The potential to impede views to existing signs.

- The relationship to the streetscape, setting or landscape:
  - The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.
  - The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.
  - The ability to screen unsightly built or other elements.
  - The ability to reduce the number of signs by rationalising or simplifying signs.
  - The ability to include landscaping to reduce the visual impact of parts of the sign structure.

- The relationship to the site and building:
  - The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.
  - The extent to which the sign displays innovation relative to the host site and host building.
  - The extent to which the sign requires the removal of vegetation or includes new landscaping.

- The impact of structures associated with the sign:
  - The extent to which associated structures integrate with the sign.
  - The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.

- The impact of any illumination:
  - The impact of glare and illumination on the safety of pedestrians and vehicles.
  - The impact of illumination on the amenity of nearby residents and the amenity of the area.
  - The potential to control illumination temporally or in terms of intensity.

- The impact of any logo box associated with the sign:
  - The extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign.
  - The suitability of the size of the logo box in relation to its identification purpose and the size of the sign.

- The need for identification and the opportunities for adequate identification on the site or locality.

- The impact on road safety. A sign is a safety hazard if the sign:
- Obstructs a driver’s line of sight at an intersection, curve or point of egress from an adjacent property.
- Obstructs a driver’s view of a traffic control device, or is likely to create a confusing or dominating background that may reduce the clarity or effectiveness of a traffic control device.
- Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.
- Is at a location where particular concentration is required, such as a high pedestrian volume intersection.
- Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.
- Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.
- Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.
- Is within 100 metres of a rural railway crossing.
- Has insufficient clearance from vehicles on the carriageway.
- Could mislead drivers or be mistaken as an instruction to drivers.

**Major promotion signs**

- The effect of the proposed major promotion sign on:
  - Significant streetscapes, buildings and skylines.
  - The visual appearance of a significant view corridor, viewline, gateway location or landmark site identified in a framework plan or local policy.
  - Residential areas and heritage places.
  - Open space and waterways.

- When determining the effect of a proposed major promotion sign, the following locational principles must be taken into account:
  - Major promotion signs are encouraged in commercial and industrial locations in a manner that complements or enhances the character of the area.
  - Major promotion signs are discouraged along forest and tourist roads, scenic routes or landscaped sections of freeways.
  - Major promotion signs are discouraged within open space reserves or corridors and around waterways.
  - Major promotion signs are discouraged where they will form a dominant visual element from residential areas, within a heritage place or where they will obstruct significant viewlines.
  - In areas with a strong built form character, major promotion signs are encouraged only where they are not a dominant element in the streetscape and except for transparent feature signs (such as neon signs), are discouraged from being erected on the roof of a building.
52.05-9

**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.

52.05-10

**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>
### 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 2 - Office and industrial**

**Low limitation**

**Purpose**

To provide for adequate identification signs and signs that are appropriate to office and industrial areas.

---

**52.05-12**

31/07/2018

VC148
### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
<td>None specified</td>
</tr>
</tbody>
</table>

### Category 3 - High amenity areas

Medium limitation

**Purpose**
To ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.

### Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast sign</td>
<td>Only one to each premises.</td>
</tr>
<tr>
<td>Home based business sign</td>
<td>The display area must not exceed 0.2 sqm.</td>
</tr>
<tr>
<td>Direction sign</td>
<td>None specified</td>
</tr>
</tbody>
</table>

### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Above-verandah sign</td>
<td>None specified</td>
</tr>
<tr>
<td>Business identification sign</td>
<td></td>
</tr>
<tr>
<td>Electronic sign</td>
<td>The display area must not exceed 3 sqm.</td>
</tr>
<tr>
<td>Floodlit sign</td>
<td>None specified</td>
</tr>
<tr>
<td>High-wall sign</td>
<td>Must be a business logo or street number.</td>
</tr>
<tr>
<td>Internally illuminated sign</td>
<td>None specified</td>
</tr>
<tr>
<td>Pole sign</td>
<td></td>
</tr>
<tr>
<td>Promotion sign</td>
<td>The display area must not exceed 3 sqm.</td>
</tr>
<tr>
<td>Reflective sign</td>
<td>None specified</td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any sign not in Sections 1 or 2</td>
<td>None specified</td>
</tr>
</tbody>
</table>

### Category 4 - Sensitive areas

Maximum limitation

**Purpose**
To provide for unobtrusive signs in areas requiring strong amenity control.
### Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast sign</td>
<td>Only one to each premises.</td>
</tr>
<tr>
<td>Home based business sign</td>
<td>The display area must not exceed 0.2 sqm.</td>
</tr>
<tr>
<td>Direction sign</td>
<td>None specified</td>
</tr>
</tbody>
</table>

### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business identification sign</td>
<td>The total display area to each premises must not exceed 3 sqm.</td>
</tr>
<tr>
<td>Floodlit sign</td>
<td>None specified</td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any sign not in Sections 1 or 2</td>
<td>None specified</td>
</tr>
</tbody>
</table>
## SCHEDULE TO CLAUSE 52.05 SIGNS

### Exemption from notice and review

<table>
<thead>
<tr>
<th>Land</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>


CAR PARKING

Purpose
To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.

To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.

To support sustainable transport alternatives to the motor car.

To promote the efficient use of car parking spaces through the consolidation of car parking facilities.

To ensure that car parking does not adversely affect the amenity of the locality.

To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Scope
Clause 52.06 applies to:

- a new use; or
- an increase in the floor area or site area of an existing use; or
- an increase to an existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.

Clause 52.06 does not apply to:

- the extension of one dwelling on a lot in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone; or
- the construction and use of one dwelling on a lot in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone unless the zone or a schedule to the zone specifies that a permit is required to construct or extend one dwelling on a lot.

Provision of car parking spaces
Before:

- a new use commences; or
- the floor area or site area of an existing use is increased; or
- an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use,

the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority in one or more of the following ways:

- on the land; or
- in accordance with a permit issued under Clause 52.06-3; or
- in accordance with a financial contribution requirement specified in a schedule to the Parking Overlay.

If a schedule to the Parking Overlay specifies a maximum parking provision, the maximum provision must not be exceeded except in accordance with a permit issued under Clause 52.06-3.

Permit requirement
A permit is required to:
• Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.

• Provide some or all of the car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay on another site.

• Provide more than the maximum parking provision specified in a schedule to the Parking Overlay.

A permit is not required if a schedule to the Parking Overlay specifies that a permit is not required under this clause.

A permit is not required to reduce the number of car parking spaces required for a new use of land if the following requirements are met:

• The number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for the new use is less than or equal to the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for the existing use of the land.

• The number of car parking spaces currently provided in connection with the existing use is not reduced after the new use commences.

A permit is not required to reduce the required number of car parking spaces for a new use of an existing building if the following requirements are met:

• The building is in the Commercial 1 Zone, Commercial 2 Zone, Commercial 3 Zone or Activity Centre Zone.

• The gross floor area of the building is not increased.

• The reduction does not exceed 10 car parking spaces.

• The building is not in a Parking Overlay with a schedule that allows a financial contribution to be paid in lieu of the provision of the required car parking spaces for the use.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause to reduce the required number of car parking spaces by no more than 10 car parking spaces is a class of VicSmart application and must be assessed against Clause 59.10.

**Exemption from notice and review**

An application under Clause 52.06-3 is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if:

• the application is only for a permit under Clause 52.06-3; or

• the application is also for a permit under another provision of the planning scheme and in respect of all other permissions sought, the application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

**Number of car parking spaces required under Table 1**

Table 1 of this clause sets out the car parking requirement that applies to a use listed in the Table. A car parking requirement in Table 1 may be calculated as either:

• a number of car parking spaces; or

• a percentage of the total site area that must be set aside for car parking.
A car parking requirement in Table 1 is calculated by multiplying the figure in Column A or Column B (whichever applies) by the measure (for example square metres, number of patrons or number of bedrooms) in Column C.

Column A applies unless Column B applies.

Column B applies if:

- any part of the land is identified as being within the Principal Public Transport Network Area as shown on the Principal Public Transport Network Area Maps (State Government of Victoria, August 2018); or
- a schedule to the Parking Overlay or another provision of the planning scheme specifies that Column B applies.

Where an existing use is increased by the measure specified in Column C of Table 1 for that use, the car parking requirement only applies to the increase, provided the existing number of car parking spaces currently being provided in connection with the existing use is not reduced.

If in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number.

Where the car parking requirement specified in Table 1 is calculated as a percentage of the total site area, the area to be provided for car parking includes an accessway that directly abuts any car parking spaces, but does not include any accessway or portion of an accessway that does not directly abut any car parking spaces.

The car parking requirement specified in Table 1 includes disabled car parking spaces. The proportion of spaces to be allocated as disabled spaces must be in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia.

The car parking requirement specified for a use listed in Table 1 does not apply if:

- a car parking requirement for the use is specified under another provision of the planning scheme; or
- a schedule to the Parking Overlay specifies the number of car parking spaces required for the use.

Table 1: Car parking requirement

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate Column A</th>
<th>Rate Column B</th>
<th>Car Parking Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement parlour</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Art &amp; craft centre</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Bar</td>
<td>0.4</td>
<td></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></td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Golf course</td>
<td>4</td>
<td>4</td>
<td>To each hole plus 50 per cent of the relevant requirement of any ancillary uses.</td>
</tr>
<tr>
<td>Home based business</td>
<td>1</td>
<td>0</td>
<td>To each employee not a resident of the dwelling</td>
</tr>
<tr>
<td>Hotel</td>
<td>0.4</td>
<td></td>
<td>To each patron permitted</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Industry other than listed in this table</td>
<td>2.9</td>
<td>1</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Landscape gardening supplies</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Mail centre</td>
<td>3.5</td>
<td>3</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Manufacturing sales</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Market</td>
<td>8</td>
<td>3.5</td>
<td>To each 100 sq m of site area</td>
</tr>
<tr>
<td>Materials recycling</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Medical centre</td>
<td>5</td>
<td></td>
<td>To the first person providing health services plus</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td></td>
<td>To every other person providing health services</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Milk depot</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Use</td>
<td>Rate Column A</td>
<td>Rate Column B</td>
<td>Car Parking Measure</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>---------------</td>
<td>---------------</td>
<td>--------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>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>Residential 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>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>Restaurant</td>
<td>3.5</td>
<td></td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Restricted retail premises</td>
<td>3</td>
<td>2.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Roaming 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>
</tbody>
</table>
### Car Parking Measure

<table>
<thead>
<tr>
<th>Use</th>
<th>Use Description</th>
<th>Column A</th>
<th>Column B</th>
<th>Column C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Store other than listed in this table</td>
<td>Per cent of site area</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Supermarket</td>
<td>To each 100 sq m of leasable floor area</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>To each 100 sq m of the site</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>To each court plus 50% of the requirement of any ancillary use</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>Per cent of site area</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Veterinary centre</td>
<td>To the first person providing animal health services plus</td>
<td>5</td>
<td></td>
<td>To the first person providing animal health services plus</td>
</tr>
<tr>
<td></td>
<td>To every other person providing animal health services</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></td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Warehouse other than listed in this table</td>
<td>To each premises plus</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>1</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Winery</td>
<td>To each patron permitted</td>
<td>0.4</td>
<td></td>
<td>To each patron permitted</td>
</tr>
<tr>
<td></td>
<td>3.5</td>
<td></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.

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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>
<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 than 1:8 (12.5 per cent) for a summit grade change, or greater than 1:6.7 (15 per cent) for a sag grade change, the ramp must include a transition section of at least 2 metres to prevent vehicles scraping or bottoming.

Plans must include an assessment of grade changes of greater than 1:5.6 (18 per cent) or less than 3 metres apart for clearances, to the satisfaction of the responsible authority.

Design standard 4: Mechanical parking

Mechanical parking may be used to meet the car parking requirement provided:

- At least 25 per cent of the mechanical car parking spaces can accommodate a vehicle height of at least 1.8 metres.
- Car parking spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation.
- The design and operation is to the satisfaction of the responsible authority.

Design standard 5: Urban design

Ground level car parking, garage doors and accessways must not visually dominate public space. Car parking within buildings (including visible portions of partly submerged basements) must be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.

Design of car parks must take into account their use as entry points to the site.

Design of new internal streets in developments must maximise on street parking opportunities.

Design standard 6: Safety

Car parking must be well lit and clearly signed.

The design of car parks must maximise natural surveillance and pedestrian visibility from adjacent buildings.

Pedestrian access to car parking areas from the street must be convenient.

Pedestrian routes through car parking areas and building entries and other destination points must be clearly marked and separated from traffic in high activity parking areas.
Design standard 7: Landscaping

The layout of car parking areas must provide for water sensitive urban design treatment and landscaping.

Landscaping and trees must be planted to provide shade and shelter, soften the appearance of ground level car parking and aid in the clear identification of pedestrian paths.

Ground level car parking spaces must include trees planted with flush grilles. Spacing of trees must be determined having regard to the expected size of the selected species at maturity.

Decision guidelines

Before deciding that a plan prepared under Clause 52.06-8 is satisfactory the responsible authority must consider, as appropriate:

- The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.
- The ease and safety with which vehicles access and circulate within the parking area.
- The provision for pedestrian movement within and around the parking area.
- The provision of parking facilities for cyclists and disabled people.
- The protection and enhancement of the streetscape.
- The provisions of landscaping for screening and shade.
- The measures proposed to enhance the security of people using the parking area particularly at night.
- The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.
- The workability and allocation of spaces of any mechanical parking arrangement.
- The design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters.
- The type and size of vehicle likely to use the parking area.
- Whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation.
- The need for the required car parking spaces to adjoin the premises used by the occupier/s, if the land is used by more than one occupier.
- Whether the layout of car spaces and accessways are consistent with Australian Standards AS2890.1-2004 (off street) and AS2890.6-2009 (disabled).
- The relevant standards of Clauses 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 for residential developments with accessways longer than 60 metres or serving 16 or more dwellings.
- Any other matter specified in a schedule to the Parking Overlay.

Construction of car parking

Where a plan is required under Clause 52.06-8, the car parking spaces, access lanes, driveways and associated works and landscaping shown on the plan must be:

- constructed and available for use in accordance with the plan approved by the responsible authority; and
- formed to such levels and drained so that they can be used in accordance with the plan; and
- treated with an all-weather seal or some other durable surface; and
- line-marked or provided with some other adequate means of showing the car parking spaces, before any of the following occurs:
  - the new use commences; or
  - the floor area or site area of the existing use is increased; or
  - the existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.
BUSHFIRE RECOVERY

Purpose
To facilitate and support recovery from a bushfire.
To facilitate the construction and use of temporary accommodation following a bushfire.
To enable businesses and services to continue operating following a bushfire.

Exemption from planning scheme requirements
Any requirement of this planning scheme to obtain a permit or any provision of this planning scheme that prohibits the use or development of land, requires the use or development of land to be carried out in a particular manner, or requires a specified thing to be done to the satisfaction of a specified person or body, does not apply to any of the following use or development if requirements of Clause 52.07 are met:

- The use of land or the construction of a building or the construction or carrying out of works:
  - Associated with bushfire recovery carried out by or on behalf of a municipal council or public authority; or
  - For accommodation; or
  - For a use (other than accommodation) that was lawfully carried out in a building immediately before that building was damaged or destroyed by a bushfire.

- The removal, destruction or lopping of vegetation.

This exemption does not apply to:
- The requirement in Clause 45.03-1.
- The use or development of land to which Clause 52.14 applies.
- The use or development of land identified in a schedule to Clause 51.01.
- The use or development of land in the Specific Controls Overlay.

The provisions of this clause prevail over any inconsistent provision in this planning scheme.

Information to responsible authority
Before the commencement of a use or the construction of a building under Clause 52.07, the following information must be given in writing to the responsible authority and to the satisfaction of the responsible authority:

- A description of the proposed use.
- A description of the proposed building.
- A description of the land on which the use will be carried out or the building will be constructed by:
  - Stating the address of the land; or
  - Stating the title particulars of the land; or
  - Including a plan showing the land; or
  - Any combination of these.

Temporary accommodation requirements
The following requirements do not apply to the use or development of land associated with bushfire recovery carried out by or on behalf of a municipal council or public authority.
Land must only be used for accommodation under this clause to accommodate a person whose principal place of residence was damaged or destroyed by a bushfire on the same land or contiguous land in the same ownership.

Land used for accommodation under this clause must meet the following requirements:

- Access to the accommodation must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The accommodation must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970 or treated and disposed of to the satisfaction of the responsible authority.
- The accommodation must be connected to a reticulated potable water supply or have an alternative potable water supply.
- The accommodation must be connected to a reticulated electricity supply or have an alternative energy source.

The use of land for accommodation under this clause must not continue after 3 years of the commencement of the use unless in accordance with the requirements of this planning scheme.

A building or works constructed or carried out under this clause for accommodation must be on the same land, or on contiguous land in the same ownership, as a building used for accommodation that was damaged or destroyed by a bushfire and must be completed within 18 months of the date that building was damaged or destroyed.

Unless in accordance with the written agreement of the responsible authority, the combined gross floor area of all buildings constructed for accommodation under this clause on contiguous land in the same ownership must not exceed 60 square metres.

**Other use and development requirements**

The following requirements do not apply to the use or development of land:

- For accommodation; or
- Associated with bushfire recovery carried out by or on behalf of a municipal council or public authority.

Unless in accordance with the written agreement of the responsible authority, the use of land under this clause for a use that was carried out in a building immediately before that building was damaged or destroyed by a bushfire must be carried out on the same land, or on contiguous land in the same ownership, as the damaged or destroyed building.

A use commenced under this clause must not continue after 3 years of its commencement unless in accordance with this planning scheme.

A building or works constructed or carried out under this clause for a use that was carried out in a building damaged or destroyed by a bushfire, must be on the same land, or on contiguous land in the same ownership, as the damaged or destroyed building and must be completed within 18 months of the date that building was damaged or destroyed by a bushfire.

Unless in accordance with the written agreement of the responsible authority, the combined gross floor area of all buildings constructed under this clause on contiguous land in the same ownership must not exceed 100 square metres.

**Vegetation removal requirement**

Vegetation must only be removed, destroyed or lopped to the minimum extent necessary:
- To enable the removal of a building, equipment or other material that was damaged or destroyed by a bushfire within 3 years of the date it was damaged or destroyed; or

- To enable the repair or reconstruction of a fence that was damaged or destroyed by a bushfire within 3 years of the date it was damaged or destroyed for a combined maximum width of 4 metres either side of the fence.

This requirement does not apply to:

- The removal, destruction or lopping of vegetation within 10 metres of a building constructed for accommodation under this clause; or

- The removal, destruction or lopping of vegetation (other than a tree) within 30 metres of a building constructed for accommodation under this clause; or

- The removal, destruction or lopping of vegetation (other than a tree) within 50 metres of a building constructed for accommodation under this clause in a Bushfire Management Overlay.

### Overlay requirements

Development of land in a Bushfire Management Overlay or Erosion Management Overlay that would require a permit, or would be prohibited, under the overlay were it not for the exemption in Clause 52.07-1, must be sited to the satisfaction of the responsible authority.

Development of land in a Heritage Overlay that would require a permit, or would be prohibited, under the overlay were it not for the exemption in Clause 52.07-1, must be undertaken to the satisfaction of the responsible authority.

Development of land in a Floodway Overlay, Land Subject to Inundation Overlay or Special Building Overlay that would require a permit, or would be prohibited, under the overlay were it not for the exemption in Clause 52.07-1, must be sited to the satisfaction of the relevant floodplain management authority.
EARTH AND ENERGY RESOURCES INDUSTRY

Purpose
To encourage land to be used and developed for exploration and extraction of earth and energy resources in accordance with acceptable environmental standards.
To ensure that geothermal energy extraction, greenhouse gas sequestration, mining and petroleum production are not prohibited land uses.
To ensure that planning controls for the use and development of land for the exploration and extraction of earth and energy resources are consistent with other legislation governing these land uses.

Permit requirement
A permit is required to use and develop land for earth and energy resources industry unless the table to this clause specifically states that a permit is not required.

Table of exemptions

<table>
<thead>
<tr>
<th>No permit is required to use or develop land for earth and energy resources industry if the following conditions are met:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Extractive industry</strong></td>
</tr>
<tr>
<td>Complies with Section 77T of the Mineral Resources (Sustainable Development) Act 1990.</td>
</tr>
<tr>
<td><strong>Geothermal energy exploration</strong></td>
</tr>
<tr>
<td>Complies with the Geothermal Energy Resources Act 2005.</td>
</tr>
<tr>
<td><strong>Geothermal energy extraction</strong></td>
</tr>
<tr>
<td><strong>Greenhouse gas sequestration exploration</strong></td>
</tr>
<tr>
<td><strong>Greenhouse gas sequestration</strong></td>
</tr>
<tr>
<td><strong>Mineral exploration</strong></td>
</tr>
<tr>
<td>Complies with Section 43(3) of the Mineral Resources (Sustainable Development) Act 1990.</td>
</tr>
<tr>
<td><strong>Mining</strong></td>
</tr>
<tr>
<td>Complies with Section 42(7) or Section 42A Mineral Resources (Sustainable Development) Act 1990; or</td>
</tr>
<tr>
<td>Complies with Section 47A of the Electricity Industry Act 1993.</td>
</tr>
<tr>
<td><strong>Petroleum exploration</strong></td>
</tr>
<tr>
<td>Complies with Section 118 of the Petroleum Act 1998.</td>
</tr>
<tr>
<td><strong>Petroleum production</strong></td>
</tr>
<tr>
<td>Complies with Section 120 of the Petroleum Act 1998.</td>
</tr>
<tr>
<td><strong>Stone exploration</strong></td>
</tr>
<tr>
<td>Must not be costeaming or bulk sampling.</td>
</tr>
</tbody>
</table>

Application requirements for mining
An application to use and develop land for mining must be accompanied by:

- A copy of a work plan or a variation to an approved work plan that has received statutory endorsement under section 77TD of the Mineral Resources (Sustainable Development) Act 1990.
- The written notice of statutory endorsement under section 77TD(1) of the Mineral Resources (Sustainable Development) Act 1990.
- Any conditions specified under section 77TD(3) of the Mineral Resources (Sustainable Development) Act 1990.
Referral requirements for mining

An application to use or develop land for mining must be referred under section 55 of the Act to the person or body specified as the referral authority in Clause 66.

Unless the referral authority is the Roads Corporation, the referral requirement in Clause 66 does not apply if a copy of a work plan or variation to an approved work plan accompanying the application was given to the referral authority under section 77TE of the *Mineral Resources (Sustainable Development) Act 1990*. 
EXTRACTIVE INDUSTRY AND EXTRACTIVE INDUSTRY INTEREST AREAS

Purpose

To ensure that use and development of land for extractive industry does not adversely affect the environment or amenity of the area during or after extraction.

To ensure that excavated areas can be appropriately rehabilitated.

To ensure that stone resources, which may be required by the community for future use, are protected from inappropriate use and development.

Application

This clause applies to an application to use or develop land:

- For extractive industry;
- Within an Extractive Industry Interest Area; or
- Within 500 metres of an existing or proposed extractive industry operation.

Application requirements

An application to use and develop land for extractive industry must be accompanied by:

- A copy of a work plan or a variation to an approved work plan that has received statutory endorsement under section 77TD of the Mineral Resources (Sustainable Development) Act 1990.
- The written notice of statutory endorsement under section 77TD(1) of the Mineral Resources (Sustainable Development) Act 1990.
- Any conditions specified under section 77TD(3) of the Mineral Resources (Sustainable Development) Act 1990.

These requirements do not apply if the proposed extractive industry is exempt from:

- The requirement to obtain a work plan under section 77G of the Mineral Resources (Sustainable Development) Act 1990; or
- The provisions of the Mineral Resources (Sustainable Development) Act 1990 under section 5AA of that Act.

Referral of applications

An application to use or develop land for extractive industry must be referred under section 55 of the Act to the person or body specified as the referral authority in Clause 66.

Unless the referral authority is the Roads Corporation, the referral requirement in Clause 66 does not apply if a copy of a work plan or variation to an approved work plan accompanying the application was given to the referral authority under section 77TE of the Mineral Resources (Sustainable Development) Act 1990.

Decision guidelines

Before deciding on an application to use and develop land for extractive industry, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The effect of the proposed extractive industry on any native flora and fauna on and near the land.
- The impact of the proposed extractive industry on sites of cultural and historic significance, including any effects on Aboriginal places.
The effect of the proposed extractive industry on the natural and cultural landscape of the surrounding land and the locality generally.

The ability of the proposed extractive industry to contain any emissions within the boundaries of the land in accordance with relevant legislation.

The effect of vehicular traffic, noise, blasting, dust and vibration on the amenity of the surrounding area.

The ability to rehabilitate the affected land to a form or for a use which is compatible with the natural systems or visual appearance of the surrounding area.

The ability to rehabilitate the land so it can be used for a purpose or purposes beneficial to the community.

The effect of the proposed extractive industry on groundwater quality and the impact on any affected water uses.

The impact of the proposed extractive industry on surface drainage and surface water quality.

Any proposed provisions, conditions or requirements in a work plan that has received statutory endorsement under the *Mineral Resources (Sustainable Development) Act 1990*.

### 52.09-5 Permit conditions for extractive industry

A permit to use and develop land for extractive industry must not include conditions which require the use to cease by a specified date unless either:

- The subject land is situated in or adjoins land which is being developed or is proposed to be developed for urban purposes.
- Such condition is suggested by the applicant.

A permit to use and develop land for extractive industry must include:

- A condition that allows for a period of not less than five years for the use and development to commence before the permit expires under section 68 of the Act.
- Conditions that are consistent with the requirements specified in Clause 52.09-6.

### 52.09-6 Requirements for extractive industry

The use and development of land for extractive industry must comply with the following requirements, to the satisfaction of the responsible authority:

- Except in accordance with a permit, no alteration may be made to the natural condition or topography of the land within 20 metres of the boundary of land. This does not apply to driveways, drains, bund walls or landscaping.
- Shrubs and trees must be planted and maintained to screen activity on the land.
- Parking areas must be provided for employees’ cars and all vehicles used on the land.

### 52.09-7 Notice of an application

Notice of the following kinds of applications must be given in accordance with section 52(1)(c) of the Act to the Secretary of the Department administering the *Mineral Resources (Sustainable Development) Act 1990*:

- An application to use or subdivide land or construct a building for accommodation, child care centre, education centre or hospital:
- Within an Extractive Industry Interest Area.
- On land which is within 500 metres of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

- An application to construct a building or construct or carry out works on land for which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

This requirement does not apply to an application to extend a building or works.
52.10

**BUSHFIRE RECONSTRUCTION**

**Purpose**
To facilitate the reconstruction of buildings damaged or destroyed by a bushfire.
To facilitate the re-establishment of businesses and services following a bushfire.
To facilitate the continued use of land for dwellings after a bushfire.

**52.10-1**

**Use exemptions - dwelling**
Any requirement of this planning scheme to obtain a permit or any provision of this planning scheme that prohibits the use of land, requires the use of land to be carried out in a particular manner, or requires a specified thing to be done to the satisfaction of a specified person or body, does not apply to the use of land for a dwelling if the following requirements are met:

- A dwelling on the land must have been damaged or destroyed by a bushfire after 1 January 2019.
- The use must commence within 5 years after the date the dwelling was damaged or destroyed.
- The dwelling must not be a building that was constructed under Clause 52.07.
- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

**52.10-2**

**Exemption from notice and review**
An application under any provision of this planning scheme to use or develop land (other than the subdivision of land) for or in association with a use that was lawfully carried out on the land immediately before a building on the land was damaged or destroyed by a bushfire is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the following requirements are met:

- The building was damaged or destroyed by a bushfire after 1 January 2019.
- The application was lodged within 5 years of the date the building was damaged or destroyed.
- If the application is to use or develop land for a dwelling:
  - A dwelling on the land must have been damaged or destroyed by a bushfire.
  - The application must only be for the number of dwellings that were damaged or destroyed.
HOME BASED BUSINESS

Purpose
To ensure that the amenity of the neighbourhood is not adversely affected by a business conducted in or from a dwelling.

Requirements to be met
A home based business must meet the following requirements:

- The person conducting the home based business must use the dwelling as their principal place of residence.
- No more than two persons who does not live in the dwelling may work in the home based business at any one time.
- The net floor area used in conducting the business including the storage of any materials or goods must not exceed 100 square metres or one-third of the net floor area of the dwelling, whichever is the lesser. The net floor area includes out-buildings and works normal to a dwelling.
- The business must not impose a load on any utility greater than normally required for domestic use.
- The business must not adversely affect the amenity of the neighbourhood in any way including:
  - The appearance of any building, works or materials used.
  - The parking of motor vehicles.
  - The transporting of materials or goods to or from the dwelling.
  - The hours of operation.
  - Electrical interference.
  - The storage of chemicals, gasses or other hazardous materials.
  - Emissions from the site.
- No motor vehicle may be adjusted, modified, serviced or repaired for gain.
- Only one commercial vehicle (a commercial goods vehicle, commercial passenger vehicle or tow truck within the meaning of the Transport Act 1983), not exceeding 2 tonnes capacity and with or without a trailer registered to a resident of the dwelling may be present at any time. The vehicle must not be fuelled or repaired on the site.
- No goods other than goods manufactured or serviced in the home based business may be offered for sale. This requirement does not apply to goods offered for sale online.
- Materials used or goods manufactured, serviced or repaired in the home based business must be stored within a building.
- No goods manufactured, serviced or repaired may be displayed so that they are visible from outside the site.
- Any goods offered for sale online must not be collected from the dwelling.

Permit requirement
Despite the requirements of Clause 52.11-1, a permit may be granted for a home occupation:

- Which allows no more than three people who do not live in the dwelling to work in the occupation at any one time; or
- Which has a floor area not exceeding 200 square metres or one-third of the net floor area of the dwelling, whichever is the lesser.
Which allows no more than one additional commercial vehicle (a commercial goods vehicle, commercial passenger vehicle or tow truck within the meaning of the Transport Act 1983), not exceeding two tonnes capacity and with or without a trailer registered to a resident of the dwelling, to be present at any time.

**Decision guidelines**

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

- Whether there is a need for additional parking or loading facilities.
- The effect of any vehicle parking, storage or washing facilities on the amenity and character of the street.
- Whether the site is suitable for the particular home based business and is compatible with the surrounding use and development.
- Whether there is a need for landscaping to screen any outbuildings or car parking or loading areas or any other area relating to the home based business.
BUSHFIRE PROTECTION EXEMPTIONS

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

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

Exemptions to create defendable space around buildings used for accommodation

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

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

- The removal, destruction or lopping of any vegetation, except trees, within 30 metres of an existing building used for accommodation if all of the following requirements are met:
  - The building must be located in an area that is designated as a bushfire prone area under the Building Act 1993.
  - The building must have been:
    - constructed before 10 September 2009; or
    - approved by a planning permit or a building permit issued before 10 September 2009; or
    - constructed to replace a dwelling or dependent persons unit that was damaged or destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009.

- The removal, destruction or lopping of any vegetation, except trees, within 50 metres of an existing building used for accommodation if all of the following requirements are met:
  - The building must be located in the Bushfire Management Overlay.
  - The building must have been:
    - constructed before 10 September 2009; or
    - lawfully constructed without a planning permit before 18 November 2011; or
    - approved by a planning permit or a building permit issued before 10 September 2009 and constructed before 18 November 2011; or
    - constructed to replace a dwelling or dependent persons unit that was damaged or destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009.
52.12-2

Exemption for vegetation removal along a fenceline

Any requirement of a planning permit, including any condition, which has the effect of prohibiting the removal, destruction or lopping of vegetation, or any requirement of this planning scheme to obtain a planning permit, or any provision of this planning scheme that prohibits the removal, destruction or lopping of vegetation or requires the removal, destruction or lopping of vegetation to be carried out in a particular manner, does not apply to the removal, destruction or lopping of any vegetation along a boundary fence between properties in different ownership if all of the following requirements are met:

- The fence must be located in an area that is designated as a bushfire prone area under the Building Act 1993.
- The fence must have been constructed before 10 September 2009.
- The clearing alongside both sides of the fence when combined must not exceed 4 metres in width, except where land has already been cleared 4 metres or more along one side of the fence, then up to 1 metre can be cleared along the other side of the fence.

52.12-3

Exemption for buildings and works associated with a community fire refuge

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works does not apply to modifying an existing building to create a community fire refuge in accordance with Ministerial Direction No. 4, Construction Requirements for a Community Fire Refuge (1 October 2015) of the Project Development and Construction Management Act 1994.

52.12-4

Exemption for buildings and works associated with a private bushfire shelter

Any requirement in this planning scheme relating to the construction of a building or the construction or carrying out of works does not apply to buildings and works associated with a private bushfire shelter (a Class 10c building within the meaning of the Building Regulations 2018), provided the total area of all buildings and works does not exceed 30 square metres.

This clause does not apply to land in the Urban Floodway Zone, Erosion Management Overlay, Floodway Overlay, Land Subject to Inundation Overlay, Special Building Overlay or Heritage Overlay.

52.12-5

Exemption to create defendable space for a dwelling under Clause 44.06 of this planning scheme

Any requirement of a planning permit, including any condition, which has the effect of prohibiting the removal, destruction or lopping of vegetation, or any requirement of this planning scheme to obtain a planning permit, or any provision of this planning scheme that prohibits the removal, destruction or lopping of vegetation or requires the removal, destruction or lopping of vegetation to be carried out in a particular manner, does not apply to the removal, destruction or lopping of vegetation to enable the construction of a dwelling, or the alteration or extension of an existing dwelling, and create its defendable space if all of the following requirements are met:

- Land is in the Bushfire Management Overlay.
- Land is in the General Residential Zone, Residential Growth Zone, Neighbourhood Residential Zone, Urban Growth Zone, Low Density Residential Zone, Township Zone, Rural Living Zone, Farming Zone or Rural Activity Zone.
- The removal, destruction or lopping of vegetation:
  - Does not exceed the distance specified in Table 1 to Clause 53.02-3 of this planning scheme, based on the bushfire attack level determined by a relevant building surveyor in deciding an application for a building permit under the Building Act 1993 for a dwelling or alteration or extension to the dwelling; or
- Is required to be undertaken by a condition in a planning permit issued after 31 July 2014 under Clause 44.06 of this scheme for a dwelling or an alteration or extension to the dwelling.

Note: The effect of clause 52.12-5 is that if an application for building and works is made and all requirements of the clause are met, that application is not required to be accompanied by a permit application to remove the vegetation covered by this clause.
2009 BUSHFIRE - 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.

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 flood plain 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>The helicopter landing site is used by a helicopter engaged in the provision of emergency service operations.</td>
</tr>
<tr>
<td>Agriculture</td>
</tr>
<tr>
<td>The helicopter landing site is used by a helicopter engaged in agricultural activity in conjunction with the use of any land for agriculture.</td>
</tr>
<tr>
<td>Public land management</td>
</tr>
<tr>
<td>The helicopter landing site is used by a helicopter engaged in the provision of public land management activities conducted by or on behalf of any of the following:</td>
</tr>
<tr>
<td>- The Department of Environment, Land, Water and Planning;</td>
</tr>
<tr>
<td>- The Department of Economic Development, Jobs, Transport and Resources; or</td>
</tr>
<tr>
<td>- Parks Victoria, whether on private land or not.</td>
</tr>
<tr>
<td>General</td>
</tr>
<tr>
<td>The helicopter landing site where either:</td>
</tr>
<tr>
<td>- The landing point is located more than 500 metres from a building used for a sensitive use (accommodation, child care centre, education centre and hospital) that is not associated with the helicopter operation and more than 200 metres from a shipping channel in the Port of Melbourne, provided:</td>
</tr>
<tr>
<td>- The number of flight movements does not exceed eight in a 30 day period and four in a 24 hour period (for the purposes of this provision the take off and landing of a helicopter are separate flight movements).</td>
</tr>
<tr>
<td>- Flight movements do not take place before 7am or after sunset on a weekday.</td>
</tr>
<tr>
<td>- Flight movements do not take place before 8am or after sunset on a weekend or holiday; or</td>
</tr>
<tr>
<td>- The landing point is located more than 1000 metres from a building used for a sensitive use that is not associated with the helicopter operation and more than 200 metres from a shipping channel in the Port of Melbourne.</td>
</tr>
</tbody>
</table>

Application requirements
An application to use or develop land for a heliport or a helicopter landing site must be accompanied by the following information, as appropriate:

- A site plan, including:
  - Site boundaries and dimensions.
  - The current land use.
  - The existing siting and layout of buildings and works.
  - The proposed siting and layout of buildings and works.
  - Existing vegetation and proposed vegetation removal.
Vehicle and pedestrian access.

An application to use land for a heliport or a helicopter landing site must be accompanied by the following information:

- A location plan, including:
  - The siting and use of buildings on adjacent properties.
  - The direction and distance to any building used for a sensitive use (accommodation, child care centre, education centre and hospital) that is not associated with the helicopter operation and is located within 500 metres of the proposed heliport or helicopter landing site.
  - A written report which:
    - Demonstrates a suitable separation distance between the landing point of a heliport or helicopter landing site and any building used for a sensitive use that is not associated with the helicopter operation by either:
      - Locating the proposed heliport or helicopter landing site at least 150 metres for helicopters of less than 2 tonnes all-up weight, or 250 metres for helicopters of less than 15 tonnes all-up weight, or
      - Providing an acoustic report by a suitably qualified consultant.
    - Includes details of the proposed frequency of flight movements.
    - Includes the proposed hours of operation.

Decision guidelines

Before deciding on an application to use land for a heliport or a helicopter landing site, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Whether the proposal achieves a suitable separation distance from a nearby sensitive use, having regard to the Noise Control Guidelines (Environment Protection Authority, 2008).
- The effect of the proposal on nearby sensitive uses in terms of the proposed frequency of flight movements and hours of operation.
NATIVE VEGETATION PRECINCT PLAN

Purpose

To provide for the protection, management and removal of native vegetation through the use of a native vegetation precinct plan incorporated into this scheme.

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

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

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

Application

This clause applies to land if a native vegetation precinct plan corresponding to that land is incorporated into this scheme and listed in the schedule to this clause.

Native vegetation precinct plans

A native vegetation precinct plan is a plan relating to native vegetation within a defined area which is incorporated into this scheme and listed in the schedule to this clause.

A native vegetation precinct plan may form part of a more general strategic or precinct structure plan.

A native vegetation precinct plan must include the information and provide for the matters set out in section 10.1 of the Guidelines.

Permit requirement

A permit is required to remove, destroy or lop any native vegetation, including dead native vegetation. This does not apply:

- If the removal, destruction or lopping of native vegetation is in accordance with a native vegetation precinct plan incorporated into this scheme. Any conditions or requirements specified in the plan must be met.
- To the removal, destruction or lopping of native vegetation specified in the table to Clause 52.16-8, unless a native vegetation precinct plan specifies otherwise.

Application requirements

An application to remove, destroy or lop native vegetation must comply with the application requirements specified in the Guidelines.

Decision guidelines

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

If a permit is required to remove, destroy or lop native vegetation, the biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset in accordance with the Guidelines. The conditions on the permit for the removal, destruction or lopping of native vegetation must specify the offset requirement and timing to secure the offset.

Transitional provisions

The requirements of this clause in force immediately before the commencement of Amendment VC138 continue to apply to an application for:

- A permit lodged before that date.
- An amendment to a permit if:
  - the original permit application was lodged before that date; or
  - the original permit application was one that benefited from the following transitional provision.
- A permit lodged within 12 months after that date, if the Secretary to the Department of Environment, Land Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987) has stated in writing that a report about the proposed removal, destruction or lopping of native vegetation has been generated by the Department of Environment, Land, Water and Planning’s native vegetation information systems within 12 months before that date.

Table of exemptions

<table>
<thead>
<tr>
<th>The requirement to obtain a permit does not apply to:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Conservation work</strong></td>
</tr>
<tr>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of conservation work:</td>
</tr>
<tr>
<td>- which provides an overall improvement for biodiversity; and</td>
</tr>
<tr>
<td>- with written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).</td>
</tr>
<tr>
<td><strong>Crown land</strong></td>
</tr>
<tr>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to manage Crown land:</td>
</tr>
<tr>
<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>- with written permission from the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).</td>
</tr>
<tr>
<td><strong>Emergency works</strong></td>
</tr>
<tr>
<td>Native vegetation that is to be removed, destroyed or lopped:</td>
</tr>
<tr>
<td>- in an emergency by or on behalf of a public authority or municipal council to create an emergency access associated with emergency works; or</td>
</tr>
<tr>
<td>- where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.</td>
</tr>
<tr>
<td><strong>Extractive industry</strong></td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td><strong>Fire protection</strong></td>
</tr>
<tr>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out any of the following fire protection activities:</td>
</tr>
</tbody>
</table>
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 to the minimum extent necessary to enable the removal of pest animal burrows in accordance with the written agreement of an officer of the department responsible for administering the Flora and Fauna Guarantee Act 1988.

Native vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding for Crop raising or Grazing animal production. This exemption does not apply to native vegetation planted or managed with public funding for the purpose of land protection or enhancing biodiversity unless the removal, destruction or lopping of the native vegetation is in accordance with written permission of the agency (or its successor) that provided the funding.
The requirement to obtain a permit does not apply to:

<table>
<thead>
<tr>
<th>Category</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Railways</td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).</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 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 licensed surveyor (within the meaning of section 3 of the Surveying Act 2004) using hand-held tools to establish a sightline for the measurement of land. |
| Traditional owners| Native vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:  
  - a natural resource agreement under Part 6 of the Traditional Owner Settlement Act 2010; or  
  - an authorisation order made under sections 82 or 84 of the Traditional Owner Settlement Act 2010 as those sections were in force immediately before the commencement of section 24 of the Traditional Owner Settlement Amendment Act in 2016 (1 May 2017). |
| Utility installations | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary:  
  - to maintain the safe and efficient function of a Minor utility installation; or  
  - by or on behalf of a utility service provider to maintain or construct a utility installation in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987). |
# SCHEDULE TO CLAUSE 52.16 NATIVE VEGETATION PRECINCT PLAN

## Native vegetation precinct plan

<table>
<thead>
<tr>
<th>Name of plan</th>
<th>None specified</th>
</tr>
</thead>
</table>
NATIVE VEGETATION

Purpose

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

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

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

Permit requirement

A permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply:

- If the table to Clause 52.17-7 specifically states that a permit is not required.
- If a native vegetation precinct plan corresponding to the land is incorporated into this scheme and listed in the schedule to Clause 52.16.
- To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.

Application requirements

An application to remove, destroy or lop native vegetation must comply with the application requirements specified in the Guidelines.

Property vegetation plans

A permit granted to remove, destroy or lop native vegetation in accordance with a property vegetation plan must include the following condition:

“This permit will expire if one of the following circumstances applies:

- The removal, destruction or lopping of native vegetation does not start within two years of the date of this permit.
- The removal, destruction or lopping of native vegetation is not completed within ten years of the date of this permit.”

Decision guidelines

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

Offset requirements

If a permit is required to remove, destroy or lop native vegetation, the biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset, in accordance with the Guidelines. The conditions on the permit for the removal, destruction or lopping of native vegetation must specify the offset requirement and the timing to secure the offset.
Transitional provisions

The requirements of this clause in force immediately before the commencement of Amendment VC138 continue to apply to an application for:

- A permit lodged before that date.
- An amendment to a permit if:
  - the original permit application was lodged before that date; or
  - the original permit application was one that benefited from the following transitional provision.
- A permit lodged within 12 months after that date, if the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987) has stated in writing that a report about the proposed removal, destruction or lopping of native vegetation has been generated by the Department of Environment, Land, Water and Planning’s native vegetation information systems within 12 months before that date.

Table of exemptions

<table>
<thead>
<tr>
<th>The requirement to obtain a permit does not apply to:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Conservation work</strong></td>
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<tr>
<td><strong>Crown land</strong></td>
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<tr>
<td><strong>Dead native vegetation</strong></td>
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<tr>
<td><strong>Emergency works</strong></td>
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<td></td>
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<tr>
<td></td>
</tr>
</tbody>
</table>
The requirement to obtain a permit does not apply to:

<table>
<thead>
<tr>
<th>Category</th>
<th>Exception</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.*

| Geothermal energy exploration and extraction | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the *Geothermal Energy Resources Act 2005*. |
| Grasses | Native grass that is to be mowed or slashed for maintenance only, provided that the grass is: |
| | - located within a lawn, garden or other landscaped area; or |
| | - maintained at a height of at least 10 centimetres above ground level. |
| Grazing | Native vegetation that is to be removed, destroyed or lopped by domestic stock grazing on: |
| | - freehold land; or |
| | - Crown land in accordance with a license, permit or lease granted under applicable legislation. |
| Greenhouse gas sequestration and exploration | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the *Greenhouse Gas Geological Sequestration Act 2008*. |
| Harvesting for timber production - naturally established native vegetation | Naturally established native vegetation that is to be removed, destroyed or lopped to enable timber harvesting operations and associated activities that are in accordance with the *Code of Practice for Timber Production 2014* and are: |
| | - undertaken on public land under a licence or permit issued under section 52 of the *Forests Act 1958*; or |
| | - authorised in accordance with Part 5 of the *Sustainable Forests (Timber) Act 2004*. |
| Land management or directions notice | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the *Catchment and Land Protection Act 1994*. |
| Land use conditions | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the *Catchment and Land Protection Act 1994*. |
| Lopping and pruning for maintenance | Lopping or pruning native vegetation, for maintenance only, provided no more than 1/3 of the foliage of each individual plant is lopped or pruned. |

This exemption does not apply to:
The 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 <em>Flora and Fauna Guarantee Act 1988</em>; or</td>
</tr>
<tr>
<td></td>
<td>- provided the maximum extent of native vegetation removed, destroyed or lopped on contiguous land in the same ownership in a five year period does not exceed any of the following:</td>
</tr>
<tr>
<td></td>
<td>- 1 hectare of native vegetation which does not include a tree; or</td>
</tr>
<tr>
<td></td>
<td>- 15 native trees with a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Planted vegetation</th>
<th>Native vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This exemption does not apply to native vegetation planted or managed with public funding for the purpose of land protection or enhancing biodiversity unless the removal, destruction or lopping of the native vegetation is in accordance with written permission of the agency (or its successor) that provided the funding.</td>
</tr>
</tbody>
</table>

<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 <em>Conservation, Forests and Lands Act 1987</em>).</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 <em>Conservation, Forests and Lands Act 1987</em>), 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.

<table>
<thead>
<tr>
<th>Road safety</th>
<th>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).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site area</td>
<td>Native vegetation that is to be removed, destroyed or lopped on land, together with all contiguous land in one ownership, which has an area of less than 0.4 hectares. This exemption does not apply to native vegetation on a roadside or rail reservation.</td>
</tr>
<tr>
<td>Stock movements on roads</td>
<td>Native vegetation that is to be removed, or destroyed by stock being moved along a road. This exemption does not apply to grazing as a result of holding stock in a temporary fence (including an electric fence) on a roadside for the purpose of feeding.</td>
</tr>
<tr>
<td>Stone exploration</td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration. The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:</td>
</tr>
<tr>
<td></td>
<td>- 1 hectare of native vegetation which does not include a tree.</td>
</tr>
<tr>
<td></td>
<td>- 15 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.</td>
</tr>
<tr>
<td></td>
<td>- 5 native trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.</td>
</tr>
<tr>
<td></td>
<td>This exemption does not apply to costeaneing and bulk sampling activities.</td>
</tr>
<tr>
<td>Surveying</td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licensed surveyor (within the meaning of section 3 of the Surveying Act 2004) using hand-held tools to establish a sightline for the measurement of land.</td>
</tr>
<tr>
<td>Traditional owners</td>
<td>Native vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:</td>
</tr>
<tr>
<td></td>
<td>- a natural resource agreement under Part 6 of the Traditional Owner Settlement Act 2010; or</td>
</tr>
<tr>
<td></td>
<td>- an authorisation order made under sections 82 or 84 of the Traditional Owner Settlement Act 2010 as those sections were in force immediately before the commencement of section 24 of the Traditional Owner Settlement Amendment Act in 2016 (1 May 2017).</td>
</tr>
<tr>
<td>Utility installations</td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary:</td>
</tr>
</tbody>
</table>
The requirement to obtain a permit does not apply to:

- 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).

**Vehicle access from public roads**

Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable the construction or maintenance of a vehicle access across a road reserve from a property boundary to a public road.

This exemption only applies to properties which share a common boundary with the road reserve, and the total width of clearing must not exceed 6 metres.

This exemption does not apply where there is a practical opportunity to site the accessway to avoid the removal, destruction or lopping of native vegetation.

In this exemption, roadside and public road have the same meanings as in section 3 of the Road Management Act 2004.

*Note: Under the Road Management Act 2004 the written consent of the coordinating road authority is required to conduct any works, including removing a tree or other vegetation, in, on, under or over a road.*

**Weeds**

Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal or destruction of a weed listed in the schedule to Clause 52.17.

The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:

- 1 hectare of native vegetation which does not include a tree.
- 15 native trees with a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level.
## SCHEDULE TO CLAUSE 52.17 NATIVE VEGETATION

### 1.0 Scheduled area

<table>
<thead>
<tr>
<th>Area</th>
<th>Description of native vegetation for which no permit is required to remove, destroy or lop</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
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</tbody>
</table>

### 2.0 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>
STATE OF EMERGENCY AND RECOVERY EXEMPTIONS

Purpose
To facilitate the delivery of food and other essential goods during and following the coronavirus (COVID-19) pandemic.
To support Victoria’s social and economic recovery from the coronavirus (COVID-19) pandemic through exemptions that enable outdoor dining and facilitate the reopening and safe operation of restaurants and other food and drink businesses.

Operation
This clause contains exemptions from the requirements of this planning scheme and exemptions from conditions of permits.
The exemptions in this clause prevail over any inconsistent provision in this planning scheme or condition of a permit.
The exemptions in this clause do not apply to a requirement in the Heritage Overlay relating to the construction or carrying out of works to an existing building, the alteration of an existing building, or the painting of an existing building, other than a building constructed or placed under an exemption in this clause.
A use or development carried out under an exemption in this clause must comply with the requirements in clauses 52.18-7.

In this clause:
- **drink** includes liquor;
- **exemption period** means the period when a state of emergency declaration under the *Public Health and Wellbeing Act 2008* in relation to coronavirus (COVID-19) is in force and for 12 months after;
- **public land** means Crown land and land that is owned by, vested in or controlled by a Minister, government department, public authority or municipal council.

Deliveries exemption
The following exemption applies when a state of emergency declaration under the *Public Health and Wellbeing Act 2008* in relation to coronavirus (COVID-19) is in force and for three months after.

Any requirement of a permit, including any condition, or any provision in this planning scheme, that limits, or has the effect of limiting, the hours or days during which goods may be dispatched, delivered, loaded or unloaded does not apply to the dispatch, delivery, loading or unloading of:
- Food, drink, groceries, medicine, or cleaning, sanitising, health, hygiene, medical or personal protection equipment, supplies, or products, or the like.
- Any goods to a supermarket, market, hospital, medical centre, pharmacy, residential aged care facility or retirement village.

Public land exemptions
Any requirement in this planning scheme relating to the use of land does not apply to the use of public land for the preparation or sale of food or drink for immediate consumption on, or off, the land, or for the consumption of food or drink, during the exemption period if the requirements of clause 52.18-7 are met.
Any requirement in this planning scheme relating to the construction of a building or the
construction or carrying out of works on public land does not apply to a temporary building or
moveable building associated with the preparation, sale or consumption of food or drink on the
land during the exemption period if the requirements of clause 52.18-7 are met.

52.18-4
Food and drink business extension exemptions

Any requirement in this planning scheme relating to the use of land does not apply to the use of
land for the preparation or sale of food or drink for immediate consumption on, or off, the land,
or for the consumption of food or drink, during the exemption period if the use is associated with
the existing use of adjoining land for a food and drink premises, function centre or winery, and
the requirements of clause 52.18-7 are met.

Any requirement in this planning scheme relating to the construction of a building or the
construction or carrying out of works does not apply to a temporary building or moveable building
associated with the use of the land for the preparation or sale of food or drink for immediate
consumption on, or off the land, or for the consumption of food or drink, during the exemption
period if the requirements of clause 52.18-7 are met.

52.18-5
Car parking exemption

Any requirement of this planning scheme relating to the provision of car parking does not apply
to a use commenced under an exemption in this clause, or the existing use of land for a food and
drink premises, function centre or winery, during the exemption period.

52.18-6
Permit condition exemptions

The following exemptions apply to permits issued before the approval date of Amendment VC193
and which allow:

- the use or development of land for a food and drink premises, function centre or winery; or
- the use or development of land for the sale or consumption of liquor associated with the use of
  the land for a food and drink premises, function centre or winery.

Any requirement of a permit, including any condition, relating to the layout or location of the
preparation, sale or consumption of food or drink on the land does not apply during the exemption
period if the requirements of clause 52.18-7 are met.

Any requirement of a permit, including any condition, relating to the layout or location of
development on the land does not apply to the construction or placing of a building, or the
construction or carrying out of works, under an exemption in this clause if the requirements of
clause 52.18-7 are met.

Any requirement of a permit, including any condition, that requires the provision of car parking,
or requires land to be set aside for vehicle access or car parking, does not apply during the exemption
period if the requirements of clause 52.18-7 are met.

52.18-7
Use and development requirements

The following requirements apply to the use and development land carried out under an exemption
in this clause.

The use of the land must not:

- Continue after the exemption period unless in accordance with the requirements of this planning
  scheme.
- Unreasonably affect the amenity of the neighbourhood, including through:
  - 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.

Land in, or within 30 metres of, a residential zone must not be used for the outdoor consumption of food or drink between the hours of 10.00pm and 7.00am unless an existing permit allows otherwise. The responsible authority may vary this requirement to extend the hours of the use.

The use or development of land must not impede access required by emergency services or for waste collection.

The height of a building constructed or placed under an exemption in this clause must not exceed 3.6 metres.

A building must not be constructed or placed under an exemption in this clause within 1 metre of adjacent land in a residential zone if the height of the building exceeds 1.8 metres.

The siting of a building in a Bushfire Management Overlay or Erosion Management Overlay that would require a permit under the overlay were it not for an exemption in this clause must be to the satisfaction of the responsible authority.

The siting of a building in a Floodway Overlay, Land Subject to Inundation Overlay or Special Building Overlay that would require a permit under the overlay were it not for an exemption in this clause must be to the satisfaction of the relevant floodplain management authority.

A building constructed or placed under an exemption in this clause must be removed from the land before the end of the exemption period.
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.
VICTORIA’S BIG HOUSING BUILD

Purpose
To facilitate the use and development of land for housing projects funded by Victoria’s Big Housing Build program.

To ensure that development does not unreasonably impact on the amenity of adjoining dwellings.

Application
This clause applies to the use or development of land that is:

- Funded wholly or partly, under Victoria’s Big Housing Build program; and
- Carried out by or on behalf of the Director of Housing.

This clause does not apply to:

- The subdivision of land.
- The use or development of land in an industrial zone, rural zone or Port Zone.
- A use or development to which clauses 51.01 or 45.12, or any schedule to the clauses apply.
- A use or development that would not require a permit under a provision of this planning scheme were it not for the exemption in clause 52.20-2.
- A use or development that is inconsistent with an applicable Statement of Planning Policy.
- A development for which an environment effects statement has been, or is required to be, prepared under the Environment Effects Act 1978.

In this clause, Director of Housing means ‘Director of Housing’ as defined in the Housing Act 1993 and the body corporate established under the Housing Act 1993.

The provisions of this clause prevail over any inconsistent provision in this planning scheme.

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 52.20 applies to if requirements of clause 52.20 are met.

This exemption does not apply to a requirement in clauses 44.06, 45.03, 45.07, 45.08, 51.03 or 52.02, or in any schedule to those clauses.

Use and development requirements
The use and development of land must be carried out in accordance with the plans and documents approved under this clause, to the satisfaction of the responsible authority.

The use and development of land to be carried out to the satisfaction of the responsible authority must not commence until funding under Victoria's Big Housing Build program is approved.

Consultation requirements
Before the use or development commences:

- Public consultation, and consultation with the relevant municipal council, must be undertaken.
- A report that summarises the consultation undertaken, feedback received, and explains how the feedback has been considered and responded to must be prepared to the satisfaction of the responsible authority.
The requirements of clause 52.20-4 must be undertaken to the satisfaction of the responsible authority and may be varied or waived by the responsible authority.

**Other pre-commencement requirements**

Before the use or development commences, the following plans, documents and information must be prepared and submitted to the satisfaction of the responsible authority:

- Written confirmation from the Department of Health and Human Services or the Director of Housing that the application is funded, either wholly or partly, under Victoria's Big Housing Build program.

- A project boundary plan that shows the boundary of the land on which the use or development will be undertaken.

- A site description and analysis plan that accurately describes the natural, physical, cultural heritage, built heritage, landscape, vegetation, access and any other notable features, characteristics and significance of the site and surrounding area including the existing use and development of the site and surrounding land.

- A description of the proposed use including:
  - The activities that will be carried out.
  - The likely effects, if any, on the site and surrounding land and land uses, including noise levels, traffic, air-borne emissions, emissions to land and water, light spill, glare, solar access and hours of operation.

- Detailed plans and elevations of the proposed development drawn to scale and dimensioned, including details of any buildings or works proposed to be demolished or removed, and any vegetation proposed to be retained or removed.

- Explanation of how the proposed use or development derives from and responds to the site description and analysis plan.

- A report that addresses the proposed use or development and how it responds to purposes, objectives, or statements of significance or risk of any zone, overlay, or other provision that would apply to the use or development were it not for the exemptions in clause 52.20-2. This does not include clauses 54, 55, 58 and 59. The report must address how a proposed use that is not a dwelling or residential building is in conjunction with that use.

- A design review report prepared by a suitably qualified architect or urban designer that demonstrates how the project achieves good quality design outcomes.

- A schedule of works and development including staging and the expected commencement and completion times.

- A report that details how the proposed development responds to the development standards of:
  - Clause 52.20-6 for the construction or extension of a dwelling.
  - Clause 52.20-6 and clause 52.20-7 for the construction or extension of an apartment development or residential building or the construction or extension a dwelling in or forming part of an apartment development or residential building. The development standards of clause 52.20-6.8 does not apply to an apartment development or residential building of 5 or more storeys. The development standards of clauses 52.20-6.14 and 52.20-6.18 do not apply to an apartment development or residential building.

- If the Minister for Planning has decided that an assessment through an environment effects statement under the Environment Effects Act 1978 is not required for the proposed development and the decision is subject to conditions:
- A report that details how each condition has been considered and addressed in the design, construction and operation of the proposed development.
- A copy of any report, plan or other document required to be prepared under those conditions.
- A plan for the management or mitigation of potential adverse effects or impacts on the environment or amenity from the proposed use or development, during and following construction.
- If the use or development would require a permit were it not for the exemption in clause 52.20-2 and a copy of the application for that permit would be required to be given to a referral authority under section 55 of the Act, the comments of that referral authority on the proposed use or development.
- Any other plan, document or information the responsible authority considers necessary to assist the assessment of the proposed use or development or the plans and documents required to be prepared under this clause.
- A report that demonstrates that the environmental conditions of the land are or will be suitable for the use and development including any significant effects which the use or development may have on the environment or which the environment may have on the use or development including water, noise, air or land pollution impacts on the environment, amenity or human health.

The requirements of this clause may be:
- Satisfied for separate components or stages of a use or development, but each requirement must be satisfied prior to the commencement of that component or stage.
- Varied or waived by the responsible authority.

52.20-6
01/12/2020
VC190
Development standards for dwellings and buildings

52.20-6.1 Infrastructure

Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas.

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.

52.20-6.2 Street setback

Walls of buildings should be set back from streets at least the distance specified in Table 1. 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 1 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 same distance as the setback of the front wall of either existing building on the abutting allotments facing the front street or 7 metres, whichever is the lesser.</td>
<td>Not applicable.</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>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 7 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 7 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>

52.20-6.3  **Permeability**

The site area covered by the pervious surfaces should be at least 20 percent of the site.

52.20-6.4  **Safety**

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.

52.20-6.5  **Access**

The width of accessways or car spaces that front existing streets 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.

52.20-6.6 Parking location

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.

52.20-6.7 Car parking

A minimum 0.6 car spaces should be provided to each dwelling. A minimum 1 car space should be provided to each 4 bedrooms of a residential building.

Car parking for other land uses must be to the satisfaction of the responsible authority.

Car spaces may be covered or uncovered.

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 greater than 1.

Accessway design

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 carparks 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 carparking 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 percent 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.

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>60°</td>
<td>4.9 m</td>
<td>2.6 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td>90°</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:** 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 500mm in length must be provided between each space.
Disabled car parking spaces must be designed in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia. Disabled carparking spaces may encroach into an accessway width specified in Table 2 by 500mm.

**Gradients**

Accessway grades must not be steeper than 1:10 (10 percent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design must have regard to the wheel base of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the carpark; and the slope and configuration of the vehicle crossover at the site frontage. This does not apply to accessways serving three dwellings or less.

Ramps (except within 5 metres of the frontage) must have the maximum grades as outlined in Table 3 and be designed for vehicles travelling in a forward direction.

**Table 3: Ramp gradients**

<table>
<thead>
<tr>
<th>Type of car park</th>
<th>Length of ramp</th>
<th>Maximum grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public car parks</td>
<td>20 metres or less</td>
<td>1:5 (20%)</td>
</tr>
<tr>
<td></td>
<td>longer than 20 metres</td>
<td>1:6 (16.7%)</td>
</tr>
<tr>
<td>Private or residential car parks</td>
<td>20 metres or less</td>
<td>1:4 (25%)</td>
</tr>
<tr>
<td></td>
<td>longer than 20 metres</td>
<td>1:5 (20%)</td>
</tr>
</tbody>
</table>

Where the difference in grade between two sections of ramp or floor is greater than 1:8 (12.5 per cent) for a summit grade change, or greater than 1:6.7 (15 percent) 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 percent) or less than 3 metres apart for clearances, to the satisfaction of the responsible authority.

**Mechanical parking**

Mechanical parking may be used to meet the carparking standard provided:

- At least 25 percent of the mechanical carparking spaces can accommodate a vehicle height of at least 1.8 metres.
- Carparking 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.

**Urban design**

Ground level carparking, garage doors and accessways must not visually dominate public space. Carparking 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 art works.

Design of carparks 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.

**Safety**

Car parking must be well lit and clearly signed.

The design of carparks 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.

**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.

**52.20-6.8 Side and rear setbacks**

A new building not on or within 200mm of a boundary to a residential zone should be set back from side or rear boundaries 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. Diagram 2 details the standard.

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 2 Side and rear setbacks**
52.20-6.9 **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.

52.20-6.10 **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.

**Diagram 3 Daylight to existing windows**

52.20-6.11 **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.

**Diagram 4 North-facing windows**

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**52.20-6.12 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.

**52.20-6.13 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 1.7 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 5 Overlooking open space**

52.20-6.14 **Noise impacts**

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.

52.20-6.15 **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.

**52.20-6.16 Private open space**

A dwelling (other than an apartment) should have private open space consisting of:

- An area of secluded private open space 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.

Secluded private open space may be located in the front setback if it is no more than 30% of the street frontage.

**52.20-6.17 Solar access to open space**

The private open space should be located on the north side of the dwelling 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 6 Solar access to open space**

**52.20-6.18 Storage**

A dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.

**52.20-6.19 Front fence**

A front fence within 3 metres of a street should not exceed a maximum height of:
- 2 metres for streets in a Road Zone, Category 1, and
- 1.5 metres in other streets or where secluded private open space is proposed within the front setback, the front fence may reach a height of up to 1.8 metres for not more than 30% of the length of the boundary.

### 52.20-6.20 Common property

Developments should clearly delineate public, communal and private areas.

Common property, where provided, should be functional and capable of efficient management.

### 52.20-6.21 Site services

The design and layout of 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.

### Development standards for apartments

#### 52.20-7

#### 52.20-7.1 Energy efficiency

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 in Table 4 should not exceed the maximum NatHERS annual cooling load.

#### Table 4 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>
</tbody>
</table>
NatHERS climate zone | NatHERS maximum cooling load (MJ/M² per annum)
---|---
Climate zone 62 Moorabbin | 21
Climate zone 63 Warrnambool | 21
Climate zone 64 Cape Otway | 19
Climate zone 66 Ballarat | 23

Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

52.20-7.2 Communal open space

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.

52.20-7.3 Solar access to communal outdoor open space

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.

52.20-7.4 Deep soil areas and canopy trees

The landscape layout and design should:

- Be responsive to the site context.
- Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site storm water infiltration.
- Maximise deep soil areas for planting of canopy trees.
- Integrate planting and water management.

Developments should provide the deep soil areas and canopy trees specified in the Table 5. If the development cannot provide the deep soil areas and canopy trees specified in Table 5 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 5 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.*

**52.20-7.5 Integrated water and stormwater management**

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.

**52.20-7.6 Building setback**

The built form of the development should respect the existing 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.

### 52.20-7.7 Noise impacts

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 6 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 6 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>Rocks</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.
52.20-7.8 **Accessibility**

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 7.

**Table 7 Bathroom design**

<table>
<thead>
<tr>
<th></th>
<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>
<td>A clear 820mm wide door opening located opposite the shower</td>
</tr>
<tr>
<td><strong>Door design</strong></td>
<td>Either:</td>
<td>Either:</td>
</tr>
<tr>
<td></td>
<td>- A slide door, or</td>
<td>- A slide door, or</td>
</tr>
<tr>
<td></td>
<td>- A door that opens outwards, or</td>
<td>- A door that opens outwards, or</td>
</tr>
<tr>
<td></td>
<td>- A door that opens inwards that is clear of the circulation area and has readily removable hinges.</td>
<td>- A door that opens inwards 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>
<td>A clear circulation area that is:</td>
</tr>
<tr>
<td></td>
<td>- A minimum area of 1.2 metres by 1.2 metres.</td>
<td>- A minimum width of 1 metre.</td>
</tr>
<tr>
<td></td>
<td>- Located in front of the shower and the toilet.</td>
<td>- The full length of the bathroom and a minimum length of 2.7 metres.</td>
</tr>
<tr>
<td></td>
<td>- Clear of the toilet, basin and the door swing.</td>
<td>- Clear of the toilet and basin.</td>
</tr>
<tr>
<td></td>
<td>The circulation area for the toilet and shower can overlap.</td>
<td>The circulation area can include a shower area.</td>
</tr>
<tr>
<td><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>
<td>Not applicable.</td>
</tr>
<tr>
<td><strong>Shower</strong></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><strong>Toilet</strong></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>

52.20-7.9 **Building entry and circulation**

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.

**52.20-7.10 Private open space**

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 8 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 8 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>

**52.20-7.11 Storage**

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 9.

**Table 9 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>
</tbody>
</table>
### Waste and recycling

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.

### Functional layout

Bedrooms should:

- Meet the minimum internal room dimensions specified in Table 10.
- Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

#### Table 10 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 11.
Table 11 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>

52.20-7.14 Room depth

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.

52.20-7.15 Windows

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.

52.20-7.16 Natural ventilation

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.

52.20-7.17 Integration with the street

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.
Native vegetation requirements

Before the removal, destruction or lopping of native vegetation outside the levy area:

- Information about the native vegetation in accordance with the application requirements 1, 5 and 9 in Table 4 of the Guidelines for removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, December 2017) must be provided to the satisfaction of the Secretary to the Department Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).

- The biodiversity impacts from the native vegetation must be offset in accordance with the Guidelines for removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, December 2017).

- Evidence that the required offset has been secured must be provided to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

The Secretary to the Department Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987) may vary the timing of the offset requirement if the Secretary considers there are exceptional circumstances to warrant the variation.

The secured offset for a 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) to the satisfaction of the Secretary to the Department Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).

Before the removal, destruction or lopping of native vegetation inside the levy area, information about the native vegetation in accordance with the application requirements 1 and 5 in Table 4 of the Guidelines for removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, December 2017) must be provided to the satisfaction of the Secretary to the Department Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).

The requirements of this clause may be satisfied for separate components or stages of a development. However, each requirement must be satisfied prior to the removal, destruction or lopping of native vegetation for that component or stage.

In this clause, levy area has the same meaning as in the Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020.
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 LICENSED PREMISES

## Permit not required

<table>
<thead>
<tr>
<th>Land</th>
<th>Type of licence</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>

## Permit may not be granted

<table>
<thead>
<tr>
<th>Land</th>
<th>Type of licence</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>
52.28
31/07/2018
VC148

52.28-1
18/10/2006
VC39

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.

52.28-2
31/07/2018
VC148

Gaming objectives
A schedule to this clause may specify objectives to be achieved in relation to the installation or use of a gaming machine.

52.28-3
31/07/2018
VC148

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.

52.28-4
31/07/2018
VC148

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.

52.28-5
31/07/2018
VC148

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.

52.28-6
31/07/2018
VC148

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 Objectives
None specified.

2.0 Prohibition of a gaming machine in a shopping complex
Installation or use of a gaming machine as specified in Clause 52.28-4 is prohibited on land described in Table 1 below.

Table 1

<table>
<thead>
<tr>
<th>Name of shopping complex and locality</th>
<th>Land description</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td>None specified</td>
</tr>
</tbody>
</table>

3.0 Prohibition of a gaming machine in a strip shopping centre
A gaming machine as specified in Clause 52.28-5 is prohibited in all strip shopping centres on land covered by this planning scheme.

4.0 Locations for gaming machines
None specified.

5.0 Venues for gaming machines
None specified.

6.0 Application requirements
None specified.

7.0 Decision guidelines
None specified.
LAND ADJACENT TO A ROAD ZONE, CATEGORY 1, OR A PUBLIC ACQUISITION OVERLAY FOR A CATEGORY 1 ROAD

Purpose
To ensure appropriate access to identified roads.
To ensure appropriate subdivision of land adjacent to identified roads.

Application
This clause applies to land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road.

Permit requirement
A permit is required to:

- Create or alter access to:
  - A road in a Road Zone, Category 1.
  - Land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road.

- Subdivide land adjacent to:
  - A road in a Road Zone, Category 1.
  - Land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road.

Permit not required
A permit is not required to:

- Realign a boundary.

- Subdivide an existing building, provided the building is already connected to services and no new access is required.

- Subdivide land into two lots, provided no new access is required.

Referral of applications
An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or arterial road under the Road Management Act 2004, land owned by the Roads Corporation for the purpose of a road, or land in a Public Acquisition Overlay if the Roads Corporation is the acquiring authority for the land, must be referred to the Roads Corporation under section 55 of the Act.

Any other application must be referred to the owner of, or the acquiring authority for, the adjacent land in the Road Zone, Category 1, or the Public Acquisition Overlay.

Exemption from notice and review
An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Decision guidelines
Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.
- Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the *Road Management Act 2004* regarding access between a controlled access road and adjacent land.
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>Must be on land in a residential zone, industrial zone, commercial zone or special purpose zone and must be integrated as part of the development of the land.</td>
</tr>
</tbody>
</table>

Turbine within one kilometre of a dwelling
An application that includes a proposed turbine within one kilometre of an existing dwelling must be accompanied by:

- A plan showing all dwellings within one kilometre of a proposed turbine (measured from the centre of the tower at ground level).
- Evidence of the written consent of any owner as at the date of that application of an existing dwelling located within one kilometre of a proposed turbine (measured from the centre of the tower at ground level) that forms part of a Wind energy facility. This does not apply to an application to amend such a permit under section 72 or section 97I of the Act unless the amendment of the permit would:
  - increase the number of turbines; or
- change the location of a turbine so that the centre of the tower (at ground level) is located closer to an existing dwelling (within one kilometre of a permitted turbine) than the centre of the tower (at ground level) of the closest permitted turbine to that dwelling.

This does not apply to a Wind energy facility that is located on land in a residential zone, an industrial zone, a commercial zone or a special purpose zone.

### Application requirements

An application must be accompanied by the following information as appropriate:

#### Site and context analysis

A site and context analysis may use a site plan, photographs or other techniques to accurately describe the site and surrounding area and must include the following information:

- In relation to the site:
  - Site shape, dimensions and size
  - Orientation and contours
  - Current land use
  - The existing use and siting of buildings or works on the land
  - Existing vegetation types, condition and coverage
  - The landscape of the site
  - Species of flora and fauna listed under the *Flora and Fauna Guarantee Act 1988* and the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth)
  - Sites of cultural heritage significance
  - Wind characteristics
  - Any other notable features, constraints or other characteristics of the site.

- In relation to the surrounding area:
  - Existing land uses
  - Above-ground utilities
  - Access to infrastructure
  - Direction and distances to nearby dwellings, townships, urban areas, significant conservation and recreation areas, water features, tourist routes and walking tracks, major roads, airports, aerodromes and existing and proposed wind energy facilities
  - The siting and use of buildings on adjacent properties
  - Views to and from the site, including views from existing dwellings and key vantage points including major roads, walking tracks, tourist routes and regional population growth corridors
  - Sites of flora and fauna listed under the *Flora and Fauna Guarantee Act 1988* and *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth), including significant habitat corridors, and movement corridors for these fauna
  - Sites of cultural heritage significance
  - National Parks, State Parks, Coastal Reserves and other land subject to the *National Parks Act 1975*
  - Land declared a Ramsar wetland as defined under section 17 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth)
- Location of any land included in the schedule to clause 52.32-2 of the planning scheme
- Any other notable features or characteristics of the area
- Bushfire risks.

**Design response**

- Detailed plans of the proposed development.
- Plans and elevations of transmission infrastructure and electricity utility works required to connect the facility to the electricity network, and access road options.
- Accurate visual simulations illustrating the development in the context of the surrounding area and from key public view points.
- A rehabilitation plan for the site.
- A written report(s), including:
  - A description of the proposal.
  - An explanation of how the proposed design derives from and responds to the site analysis.
  - A description of how the proposal responds to any significant landscape features for the area identified in the planning scheme.
  - An assessment of:
    - the visual impact of the proposal on the surrounding landscape.
    - the visual impact on abutting land that is described in a schedule to the *National Parks Act 1975* and Ramsar wetlands and coastal areas.
    - the impact of the proposal on any species (including birds and bats) listed under the *Flora and Fauna Guarantee Act 1988* or the *Environment Protection and Biodiversity Conservation Act 1999* (Cwth).
    - the noise impacts of the proposal prepared in accordance with the New Zealand Standard NZS6808:2010, Acoustics – Wind Farm Noise, including an assessment of whether a high amenity noise limit is applicable, as assessed under Section 5.3 of the Standard.
    - the impacts upon Aboriginal or non-Aboriginal cultural heritage.
  - A statement of why the site is suitable for the wind energy facility.
  - An environmental management plan including any rehabilitation and monitoring requirements.

If in the opinion of the responsible authority a requirement of the site and context analysis or design response is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

An application must be accompanied by the following information:

**Mandatory noise assessment**

- A pre-construction (predictive) noise assessment report demonstrating that the proposal can comply with the New Zealand Standard NZS6808:2010, Acoustics – Wind Farm Noise, including an assessment of whether a high amenity noise limit is applicable under Section 5.3 of the Standard.

- An environmental audit report of the pre-construction (predictive) noise assessment report prepared under Part IXD, Section 53V of the *Environment Protection Act 1970* by an environmental auditor appointed under Part IXD of the *Environment Protection Act 1970*. The environmental audit report must verify that the acoustic assessment undertaken for the purpose
of the pre-construction (predictive) noise assessment report has been conducted in accordance with the New Zealand Standard NZS6808:2010, Acoustics – Wind Farm Noise.

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.

52.32-5

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.

52.32-6

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.


52.32-7

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.

52.32-8

Application to amend a permit under section 72 of the Act

An application to amend a permit made under section 72 of the Act is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the amendment of the permit does not:
- increase the number of turbines; or
- change the location of a turbine so that the centre of the tower (at ground level) is located closer to an existing dwelling (within one kilometre of a permitted turbine) than the centre of the tower (at ground level) of the closest permitted turbine to that dwelling.

**Application to amend a permit under section 97I of the Act**

An application to amend a referred wind energy facility permit made under section 97I of the Act is wholly exempt from the requirements of section 97E(1) of the Act if the application does not seek to:

- increase the total number of turbines; or
- increase the maximum height of any turbine; or
- change the location of a turbine so that the centre of the tower (at ground level) is located closer to an existing dwelling (within one kilometre of a permitted turbine) than the centre of the tower (at ground level) of the closest permitted turbine to that dwelling.

The requirements of section 97E(1) of the Act are modified so as to require referral of objections and submissions to an advisory committee established under section 151 of the Act if an application to amend a referred wind energy facility permit made under section 97I of the Act does not seek to:

- increase the total number of turbines by more than 15%; or
- increase the maximum height of any turbine by more than 20%; or
- change the location of a turbine so that the centre of the tower (at ground level) is located closer to an existing dwelling (within one kilometre of a permitted turbine) than the centre of the tower (at ground level) of the closest permitted turbine to that dwelling.
SCHEDULE TO CLAUSE 52.32 WIND ENERGY FACILITY

1.0

Wind energy facility prohibition

<table>
<thead>
<tr>
<th>Land where a Wind energy facility is prohibited</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</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>

BICYCLE FACILITIES

Purpose
To encourage cycling as a mode of transport.
To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

Provision of bicycle facilities
A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.
Where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use.

Permit requirement
A permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6.

Exemption from notice and review
An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

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

- Whether the proposed number, location and design of bicycle facilities meets the purpose of this clause.
- The location of the proposed land use and the distance a cyclist would need to travel to reach the land.
- The users of the land and their opportunities for bicycle travel.
- Whether showers and change rooms provided on the land for users other than cyclists are available to cyclists.
- The opportunities for sharing of bicycle facilities by multiple uses, either because of variation of bicycle parking demand over time or because of efficiencies gained from the consolidation of shared bicycle facilities.
- Any relevant bicycle parking strategy or equivalent.

Required bicycle facilities
Tables 1, 2 and 3 to this clause set out the number and type of bicycle facilities required. Bicycle facilities are required if the use is listed in column 1 of the table. The number of bicycle facilities required for a use is the sum of columns 2 and 3 of the tables.
If in calculating the number of bicycle facilities the result is not a whole number, the required number of bicycle facilities is the nearest whole number. If the fraction is one-half, the requirement is the next whole number.
A bicycle space for an employee or resident must be provided either in a bicycle locker or at a bicycle rail in a lockable compound.
A bicycle space for a visitor, shopper or student must be provided at a bicycle rail.

### Table 1 to Clause 52.34-5 Bicycle spaces

<table>
<thead>
<tr>
<th>Use</th>
<th>Employee/Resident</th>
<th>Visitor/Shopper/Student</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement parlour</td>
<td>None</td>
<td>2 plus 1 to each 50 sq m of net floor area</td>
</tr>
<tr>
<td>Convenience restaurant</td>
<td>1 to each 25 sq m of floor area available to the public</td>
<td>2</td>
</tr>
<tr>
<td>Dwelling</td>
<td>In developments of four or more storeys, 1 to each 5 dwellings</td>
<td>In developments of four or more storeys, 1 to each 10 dwellings</td>
</tr>
<tr>
<td>Education centre (excluding Child care centre) other than specified in this table</td>
<td>1 to each 20 employees</td>
<td>1 to each 20 full-time students</td>
</tr>
<tr>
<td>Hospital</td>
<td>1 to each 15 beds</td>
<td>1 to each 30 beds</td>
</tr>
<tr>
<td>Hotel</td>
<td>1 to each 25 sq m of bar floor area available to the public, plus 1 to each 100 sq m of lounge floor area available to the public</td>
<td>1 to each 25 sq m of bar floor area available to the public, plus 1 to each 100 sq m of lounge floor area available to the public</td>
</tr>
<tr>
<td>Industry other than specified in this table</td>
<td>1 to each 1000 sq m of net floor area</td>
<td>None</td>
</tr>
<tr>
<td>Library</td>
<td>1 to each 500 sq m of net floor area</td>
<td>4 plus 2 to each 200 sq m of net floor area</td>
</tr>
<tr>
<td>Major sports and recreation facility</td>
<td>1 to each 1500 spectator places</td>
<td>1 to each 250 spectator places</td>
</tr>
<tr>
<td>Market</td>
<td>1 to each 50 stalls</td>
<td>1 to each 10 stalls</td>
</tr>
<tr>
<td>Medical centre</td>
<td>1 to each 8 practitioners</td>
<td>1 to each 4 practitioners</td>
</tr>
<tr>
<td>Minor sports and recreation facility</td>
<td>1 per 4 employees</td>
<td>1 to each 200 sq m of net floor area</td>
</tr>
<tr>
<td>Motel</td>
<td>1 to each 40 rooms</td>
<td>None</td>
</tr>
<tr>
<td>Office other than specified in this table</td>
<td>1 to each 300 sq m of net floor area if the net floor area exceeds 1000 sq m</td>
<td>1 to each 1000 sq m of net floor area if the net floor area exceeds 1000 sq m</td>
</tr>
<tr>
<td>Place of assembly other than specified in this table</td>
<td>1 to each 1500 sq m of net floor area</td>
<td>2 plus 1 to each 1500 sq m of net floor area</td>
</tr>
<tr>
<td>Primary school</td>
<td>1 to each 20 employees</td>
<td>1 to each 5 pupils over year 4</td>
</tr>
<tr>
<td>Residential building other than specified in this table</td>
<td>In developments of four or more storeys, 1 to each 10 lodging rooms</td>
<td>In developments of four or more storeys, 1 to each 10 lodging rooms</td>
</tr>
<tr>
<td>Restaurant</td>
<td>1 to each 100 sq m of floor area available to the public</td>
<td>2 plus 1 to each 200 sq m of floor area available to the public if the floor area available to the public exceeds 400 sq m.</td>
</tr>
<tr>
<td>Retail premises other than specified in this table</td>
<td>1 to each 300 sq m of leasable floor area</td>
<td>1 to each 500 sq m of leasable floor area</td>
</tr>
<tr>
<td>Secondary school</td>
<td>1 to each 20 employees</td>
<td>1 to each 5 pupils</td>
</tr>
<tr>
<td>Service industry</td>
<td>1 to each 800 sq m of net floor area</td>
<td>None</td>
</tr>
<tr>
<td>Shop</td>
<td>1 to each 600 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres</td>
<td>1 to each 500 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres</td>
</tr>
</tbody>
</table>
### Design of bicycle spaces

Bicycle spaces should:

- Provide a space for a bicycle of minimum dimensions of 1.7 metres in length, 1.2 metres in height and 0.7 metres in width at the handlebars.
- Be located to allow a bicycle to be ridden to within 30 metres of the bicycle parking space.
- Be located to provide convenient access from surrounding bicycle routes and main building entrances.
- Not interfere with reasonable access to doorways, loading areas, access covers, furniture, services and infrastructure.
- Not cause a hazard.
- Be adequately lit during periods of use.

### Bicycle rails

A bicycle rail must:

- Be securely fixed to a wall or to the floor or ground.
- Be in a highly visible location for bicycle security (when not in a compound).
- Be of a shape that allows a cyclist to easily lock the bicycle frame and wheels.
- Be located to allow easy access to park, lock and remove the bicycle.

### Bicycle compounds and lockers

A bicycle compound or a bicycle locker must:

- Be located to provide convenient access to other bicycle facilities including showers and change rooms.
- Be fully enclosed.
- Be able to be locked.
- If outside, provide weather protection for the bicycle.

A bicycle locker must provide a bicycle parking space for at least one bicycle.

A bicycle compound must:
- Include wall or floor rails for bicycle parking.
- Provide an internal access path of at least 1.5 metres in width.

Bicycle signage

If bicycle facilities are required by this clause, bicycle signage that directs the cyclists to the bicycle facilities must be provided to the satisfaction of the responsible authority.

Bicycle signage should:
- Be at least 0.3 metres wide and 0.45 metres high.
- Display a white bicycle on a blue background on the top half of the sign.
- Display information about the direction of facilities on the bottom half of the sign.
PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988.

Exemption from public open space requirement specified in the scheme

A subdivision is exempt from a public open space requirement specified in this scheme if:

- It is one of the following classes of subdivision:
  - Class 1: The subdivision of a building used for residential purposes provided each lot contains part of the building. The building must have been constructed or used for residential purposes immediately before 30 October 1989 or a planning permit must have been issued for the building to be constructed or used for residential purposes immediately before that date.
  - Class 2: The subdivision of a commercial or industrial building provided each lot contains part of the building.

- It is for the purpose of excising land to be transferred to a public authority, council or a Minister for a utility installation.

- It subdivides land into two lots and the council considers it unlikely that each lot will be further subdivided.

Exemption from public open space requirement under section 18(8)(a) of the Subdivision Act 1988

For the purposes of section 18(8)(a) of the Subdivision Act 1988, the following classes of subdivision are exempt from the public open space requirement:

- Class 1: The subdivision of a building used for residential purposes provided each lot contains part of the building. The building must have been constructed or used for residential purposes immediately before 30 October 1989 or a planning permit must have been issued for the building to be constructed or used for residential purposes immediately before that date.

- Class 2: The subdivision of a commercial or industrial building provided each lot contains part of the building.

Note: Check section 18A of the Subdivision Act 1988 for other requirements that apply to a public open space requirement specified in the planning scheme.
### SCHEDULE TO CLAUSE 53.01 PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION

#### 1.0 Subdivision and public open space contribution

<table>
<thead>
<tr>
<th>Type or location of subdivision</th>
<th>Amount of contribution for public open space</th>
</tr>
</thead>
<tbody>
<tr>
<td>To all land within the Drouin Precinct Structure Plan (September 2014) and Warragul Precinct Structure Plan (September 2014)</td>
<td>4.5% of Net Developable Area for neighbourhood parks.</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 Municipal Planning Strategy and the Planning Policy Framework.

• The bushfire hazard site assessment and the bushfire management statement submitted with the application.

• Whether all of the approved measures have been incorporated into the application.

53.02-4

**Bushfire protection objectives**

53.02-4.1 Landscape, siting and design objectives

Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.

Development is sited to minimise the risk from bushfire.

Development is sited to provide safe access for vehicles, including emergency vehicles.

Building design minimises vulnerability to bushfire attack.
Approved measures

<table>
<thead>
<tr>
<th>Measure</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM 2.1</td>
<td>The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.</td>
</tr>
<tr>
<td>AM 2.2</td>
<td>A building is sited to ensure the site best achieves the following:</td>
</tr>
<tr>
<td></td>
<td>- The maximum separation distance between the building and the bushfire hazard.</td>
</tr>
<tr>
<td></td>
<td>- The building is in close proximity to a public road.</td>
</tr>
<tr>
<td></td>
<td>- Access can be provided to the building for emergency service vehicles.</td>
</tr>
<tr>
<td>AM 2.3</td>
<td>A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building.</td>
</tr>
</tbody>
</table>

53.02-4.2 Defendable space and construction objective

Defendable space and building construction mitigate the effect of flame contact, radiant heat and embers on buildings.

Approved measures

<table>
<thead>
<tr>
<th>Measure</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM 3.1</td>
<td>A building used for a dwelling (including an extension or alteration to a dwelling), a dependent person’s unit, industry, office or retail premises is provided with defendable space in accordance with:</td>
</tr>
<tr>
<td></td>
<td>- Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land; or</td>
</tr>
<tr>
<td></td>
<td>- If there are significant siting constraints, Table 2 Column D and Table 6 to Clause 53.02-5.</td>
</tr>
<tr>
<td></td>
<td>The building is constructed to the bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5.</td>
</tr>
<tr>
<td>AM 3.2</td>
<td>A building used for accommodation (other than a dwelling or dependent person’s unit), a child care centre, an education centre, a hospital, leisure and recreation or a place of assembly is:</td>
</tr>
<tr>
<td></td>
<td>- Provided with defendable space in accordance with Table 3 and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land.</td>
</tr>
<tr>
<td></td>
<td>- Constructed to a bushfire attack level of BAL12.5.</td>
</tr>
</tbody>
</table>

Alternative measures

<table>
<thead>
<tr>
<th>Measure</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>AltM 3.3</td>
<td>Adjoining land may be included as defendable space where there is a reasonable assurance that the land will remain or continue to be managed in that condition as part of the defendable space.</td>
</tr>
<tr>
<td>AltM 3.4</td>
<td>Defendable space and the bushfire attack level is determined using Method 2 of AS3959:2009 Construction of buildings in bushfire prone areas (Standards Australia) subject to any guidance published by the relevant fire authority.</td>
</tr>
</tbody>
</table>
A building used for a dwelling (including an extension or alteration to a dwelling) may provide defendable space to the property boundary where it can be demonstrated that:

- The lot has access to urban, township or other areas where:
  - Protection can be provided from the impact of extreme bushfire behaviour.
  - Fuel is managed in a minimum fuel condition.
  - There is sufficient distance or shielding to protect people from direct flame contact or harmful levels of radiant heat.

- Less defendable space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment.

- The dwelling is constructed to a bushfire attack level of BAL FZ.

This alternative measure only applies where the requirements of AM 3.1 cannot be met.

A building used for accommodation (other than a dwelling or dependent person’s unit), child care centre, education centre, hospital, leisure and recreation or place of assembly may provide defendable space in accordance with Table 2 (Columns A, B or C) and Table 6 to Clause 53.02-5 where it can be demonstrated that:

- An integrated approach to risk management has been adopted that considers:
  - The characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency.
  - The intended frequency and nature of occupation.
  - The effectiveness of proposed emergency management arrangements, including a mechanism to secure implementation.

- Less defendable space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment.

53.02-4.3 Water supply and access objectives

A static water supply is provided to assist in protecting property.
Vehicle access is designed and constructed to enhance safety in the event of a bushfire.

Approved measures

<table>
<thead>
<tr>
<th>Measure</th>
<th>Requirement</th>
</tr>
</thead>
</table>
| AM 4.1  | A building used for a dwelling (including an extension or alteration to a dwelling), a dependent person’s unit, industry, office or retail premises is provided with:
  - A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 53.02-5.
  - Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.
  The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies. |
| 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: |
### Requirement Measure

- 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>
</tbody>
</table>

| **AM 5.2** | An application to subdivide land zoned for residential or rural residential purposes must be accompanied by a plan that shows: |
| | - Each lot satisfies the approved measure in AM 2.1. |
| | - A building envelope for a single dwelling on each lot that complies with AM 2.2 and provides defendable space in accordance with: |
| | - Columns A or B of Table 2 to Clause 53.02-5 for a subdivision that creates 10 or more lots; or |
| | - Columns A, B or C of Table 2 to Clause 53.02-5 for a subdivision that creates less than 10 lots. |
| | The bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5 must be noted on the building envelope. |
| | - Defendable space wholly contained within the boundaries of the proposed subdivision. |
| | - Defendable space may be shared between lots within the subdivision. Defendable space for a lot may utilise communal areas, such as roads, where that land can meet the requirements for defendable space. |
| | - Vegetation management requirements in accordance with Table 6 to implement and maintain the defendable space required under this approved measure. |
| | - Water supply and vehicle access that complies with AM 4.1. |

| **AM 5.3** | An application to subdivide land to create 10 or more lots provides a perimeter road adjoining the hazardous vegetation to support fire fighting. |
A subdivision manages the bushfire risk to future development from existing or proposed landscaping, public open space and communal areas.

**Alternative measure**

<table>
<thead>
<tr>
<th>Measure</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>AltM 5.5</td>
<td>A building envelope for a subdivision that creates 10 or more lots required under AM 5.2 may show defendable space in accordance with Table 2 Column C and Table 6 to Clause 53.02-5 where it can be demonstrated that:</td>
</tr>
<tr>
<td></td>
<td>- All other requirements of AM 5.2 have been met.</td>
</tr>
<tr>
<td></td>
<td>- Less defendable space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment.</td>
</tr>
</tbody>
</table>

**53.02-4.5 Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement submitted with the application.
- The impact of any State, regional or local bushfire management and prevention actions occurring around the site and in the wider area on the bushfire hazard and the level of risk to the proposed development.
- Whether the proposed development meets the objectives of Clause 53.02-4 regardless of other measures which may be available, including private bushfire shelters, community shelters and the presence of places of last resort.
- Whether the proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land.
- Whether the use of an alternative measure meets the relevant objective having regard to the bushfire hazard and the nature of any constraint that prevents the applicable approved measure from being implemented.
- If one or more of the objectives in Clause 53.02-4 will not be achieved in the completed development, whether the development will, taking all relevant factors into account, reduce the bushfire risk to a level that warrants it proceeding.
- Whether the risk arising from the broader landscape can be mitigated to an acceptable level or warrants the development not proceeding.
### Tables: Defendable space, construction, water supply, vehicle access, vegetation management and outbuilding construction requirements

#### Table 1: Defendable space and construction

<table>
<thead>
<tr>
<th>Slope</th>
<th>Vegetation Type</th>
<th>Defendable space distance from building facade (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Column A</td>
<td>Column B</td>
</tr>
<tr>
<td>All upslopes and flat land (0 degrees)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forest</td>
<td>48</td>
<td>35</td>
</tr>
<tr>
<td>Woodland</td>
<td>33</td>
<td>24</td>
</tr>
<tr>
<td>Scrub</td>
<td>27</td>
<td>19</td>
</tr>
<tr>
<td>Shrubland</td>
<td>19</td>
<td>13</td>
</tr>
<tr>
<td>Mallee/Mulga</td>
<td>17</td>
<td>12</td>
</tr>
<tr>
<td>Rainforest</td>
<td>23</td>
<td>16</td>
</tr>
<tr>
<td>Grassland</td>
<td>19</td>
<td>13</td>
</tr>
<tr>
<td>Downslope &gt;0 to 5 degrees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forest</td>
<td>57</td>
<td>43</td>
</tr>
<tr>
<td>Woodland</td>
<td>41</td>
<td>29</td>
</tr>
<tr>
<td>Scrub</td>
<td>31</td>
<td>22</td>
</tr>
<tr>
<td>Shrubland</td>
<td>22</td>
<td>15</td>
</tr>
<tr>
<td>Mallee/Mulga</td>
<td>20</td>
<td>13</td>
</tr>
<tr>
<td>Rainforest</td>
<td>29</td>
<td>20</td>
</tr>
<tr>
<td>Grassland</td>
<td>22</td>
<td>15</td>
</tr>
<tr>
<td>Downslope &gt;5 to 10 degrees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forest</td>
<td>69</td>
<td>53</td>
</tr>
<tr>
<td>Woodland</td>
<td>50</td>
<td>37</td>
</tr>
<tr>
<td>Scrub</td>
<td>35</td>
<td>24</td>
</tr>
<tr>
<td>Shrubland</td>
<td>25</td>
<td>17</td>
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<tr>
<td>Mallee/Mulga</td>
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<td>15</td>
</tr>
<tr>
<td>Rainforest</td>
<td>36</td>
<td>26</td>
</tr>
<tr>
<td>Grassland</td>
<td>25</td>
<td>17</td>
</tr>
<tr>
<td>Downslope &gt;10 to 15 degrees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forest</td>
<td>82</td>
<td>64</td>
</tr>
<tr>
<td>Woodland</td>
<td>60</td>
<td>45</td>
</tr>
<tr>
<td>Scrub</td>
<td>39</td>
<td>28</td>
</tr>
<tr>
<td>Shrubland</td>
<td>28</td>
<td>19</td>
</tr>
</tbody>
</table>
Defendable space distance from building facade (metres)

<table>
<thead>
<tr>
<th>Slope Type</th>
<th>Vegetation Type</th>
<th>Column A</th>
<th>Column B</th>
<th>Column C</th>
<th>Column D</th>
<th>Column E</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Downslope &gt;15 to 20 degrees</td>
<td>Forest</td>
<td>98</td>
<td>78</td>
<td>61</td>
<td>50</td>
<td>&lt; 50</td>
</tr>
<tr>
<td></td>
<td>Woodland</td>
<td>73</td>
<td>56</td>
<td>41</td>
<td>32</td>
<td>&lt; 32</td>
</tr>
<tr>
<td></td>
<td>Scrub</td>
<td>43</td>
<td>31</td>
<td>21</td>
<td>15</td>
<td>&lt; 15</td>
</tr>
<tr>
<td></td>
<td>Shrubland</td>
<td>31</td>
<td>22</td>
<td>15</td>
<td>10</td>
<td>&lt; 10</td>
</tr>
<tr>
<td></td>
<td>Mallee/ Mulga</td>
<td>29</td>
<td>20</td>
<td>13</td>
<td>9</td>
<td>&lt; 9</td>
</tr>
<tr>
<td></td>
<td>Rainforest</td>
<td>56</td>
<td>42</td>
<td>29</td>
<td>22</td>
<td>&lt; 22</td>
</tr>
<tr>
<td></td>
<td>Grassland</td>
<td>32</td>
<td>23</td>
<td>15</td>
<td>11</td>
<td>&lt; 11</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BALFZ</th>
<th>BAL40</th>
<th>BAL29</th>
<th>BAL19</th>
<th>BAL 12.5</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tbody>
</table>

Defendable space and the bushfire attack level is determined using Method 2 of AS3959:2009 Construction of buildings in bushfire prone areas (Standards Australia) subject to any guidance published by the relevant fire authority.

Defendable space is to be provided for a distance of 50 metres, or the property boundary whichever is the lesser, for buildings constructed to all bushfire attack levels. The minimum construction standard is BAL 12.5.

**Note 1:** Slope and vegetation type is determined through the bushfire hazard site assessment.

**Note 2:** Modified vegetation is vegetation that doesn’t fit into the vegetation classifications in AS3959:2009 Construction of buildings in bushfire prone areas (the standard) because it:
- has been modified, altered or is managed due to urban development, or gardening,
- has different fuel loads from those assumed in the standard,
- has limited or no understorey vegetation, or
- is not low-threat or low-risk vegetation as defined in the standard.

**Table 2 Defendable space and construction**

<table>
<thead>
<tr>
<th>Slope Type</th>
<th>Vegetation</th>
<th>Column A</th>
<th>Column B</th>
<th>Column C</th>
<th>Column D</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All upslopes and flat land (0 degrees)</td>
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<td>48</td>
<td>35</td>
<td>25</td>
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<td>12</td>
</tr>
<tr>
<td>Slope</td>
<td>Vegetation</td>
<td>Defendable space distance from building facade (metres)</td>
<td></td>
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<td></td>
<td></td>
<td>Column A</td>
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<td>13</td>
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<td></td>
<td>Rainforest</td>
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<td>20</td>
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<td></td>
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<tr>
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<td>Forest</td>
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<td>49</td>
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<td></td>
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<tr>
<td>Downslope</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&gt;15 to 20 degrees</td>
<td>Forest</td>
<td>98</td>
<td>78</td>
<td>61</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>Woodland</td>
<td>73</td>
<td>56</td>
<td>41</td>
<td>32</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>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>
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 <strong>AM4.1</strong>.</td>
</tr>
<tr>
<td>Column A</td>
<td>Column B</td>
</tr>
<tr>
<td>----------</td>
<td>----------</td>
</tr>
<tr>
<td>Length of access is less than 30 metres</td>
<td>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.</td>
</tr>
</tbody>
</table>
| 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.
FREEWAY SERVICE CENTRE

Purpose
To ensure that freeway service centres are appropriately designed and located.
To ensure that access to a freeway service centre from a freeway is designed to the requirements of the Roads Corporation.
To ensure that freeway service centres with access to a rural freeway provide only essential services and facilities which encourage drivers to stop and take an effective break at appropriate intervals in the interests of driver safety.
To ensure that any new freeway service centre meets an identifiable need to provide essential services and facilities along a freeway where those services and facilities are not readily available.
To ensure that the use of land for a freeway service centre does not adversely affect the amenity of surrounding land uses.

Requirements to be met

Facilities and services
A freeway service centre must provide only essential services and facilities. These essential services and facilities must be available at all times. Essential services and facilities that a freeway service centre must include are:

- Designated parking areas.
- Undercover fuel sales area for petrol, diesel and LPG.
- An area of not more than 240 square metres for the sale of food, drinks and other convenience goods.
- An indoor sit-down eating area.
- A safe play area for children.
- Public toilets.
- A public telephone.

A freeway service centre with access to a rural freeway must also provide local and regional tourist information.

A freeway service centre must not include:

- Mechanical repairs (other than the emergency repair of vehicles).
- Retail facilities of more than 240 square metres.
- Video hire.
- Post office services or facilities.
- Entertainment facilities, amusement machines or gaming machines.
- The sale, distribution or consumption of alcohol unless associated with a residential hotel/motel.
- Car or truck wash facilities.

A freeway service centre with access to a rural freeway must not include overnight accommodation (other than for a caretaker or site manager).

Access to freeway service centres
No vehicular access between a freeway service centre with access to a metropolitan freeway and the local road network may be permitted.
An application to use or develop land for a freeway service centre must be referred to the Roads Corporation in accordance with section 55 of the Act.

A permit must not be granted for a freeway service centre until approval for access to the freeway has been given by the Roads Corporation.

In accordance with section 62(1)(a) of the Act, a permit granted for a freeway service centre must include the condition:

“This permit will expire if one of the following circumstances applies:

- The development is not commenced within two years of the date of this permit.
- The development is not completed within four years of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.”

**Metropolitan freeway service centre adjoining a residential zone**

If the site for a freeway service centre with access to a metropolitan freeway adjoins a residential zone:

- A landscape buffer at least 3 metres wide must be provided on the site along the common boundary and must be planted and maintained to the satisfaction of the responsible authority.
- Except for the landscape buffer strip, all of the site not occupied by buildings must be sealed to prevent dust.
- External lights must be directed away from the residential zone to prevent light spill and glare.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

LIVE MUSIC ENTERTAINMENT VENUES

Purpose
To recognise that live music is an important part of the State’s culture and economy.
To encourage the retention of existing and the development of new live music entertainment venues.
To protect live music entertainment venues from the encroachment of noise sensitive residential uses.
To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.
To ensure that the primary responsibility for noise attenuation rests with the agent of change.

Application
This clause applies to an application required under any zone of this scheme to use land for, or to construct a building or construct or carry out works associated with:

- A live music entertainment venue.
- A noise sensitive residential use that is within 50 metres of a live music entertainment venue.
- A noise sensitive residential use that is in an area specified in clause 1.0 of the schedule to this clause

This clause does not apply to:

- The extension of an existing dwelling.
- A noise sensitive residential use that is in an area specified in clause 2.0 of the schedule to this clause.

Meaning of terms
In this clause:

live music entertainment venue means:
- a food and drink premises, nightclub, function centre or residential hotel that includes live music entertainment
- a rehearsal studio
- any other venue used for the performance of music and specified in clause 3.0 of the schedule to this clause, subject to any specified condition or limitation.

noise sensitive residential use means a community care accommodation, dependent person's unit, dwelling, residential aged care facility, residential village, retirement village or rooming house.

Requirements to be met
A live music entertainment venue must be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue.

A noise sensitive residential use must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any:

- Indoor live music entertainment venue to below the noise limits specified in State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N2).
Outdoor live music entertainment venue to below 45dB(A), assessed as an $L_{eq}$ over 15 minutes. For the purpose of assessing whether the above noise standards are met, the noise measurement point may be located inside a habitable room of a noise sensitive residential use with windows and doors closed (Schedule B1 of SEPP N2 does not apply). A permit may be granted to reduce or waive these requirements if the responsible authority is satisfied that an alternative measure meets the purpose of this clause.

Application requirements
An application must be accompanied by the following information, as appropriate:

- A site analysis, including plans detailing:
  - the existing and proposed layout of the use, buildings or works, including all external windows and doors
  - the location of any doors, windows and open space areas of existing properties in close proximity to the site.

- If the application is associated with a noise sensitive residential use:
  - the location of any live music entertainment venues within 50 metres of the site
  - the days and hours of operation of identified venues.

- If the application is associated with a live music entertainment venue:
  - the location of any noise sensitive residential uses within 50 metres of the site
  - the days and hours of operation of that venue
  - the times during which live music will be performed.

- Details of existing and proposed acoustic attenuation measures.

- An assessment of the impact of the proposal on the functioning of live music venues.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

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

- The extent to which the siting, layout, design and construction minimise the potential for noise impacts.

- Whether existing or proposed noise sensitive residential uses will be satisfactorily protected from unreasonable live music and entertainment noise.

- Whether the proposal adversely affects any existing uses.

- The social and economic significance of an existing live music entertainment venue.

- The impact of the proposal on the functioning of live music venues.
**SCHEDULE TO CLAUSE 53.06 LIVE MUSIC AND ENTERTAINMENT NOISE**

### Areas to which Clause 53.06 does not apply

<table>
<thead>
<tr>
<th>Name of area</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>

### Other venues to which Clause 53.06 applies

<table>
<thead>
<tr>
<th>Name of venue</th>
<th>Address</th>
<th>Condition or limitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SHIPPING CONTAINER STORAGE

Application

This clause applies to all land except land which is in a Special Use Zone established for the purpose of port and port-related activities, or is in a Port Zone.

Decision guidelines

Before deciding on an application to use land for shipping container storage, or construct a building or carry out works associated with shipping container storage, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Whether the location is appropriate for shipping container storage having regard to:
  - The zoning of the land.
  - Amenity of the neighbourhood.
  - Proximity of the land to residential uses and zones or other sensitive uses.
  - Access to a road in a Road Zone.
  - Access to rail facilities.
  - Capacity and suitability of the road network to accommodate the type and volume of vehicle traffic generated by the use.
  - Capacity of the site to accommodate the proposed use.

- The effect on the environment and the amenity and character of the neighbourhood having regard to:
  - Existing and planned use of land in the neighbourhood.
  - Location, height and setback of shipping container stacks, particularly near road boundaries.
  - Location of facilities for the cleaning, repair, servicing, painting or fumigation of shipping containers.
  - Hours of operation.
  - Design, construction and maintenance of external storage and vehicle movement areas.
  - Treatment and disposal of wastewater.

- Whether the site layout and the design of buildings, landscaping, vehicle access lanes, loading bays, wash bays, lighting and fencing are designed to avoid or minimise any significant off-site impacts due to the emission of noise, light, glare, dust, fumes or drainage.

- Whether any special measure may be necessary to protect the environment and the amenity of nearby sensitive uses, including noise attenuation measures, dust minimisation measures and waste storage arrangements.

- The need for landscaping and fencing to screen or soften the appearance of shipping container storage areas, particularly near road boundaries.

- The adequacy and effect of the landscaping on the appearance of the site, taking into account the streetscape character, the size of the site, and the height, mass and scale of shipping container stacks on the site.

- The adequacy of traffic measures to:
  - Achieve safe, efficient vehicle movement on site and access to and egress from the land.
  - Prevent inappropriate use of local residential streets.
- The adequacy of truck parking, loading and truck queuing spacing to accommodate truck movements at peak periods and employee requirements on the land.
CATTLE FEEDLOT

Purpose
To facilitate the establishment and expansion of cattle feedlots in Victoria in a manner which is consistent with orderly and proper planning and the protection of the environment.

Requirements to be met
All use and development of cattle feedlots must comply with the Victorian Code for Cattle Feedlots - August 1995.

The Code must be complied with to the satisfaction of the responsible authority.
POULTRY FARM

Purpose

To facilitate the establishment and expansion of poultry farms, including broiler farms, in a manner that is consistent with orderly and proper planning and the protection of the environment.

Application

This clause applies to permit applications to use land or construct a building or construct or carry out works for a poultry farm, including to increase the farm capacity of an existing poultry farm.

Permit not required – Outdoor range area for existing broiler farm

Any requirement of this scheme relating to the use of land or to the construction of a building or the construction or carrying out of works does not apply to the use and development of land for an outdoor range area in association with an existing broiler farm provided the following requirements are met:

- There are no more than 150,000 chickens permitted on the land at any time.
- The number of chickens on the land is not increased.

This exemption does not apply to the requirements of any overlay that applies to the land.

Requirement – Broiler farm

An application to use land or construct a building or construct or carry out works for a broiler farm must comply with the Victorian Code for Broiler Farms 2009 (plus 2018 amendments).

This requirement does not apply if:

- There are no more than 10,000 chickens permitted on the land at any time; or
- The number of chickens on the land is not increased.

Exemption from notice and review

The following applications are exempt from the notice requirements of section 52 (1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act:

- An application to use land or construct a building or construct or carry out works for a new broiler farm, or to increase the farm capacity of an existing broiler farm, if the application meets the requirements of a “Class A Broiler Farm”, as specified in the Victorian Code for Broiler Farms 2009 (plus 2018 amendments).

- An application to use land or construct a building or construct or carry out works for a poultry farm for the production of chicken meat or chicken eggs, if the application meets the following requirements:
  - The number of chickens does not exceed 5,000 for egg production or 10,000 for meat production.
  - The outdoor stocking density does not exceed 1,500 chickens per hectare.
  - A Nutrient Management Plan demonstrates chickens are kept outdoors on paddocks with:
    - A minimum of 50% ground cover; and
    - Mobile housing and feeding infrastructure that is relocated at least every two weeks.
  - An area used as a poultry range, including associated buildings and works, meets the setback requirements specified in Table 1.
Table 1 Minimum setbacks

<table>
<thead>
<tr>
<th>Chicken numbers</th>
<th>Minimum distance to a building used for a sensitive use (accommodation, child care centre, education centre and hospital)</th>
<th>Minimum distance to land in a residential zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,000 chickens or less</td>
<td>50 metres</td>
<td>200 metres</td>
</tr>
<tr>
<td>More than 1,000 chickens</td>
<td>100 metres</td>
<td>400 metres</td>
</tr>
</tbody>
</table>

Notice of an application

Notice of an application to use or develop land to establish a new broiler farm, or to increase the farm capacity of an existing broiler farm, that meets the requirements of a Special Class Broiler Farm or Farm Cluster as specified in the *Victorian Code for Broiler Farms 2009 (plus 2018 amendments)*, must be given under Section 52(1)(c) of the Act to the person or body specified as a person or body to be notified in Clause 66.05.

Decision guidelines

Before deciding on an application to use land or construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The purpose of the relevant zone.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The need to protect amenity of existing uses on adjoining land.
- The impact of the use of the land on the surrounding area, including from the emission of noise, light, vibration, odour, dust, or waste products.
- The impact of the proposal on any wetlands, waterways or water bodies.
- The likely environmental impact on the natural physical features and biodiversity of the land, including consideration of any Nutrient Management Plan submitted with the application.
- Whether the development will support and enhance agricultural production.
- The requirements of the *Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines* (June 2018).
USES AND ACTIVITIES WITH POTENTIAL ADVERSE IMPACTS

Purpose
To identify those types of uses and activities, which if not appropriately designed and located, may cause offence or unacceptable risk to the neighbourhood.

Threshold distance
The threshold distance referred to in the table to this clause is the shortest distance from any part of the land to:

- land (not a road) in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone; or
- land used for a hospital, an education centre or a corrective institution; or
- land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.

An application to use land for an industry, utility installation or warehouse for a purpose listed in the table to this clause must be referred to the Environment Protection Authority under section 55 of the Act if the threshold distance is not to be met or no threshold distance is specified.

Table to Clause 53.10-1

<table>
<thead>
<tr>
<th>Type of use or activity (purpose)</th>
<th>Threshold distance (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Basic metal products</strong></td>
<td></td>
</tr>
<tr>
<td>Iron or steel production:</td>
<td></td>
</tr>
<tr>
<td>- up to 1,000,000 tonnes per year</td>
<td>500</td>
</tr>
<tr>
<td>- exceeding 1,000,000 tonnes per year</td>
<td>1,000</td>
</tr>
<tr>
<td>Non-ferrous metal production:</td>
<td></td>
</tr>
<tr>
<td>- up to 100 tonnes per year</td>
<td>100</td>
</tr>
<tr>
<td>- between 100 and 2,000 tonnes per year</td>
<td>300</td>
</tr>
<tr>
<td>- exceeding 2,000 tonnes per year</td>
<td>500</td>
</tr>
<tr>
<td>- aluminium by electrolysis</td>
<td>2,000</td>
</tr>
<tr>
<td><strong>Chemical, petroleum and coal products</strong></td>
<td></td>
</tr>
<tr>
<td>Ammunition, explosives and fireworks production</td>
<td>1,000</td>
</tr>
<tr>
<td>Biocides production and storage</td>
<td>1,000</td>
</tr>
<tr>
<td>Briquette production</td>
<td>300</td>
</tr>
<tr>
<td>Chemical product manufacture other than listed within this group</td>
<td>300</td>
</tr>
<tr>
<td>Type of use or activity (purpose)</td>
<td>Threshold distance (metres)</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>Coke processing</td>
<td>500</td>
</tr>
<tr>
<td>Cosmetics and toiletries production</td>
<td>100</td>
</tr>
<tr>
<td>Fertiliser production</td>
<td>1,000</td>
</tr>
<tr>
<td>Gasworks</td>
<td>1,000</td>
</tr>
<tr>
<td>Industrial gases production</td>
<td>1,000</td>
</tr>
<tr>
<td>Organic and inorganic industrial chemicals production other than those listed within this group</td>
<td>2,000</td>
</tr>
<tr>
<td>Other petroleum or coal production</td>
<td>500</td>
</tr>
<tr>
<td>Paints and inks manufacture, blending and mixing exceeding 2,000 tonnes per year</td>
<td>500</td>
</tr>
<tr>
<td>Petroleum refinery</td>
<td>2,000</td>
</tr>
<tr>
<td>Pharmaceutical and veterinary chemical production</td>
<td>1,000</td>
</tr>
<tr>
<td>Polyester and synthetic resins production, exceeding 2,000 per year</td>
<td>1,000</td>
</tr>
<tr>
<td>Rubber production:</td>
<td></td>
</tr>
<tr>
<td>synthetic rubber, exceeding 2,000 tonnes per year</td>
<td>1,000</td>
</tr>
<tr>
<td>using either organic solvents or carbon black</td>
<td>300</td>
</tr>
<tr>
<td>using sulphur</td>
<td>1,000</td>
</tr>
<tr>
<td>Soap and detergent production</td>
<td>500</td>
</tr>
<tr>
<td>Fabricated metal products</td>
<td></td>
</tr>
<tr>
<td>Abrasive blast cleaning</td>
<td>500</td>
</tr>
<tr>
<td>Boiler maker Adam</td>
<td>100</td>
</tr>
<tr>
<td>Metal coating and finishing</td>
<td>500</td>
</tr>
<tr>
<td>Structural or sheet metal production</td>
<td>500</td>
</tr>
<tr>
<td>Food and beverages</td>
<td></td>
</tr>
<tr>
<td>Alcoholic and non-alcoholic beverage production, exceeding 5,000 litres per day</td>
<td>500</td>
</tr>
<tr>
<td>Animal processing</td>
<td>1,000</td>
</tr>
<tr>
<td>Type of use or activity (purpose)</td>
<td>Threshold distance (metres)</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Bakery (other than one ancillary to a shop):</td>
<td></td>
</tr>
<tr>
<td>• exceeding 200 tonnes per year</td>
<td>100</td>
</tr>
<tr>
<td>• night-time operations, exceeding 200 tonnes per year</td>
<td>500</td>
</tr>
<tr>
<td>Flour mill, exceeding 200 tonnes per year</td>
<td>250</td>
</tr>
<tr>
<td>Food production other than those listed within this group:</td>
<td></td>
</tr>
<tr>
<td>• exceeding 200 tonnes per year</td>
<td>250</td>
</tr>
<tr>
<td>• including frying, drying or roasting, exceeding 200 tonnes per year</td>
<td>500</td>
</tr>
<tr>
<td>Grain and stockfeed mill and handling facility</td>
<td></td>
</tr>
<tr>
<td>• with meat meals or tallow</td>
<td>500</td>
</tr>
<tr>
<td>• no meat meals or tallow</td>
<td>250</td>
</tr>
<tr>
<td>Maltworks, exceeding 200 tonnes per year</td>
<td>500</td>
</tr>
<tr>
<td>Manufacture of milk products, exceeding 200 tonnes per year</td>
<td>300</td>
</tr>
<tr>
<td>Milk depot</td>
<td>100</td>
</tr>
<tr>
<td>Pet food production</td>
<td>500</td>
</tr>
<tr>
<td>Production of vegetable oils and animal fats using solvents, exceeding 200 tonnes per year</td>
<td>500</td>
</tr>
<tr>
<td>Seafood processor, exceeding 200 tonnes per year</td>
<td>500</td>
</tr>
<tr>
<td>Smallgoods production:</td>
<td></td>
</tr>
<tr>
<td>• exceeding 200 tonnes per year</td>
<td>100</td>
</tr>
<tr>
<td>• including smoking and drying, exceeding 200 tonnes per year</td>
<td>500</td>
</tr>
<tr>
<td>Miscellaneous manufacturing</td>
<td></td>
</tr>
<tr>
<td>Printing and coating works with heated curing ovens</td>
<td>500</td>
</tr>
<tr>
<td>Rendering and casings works</td>
<td>1,000</td>
</tr>
<tr>
<td>Non-metallic mineral products</td>
<td></td>
</tr>
<tr>
<td>Bitumen batching plant</td>
<td>1,000</td>
</tr>
<tr>
<td>Cement production in amounts:</td>
<td></td>
</tr>
<tr>
<td>• up to 5,000 tonnes per year</td>
<td>300</td>
</tr>
<tr>
<td>Type of use or activity (purpose)</td>
<td>Threshold distance (metres)</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>• between 5,000 and 150,000 tonnes per year</td>
<td>500</td>
</tr>
<tr>
<td>• exceeding 150,000 tonnes per year</td>
<td>1,000</td>
</tr>
<tr>
<td>Cement, lime, clay bricks, tiles and pipe refractories, with a design production rate exceeding</td>
<td>500</td>
</tr>
<tr>
<td>10,000 tonnes per year</td>
<td></td>
</tr>
<tr>
<td>Concrete batching plant, with a production rate exceeding 5,000 tonnes per year</td>
<td>300</td>
</tr>
<tr>
<td>Glass and glass production including glass wool and fibreglass</td>
<td>500</td>
</tr>
<tr>
<td>Plaster or plaster articles production, exceeding 5,000 tonnes per year</td>
<td>200</td>
</tr>
<tr>
<td>Rock wool manufacture</td>
<td>500</td>
</tr>
<tr>
<td>Solar salt manufacture</td>
<td>1,000</td>
</tr>
<tr>
<td><strong>Other premises</strong></td>
<td></td>
</tr>
<tr>
<td>Automotive body, paint and interior repair</td>
<td>100</td>
</tr>
<tr>
<td>Rural industry handling, processing or packing agricultural produce</td>
<td>300</td>
</tr>
<tr>
<td><strong>Paper and paper products</strong></td>
<td></td>
</tr>
<tr>
<td>Paper or paper pulp production:</td>
<td></td>
</tr>
<tr>
<td>• involving combustion of sulphur or sulphur containing materials</td>
<td>5,000</td>
</tr>
<tr>
<td>• from semi-processed materials</td>
<td>100</td>
</tr>
<tr>
<td>• from prepared cellulose and rags</td>
<td>200</td>
</tr>
<tr>
<td>• by other methods than above</td>
<td>None specified</td>
</tr>
<tr>
<td><strong>Recreational, personal and other services</strong></td>
<td></td>
</tr>
<tr>
<td>Dry cleaning for commercial and institutional customers, or in bulk quantities</td>
<td>100</td>
</tr>
<tr>
<td>Laundry for commercial and institutional customers, or in bulk quantities</td>
<td>100</td>
</tr>
<tr>
<td><strong>Textiles</strong></td>
<td></td>
</tr>
<tr>
<td>Carpet backing with latex</td>
<td>500</td>
</tr>
<tr>
<td>Dyeing or finishing of cotton, linen and woollen yarns and textiles</td>
<td>300</td>
</tr>
<tr>
<td>Leather and artificial leather goods production</td>
<td>300</td>
</tr>
<tr>
<td>Leather tanning and dressing:</td>
<td></td>
</tr>
<tr>
<td>Type of use or activity (purpose)</td>
<td>Threshold distance (metres)</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>• up to 250 tonnes per year</td>
<td>300</td>
</tr>
<tr>
<td>• exceeding 250 tonnes per year</td>
<td>2,000</td>
</tr>
<tr>
<td>Rope, cordage and twine production</td>
<td>100</td>
</tr>
<tr>
<td>Treatment or production of natural and synthetic fibres and textiles</td>
<td>1,000</td>
</tr>
<tr>
<td>Treatment or production of textiles using carbon disulphide</td>
<td>500</td>
</tr>
<tr>
<td>Wool scouring</td>
<td>200</td>
</tr>
<tr>
<td><strong>Transport and storage</strong></td>
<td></td>
</tr>
<tr>
<td>Bus depot</td>
<td>200</td>
</tr>
<tr>
<td>Depot for refuse collection vehicles</td>
<td>100</td>
</tr>
<tr>
<td>Storage of bulk volatile organic compounds in quantities greater than 1,000 tonnes</td>
<td>1,000</td>
</tr>
<tr>
<td>Storage of petroleum products and crude oil in tanks exceeding 2,000 tonnes capacity:</td>
<td></td>
</tr>
<tr>
<td>• with fixed roofs</td>
<td>300</td>
</tr>
<tr>
<td>• with floating roofs</td>
<td>100</td>
</tr>
<tr>
<td>Storage of wet-salted or unprocessed hides</td>
<td>250</td>
</tr>
<tr>
<td><strong>Waste, recycling and resource recovery</strong></td>
<td></td>
</tr>
<tr>
<td>Chemical or oil recycling</td>
<td>1,000</td>
</tr>
<tr>
<td>Combustion, treatment or bio-reaction of waste to produce energy</td>
<td>None specified</td>
</tr>
<tr>
<td>Composting and other organic materials recycling</td>
<td>None specified</td>
</tr>
<tr>
<td>Hazardous waste storage or treatment</td>
<td>1,000</td>
</tr>
<tr>
<td>Landfill</td>
<td>None specified</td>
</tr>
<tr>
<td>Other recourse recovery or recycling operations</td>
<td>None specified</td>
</tr>
<tr>
<td>Soil conditioning or blending</td>
<td>None specified</td>
</tr>
<tr>
<td>Transfer station:</td>
<td></td>
</tr>
<tr>
<td>• accepting organic wastes</td>
<td>500</td>
</tr>
<tr>
<td>• other</td>
<td>200</td>
</tr>
<tr>
<td>Used plastics treatment or processing</td>
<td>500</td>
</tr>
<tr>
<td>Type of use or activity (purpose)</td>
<td>Threshold distance (metres)</td>
</tr>
<tr>
<td>---------------------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Waste tyre recycling and re-treading</td>
<td>1,000</td>
</tr>
<tr>
<td>Vehicle recycling or disposal</td>
<td>500</td>
</tr>
<tr>
<td><strong>Water and wastewater</strong></td>
<td></td>
</tr>
<tr>
<td>Sewage treatment plant, exceeding a design or actual flow rate of 5,000 litres per day</td>
<td>None specified</td>
</tr>
<tr>
<td>Water treatment plant</td>
<td>None specified</td>
</tr>
<tr>
<td><strong>Wood, wood products and furniture</strong></td>
<td></td>
</tr>
<tr>
<td>Charcoal production:</td>
<td></td>
</tr>
<tr>
<td>- by the retort process</td>
<td>500</td>
</tr>
<tr>
<td>- other than by the retort process</td>
<td>1,000</td>
</tr>
<tr>
<td>Joinery</td>
<td>100</td>
</tr>
<tr>
<td>Sawmill, wood products and furniture</td>
<td>500</td>
</tr>
<tr>
<td>Wood preservation plant:</td>
<td></td>
</tr>
<tr>
<td>up to 10,000 cubic metres of timber per year</td>
<td>100</td>
</tr>
<tr>
<td>exceeding 10,000 cubic metres of timber per year</td>
<td>300</td>
</tr>
</tbody>
</table>
TIMBER PRODUCTION

Timber production on Crown land

Any requirement of this scheme which:

- requires timber production to be conducted in a particular way
- requires that a permit be obtained to use or develop land for timber production or to carry out timber production in a particular way
- requires that some aspect of timber production be carried out to the satisfaction of the responsible authority

does not apply to timber production on unalienated land of the Crown managed and controlled by the Minister responsible for administering the Forests Act 1958 and the Sustainable Forests (Timber) Act 2004, or the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forest and Lands Act 1987), whether or not occupied under a licence or other right. All requirements of this scheme apply to Crown land which has been leased.

Timber production to comply with the Code of Practice for Timber Production

All timber production activities (except agroforestry (the simultaneous and substantial production of forest and other agricultural products from the same land unit), windbreaks and commercial plantations of 5 hectares or less) must comply with the Code of Practice for Timber Production (Department of Environment and Primary Industries, 2014). In accordance with Section 6(4A) of the Planning and Environment Act 1987, this applies whether the use of land for timber production is commenced before or after the coming into effect of this requirement.

The Code must be complied with to the satisfaction of the responsible authority.

A permit may require that matters required by the Code must be done to the satisfaction of the responsible authority or a Minister, public authority or referral authority, and may require the responsible authority to seek comments from any other person or authority before making a decision.

Road repairs

After a Timber Harvesting Plan is lodged with the responsible authority under the Code and before the commencement of harvesting operations, the responsible authority, in consultation with the forest owner or manager, must establish the condition of any roads which are proposed to be used as a cartage route.

The forest owner or manager must advise the responsible authority when harvesting operations are complete. After receiving this advice, the responsible authority, in consultation with the forest owner or manager, must establish the condition of any roads which were used as a cartage route.

It is the responsibility of the forest owner or manager to restore any roads which were used as a cartage route to the same condition that they were in before the commencement of harvesting operations to the extent of any damage caused as a result of the harvesting operations.

The cartage of timber associated with harvesting operations is extraordinary traffic for the purpose of Section 112 of the Road Management Act 2004.

Decision guidelines

Before deciding on an application to use or develop land for timber production, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- The need to encourage plantation establishment and timber production in locations where it is of significance to national, state and regional economies, and in areas affected by salinity and other forms of land degradation.
The role of native forest and plantations in:
- Protecting water quality.
- Conserving flora and fauna.
- Preventing land degradation, including soil erosion, salinisation and water logging.
- Preventing adverse effects on groundwater recharge.

The preservation of and impact on the natural environment, cultural heritage and visual amenity.

Whether it is appropriate to require environmental protection standards greater than those in the Code.
RACING DOG HUSBANDRY

Purpose
To ensure the use and development of land for racing dog husbandry is consistent with orderly and proper planning.

Requirement
An application to use land, or construct a building or construct or carry out works, for racing dog husbandry under a provision of a rural zone must comply with Planning requirements for racing dog keeping and training (Department of Environment, Land, Water and Planning, August 2017). This requirement does not apply to an application to construct a building or construct or carry out works associated with a use that is a Section 1 use in the Table of uses of the zone.

Exemption from notice and review
An application to which the requirement in Clause 53.12-1 applies is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the approved measures specified in Planning requirements for racing dog keeping and training (Department of Environment, Land, Water and Planning, August 2017) are met.
RENEWABLE ENERGY FACILITY (OTHER THAN WIND ENERGY FACILITY)

Purpose
To facilitate the establishment and expansion of renewable energy facilities, in appropriate locations, with minimal impact on the amenity of the area.

Application
This clause applies to an application under any provision of this planning scheme to use or develop land for a renewable energy facility (other than a wind energy facility).

Application requirements
An application must be accompanied by the following information, as appropriate:

- A site and context analysis, including:
  - A site plan, photographs or other techniques to accurately describe the site and the surrounding area.
  - A location plan showing the full site area, local electricity grid, access roads to the site and direction and distance to nearby accommodation, hospital or education centre.

- A design response, including:
  - Detailed plans of the proposed development including, the layout and height of the facility and associated building and works, materials, reflectivity, colour, lighting, landscaping, the electricity distribution starting point (where the electricity will enter the distribution system), access roads and parking areas.
  - Accurate visual simulations illustrating the development in the context of the surrounding area and from key public view points.
  - The extent of vegetation removal and a rehabilitation plan for the site.
  - Written report and assessment, including:
    - An explanation of how the proposed design derives from and responds to the site analysis.
    - A description of the proposal, including the types of process to be utilised, materials to be stored and the treatment of waste.
    - Whether a Works Approval or Licence is required from the Environment Protection Authority.
    - the potential amenity impacts such as noise, glint, light spill, emissions to air, land or water, vibration, smell and electromagnetic interference.
    - the effect of traffic to be generated on roads.
    - the impact upon Aboriginal or non-Aboriginal cultural heritage.
    - A statement of why the site is suitable for a renewable energy facility including, a calculation of the greenhouse benefits.
    - An environmental management plan including, a construction management plan, any rehabilitation and monitoring.
Decision guidelines

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

- The effect of the proposal on the surrounding area in terms of noise, glint, light spill, vibration, smell and electromagnetic interference.
- The impact of the proposal on significant views, including visual corridors and sightlines.
- The impact of the proposal on strategically important agricultural land, particularly within declared irrigation districts.
- The impact of the proposal on the natural environment and natural systems.
- The impact of the proposal on the road network.

Amendment VC161 transitional provisions

Clauses 19.01-2S and 53.13 of this planning scheme, as in force immediately before the approval date of Amendment VC161, continue to apply to an application to use or develop land for a renewable energy facility (other than a wind energy facility) lodged before the approval date of Amendment VC161.

Clauses 14.02-3S and 66.02-12 of this planning scheme do not apply to an application to use or develop land for a renewable energy facility (other than a wind energy facility) lodged before the approval date of Amendment VC161.
RESOURCES RECOVERY

Purpose
To facilitate the establishment and expansion of a Transfer station and/or a Materials recycling facility in appropriate locations with minimal impact on the environment and amenity of the area.

Application
This clause applies to all land used and developed or proposed to be used and developed for:

- A Transfer station;
- A Materials recycling facility.

Application requirements
An application must be accompanied by the following information:

- A location plan showing the site and surrounding uses including distances to nearby sensitive uses such as residential, hospital or education uses.
- A detailed site plan showing the layout and height of buildings and works, materials, reflectivity, colour, lighting, landscaping, access roads and parking areas.
- Plans or other media showing anticipated views of the facility from sensitive use locations.
- A written report(s) including:
  - Identification of the purpose of the use.
  - A description of the proposal including the materials to be processed, the types of processes to be used and any materials to be stored and handled.
  - Proposed hours of operation.
  - Likely traffic generation including heavy vehicles.
  - Consideration of whether a works approval or licence is required from the Environment Protection Authority.
- An assessment of:
  - Potential amenity impacts such as noise, odour, emissions to air, land or water, vibration, dust, light spill, visual impact.
  - The impact of traffic generation on local roads.

Decision Guidelines
Before deciding on an application, in addition to the Decision Guidelines of Clause 65, the responsible authority must consider:

- The contribution of the proposal to achieving resource recovery targets established by the Victorian Government.
- The impact of the proposal on the amenity of the surrounding area.
- The Statewide Waste and Resource Recovery Infrastructure Plan (Sustainability Victoria, 2015).
- Relevant guidelines applicable to the application including the guideline for *Designing, Constructing and Operating Composting Facilities* (Environmental Protection Authority, 2015), the *Guide to Best Practice for Organics Recovery* (Sustainability Victoria, 2009) and the *Guide to Best Practice at Resource Recovery Centres* (Sustainability Victoria, 2009).
STATEMENT OF UNDERLYING PROVISIONS

Purpose

To specify the planning scheme provisions which would have applied to land reserved for a public purpose pursuant to section 6(2)(i) of the Planning and Environment Act 1987 if the land had not been reserved for that purpose.

Application

In relation to any land identified in the schedule to this clause, the provisions of the planning scheme which would have applied to that land if it had not been reserved for a public purpose are the provisions which are contained in the relevant incorporated document, also identified in the schedule to this clause.

The incorporated document may contain some or all of the provisions which would have applied to the relevant land under this scheme if the land had not been reserved for a public purpose.

The incorporated document may also contain a statement or explanation of the strategic basis for those provisions. Alternatively, the incorporated document may make reference to a separate document, not forming part of the incorporated document, which contains a statement or explanation of the strategic basis for those provisions.
## Incorporated statement

<table>
<thead>
<tr>
<th>Land</th>
<th>Incorporated Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td>None specified</td>
</tr>
</tbody>
</table>
PIG FARM

Purpose
To facilitate the establishment and expansion of pig farms in a manner that is consistent with orderly and proper planning and the protection of the environment.

Application
This clause applies to permit applications to use land or construct a building or construct or carry out works for a pig farm, including to increase the farm capacity of an existing pig farm.

Exemption from notice and review
An application to use land or construct a building or construct or carry out works for a pig farm is exempt from the notice requirements of section 52 (1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the following requirements are met:

- The number of pigs does not exceed 150 sows or 1,000 Standard Pig Units as calculated in Table 1.
- The outdoor stocking density does not exceed 12 Standard Pig Units per hectare as calculated in Table 1.
- A Nutrient Management Plan demonstrates pigs are kept outdoors on paddocks with:
  - A minimum of 50% ground cover; and
  - Mobile housing and feeding infrastructure that is relocated at least every three months.
- Any area used as a pig range, including associated buildings and works, is setback a minimum distance of:
  - 100 metres from a building used for a sensitive use (accommodation, a child care centre, an education centre or a hospital), and
  - 400 metres from land in a residential zone.

Table 1 Standard Pig Unit conversion factors

<table>
<thead>
<tr>
<th>Pig Class</th>
<th>Mass Range (kg)</th>
<th>Age Range (weeks)</th>
<th>SPU Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gilt</td>
<td>100 – 160</td>
<td>24 -30</td>
<td>1.8</td>
</tr>
<tr>
<td>Boar</td>
<td>100 – 300</td>
<td>24 – 128</td>
<td>1.6</td>
</tr>
<tr>
<td>Gestating sow</td>
<td>160 – 230</td>
<td>-</td>
<td>1.6</td>
</tr>
<tr>
<td>Lactating sow</td>
<td>160 – 230</td>
<td>-</td>
<td>2.5</td>
</tr>
<tr>
<td>Sucker</td>
<td>1.4 – 8</td>
<td>0 – 4</td>
<td>0.1</td>
</tr>
<tr>
<td>Weaner</td>
<td>8 – 25</td>
<td>4 – 10</td>
<td>0.5</td>
</tr>
<tr>
<td>Grower</td>
<td>24 – 55</td>
<td>10 – 16</td>
<td>1.0</td>
</tr>
<tr>
<td>Finisher</td>
<td>55 – 100</td>
<td>16 – 24</td>
<td>1.6</td>
</tr>
<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>
</tbody>
</table>
| The site is on a corner. | 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. | 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
<table>
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<th>Minimum setback from front street (metres)</th>
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</tr>
</thead>
<tbody>
<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.

53.18-3

Requirements

An application to subdivide land:

- Must meet all of the objectives of Clauses 53.18-4 and 53.18-6.
- Should meet all of the standards of Clauses 53.18-4 and 53.18-6.

An application to construct a building or construct or carry out works:

- Must meet all of the objectives of Clauses 53.18-5 and 53.18-6.
- Should meet all of the standards of Clauses 53.18-5 and 53.18-6.

An application must be accompanied by details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.

53.18-4

Stormwater management objectives for subdivision

To minimise damage to properties and inconvenience to the public from stormwater.

To ensure that the street operates adequately during major storm events and provides for public safety.

To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.

To encourage stormwater management that maximises the retention and reuse of stormwater.

To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.

Standard W1

The stormwater management system should be:

- Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.
- Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed.
- Designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).
- Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.
- Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.

For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:

- Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.
- Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.
For storm events greater than 20% AEP and up to and including 1% AEP standard:

- Provision must be made for the safe and effective passage of stormwater flows.
- All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.
- Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria \( da \cdot V_{ave} < 0.35 \text{ m}^2/\text{s} \) (where, \( da = \text{average depth in metres and } V_{ave} = \text{average velocity in metres per second} \)).

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, other than a VicSmart application, to use or develop land for a primary school, secondary school, or education centre that is ancillary to, carried out in conjunction with, and on the same land or contiguous land in the same ownership as, a primary school or secondary school.

Exemption from review
An application to which Clause 53.19 applies is exempt from the decision requirements of section 64(1), (2), and (3), and the review rights of section 82(1) of the Act.

Transitional provisions
Clause 53.19 of this scheme, as in force immediately before the approval date of Amendment VC180, continues to apply to:

- An application for a planning permit made before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was made before that date.
53.20           

**HOUSING BY OR ON BEHALF OF THE DIRECTOR OF HOUSING**

**Purpose**

To facilitate the development of well-designed social housing and affordable housing to meet existing and future needs.

To increase the social housing and affordable housing stock in Victoria.

To ensure the development of housing by or on behalf of the Director of Housing does not unreasonably impact on the amenity of adjoining dwellings.

53.20-1

**Application**

This clause applies to an application under a provision of a residential zone (other than the Low Density Residential Zone) to construct or extend a dwelling, or to construct or extend a front fence, if the application is made by or on behalf of the Director of Housing.

In this clause, Director of Housing means ‘Director of Housing’ as defined in the Housing Act 1993 and the body corporate established under the Housing Act 1993.

53.20-2

**Operation**

The provisions of this clause prevail over any inconsistent provision in this planning scheme.

An application to construct or extend a dwelling, or to construct or extend a front fence, should meet the standards in clause 53.20-6.

An application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, should meet the standards in clause 53.20-6 and clause 53.20-7 except for the standard in:

- Clause 53.20-6.5.
- Clause 53.20-6.10 for an apartment development of 5 or more storeys.

The standards in clause 53.20-6 and 53.20-7 should normally be met. However, an alternative design solution may be considered if the responsible authority is satisfied that the proposal does not unreasonably impact on the amenity of an existing dwelling on the site or on an adjacent site.

53.20-3

**Exemption from planning scheme provisions**

The following provisions of this planning scheme do not apply:

- The Municipal Planning Strategy or Municipal Strategic Statement and the Planning Policy Framework.
- An application requirement or decision guideline of a zone.
- A requirement to meet clauses 54, 55 and 58 of a zone.
- A schedule to a zone except for a specified building height requirement.
- Clauses 52.06 and 65.

53.20-4

**Exemption from notice and review**

An application under any provision of this 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(2) of the Act.

53.20-5

**Application requirements**

An application must be accompanied by the following information, as appropriate:
Where the application is made on behalf of the Director of Housing, a letter from the Department of Health and Human Services confirming that the application is made on behalf of the Director of Housing.

An urban context report. The urban context report may use a site plan, photographs or other techniques and must include an accurate description of:

- Lot boundaries, site shape, size, orientation and easements on the subject site.
- Levels and contours of the site and the difference in levels between the site and adjoining properties.
- The location and height of existing buildings on the site and adjoining properties.
- The use of adjoining buildings.
- The location of secluded private open space of adjoining properties and the location of trees, fences and other landscape elements.
- Solar access to the site and to adjoining properties.
- Street frontage features such as poles, street lights, 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.
  - Significant off-site noise sources.
  - For an apartment application, the relevant NatHERS climate zones.
  - Social and economic activity.
  - Any other notable or cultural characteristics of the area.

A design response. The design response must explain how the proposed design:

- Responds to any relevant planning provision.
- 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.
Development standards

Infrastructure

Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas.

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.

Street setback

Walls of buildings should be set back from streets at least the distance specified in Table 1. 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 1 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 same distance as the setback of the front wall of either existing building on the abutting allotments facing the front street or 7 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 7 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 7 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</td>
</tr>
</tbody>
</table>
53.20-6.3  **Site coverage**

The site area covered by buildings should not exceed 60 per cent.

53.20-6.4  **Permeability**

The site area covered by the pervious surfaces should be at least 20 percent of the site.

53.20-6.5  **Energy efficiency**

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 roof top 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 roof top 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.

53.20-6.6  **Safety**

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.

53.20-6.7  **Access**

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.
53.20-6.8 Parking location

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.

53.20-6.9 Car parking

A minimum 0.6 car spaces should be provided to each dwelling. Car spaces may be covered or uncovered.

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 greater than 1.

Accessway design

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 carparks 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 percent 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.

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>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: 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 500mm in length must be provided between each space.

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.
Gradients

Accessway grades must not be steeper than 1:10 (10 percent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design must have regard to the wheel base of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the carpark; 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 percent) 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 percent) or less than 3 metres apart for clearances, to the satisfaction of the responsible authority.

Mechanical parking

Mechanical parking may be used to meet the carparking requirement provided:

- At least 25 percent of the mechanical carparking spaces can accommodate a vehicle height of at least 1.8 metres.
- Carparking 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.

Urban design

Ground level carparking, garage doors and accessways must not visually dominate public space. Carparking 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 art works.

Design of carparks 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.

Safety

Car parking must be well lit and clearly signed.

The design of carparks 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.

**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.

53.20-6.10 **Side and rear setbacks**

A new building not on or within 200mm of a boundary to a residential zone should be set back from side or rear boundaries 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. Diagram 2 details the standard.

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.
53.20-6.11 **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.
53.20-6.12  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.

Diagram 3 Daylight to existing windows

53.20-6.13  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.
53.20-6.14 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.

53.20-6.15 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 1.7 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 5 Overlooking open space**

53.20-6.16 Noise impacts

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.

53.20-6.17 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.
53.20-6.18 **Private open space**

A dwelling (other than an apartment) should have private open space consisting of:

- An area of secluded private open space 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.

Secluded private open space may be located in the front setback if it is no more than 30% of the street frontage.

53.20-6.19 **Solar access to open space**

The private open space should be located on the north side of the dwelling 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 6 Solar access to open space**

53.20-6.20 **Storage**

Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.

53.20-6.21 **Front fence**

A front fence within 3 metres of a street should not exceed a maximum height of:

- 2 metres for streets in a Road Zone, Category 1.
- 1.5 metres in other streets or where secluded private open space is proposed within the front setback, the front fence may reach a height of up to 1.8 metres for not more than 30% of the length of the boundary.
Common property

Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.

Site services

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. 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.

Development standards for apartments

Energy efficiency

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 in Table 4 should not exceed the maximum NatHERS annual cooling load.

Table 4 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 Warnambool</td>
<td>21</td>
</tr>
<tr>
<td>Climate zone 64 Cape Otway</td>
<td>19</td>
</tr>
<tr>
<td>NatHERS climate zone</td>
<td>NatHERS maximum cooling load</td>
</tr>
<tr>
<td>-----------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Climate zone 66 Ballarat</td>
<td>23 MJ/M² per annum</td>
</tr>
</tbody>
</table>

*Note:* Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

### 53.20-7.2 Communal open space

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.

### 53.20-7.3 Solar access to communal outdoor open space

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.

### 53.20-7.4 Deep soil areas and canopy trees

The landscape layout and design should:

- Be responsive to the site context.
- Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site storm water infiltration.
- Maximise deep soil areas for planting of canopy trees.
- Integrate planting and water management.

Developments should provide the deep soil areas and canopy trees specified in the Table 5. If the development cannot provide the deep soil areas and canopy trees specified in Table 5 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 5 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.

53.20-7.5 Integrated water and stormwater management

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.

53.20-7.6 Building setback

The built form of the development should respect the existing 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.
53.20-7.7 Noise impacts

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 6 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 6 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.*

53.20-7.8 Accessibility

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 7.

**Table 7 Bathroom design**

<table>
<thead>
<tr>
<th></th>
<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>
<td>A clear 820mm wide door opening located opposite the shower</td>
</tr>
<tr>
<td><strong>Door design</strong></td>
<td>Either:</td>
<td>Either:</td>
</tr>
<tr>
<td></td>
<td>- A slide door, or</td>
<td>- A slide door, or</td>
</tr>
<tr>
<td></td>
<td>- A door that opens outwards, or</td>
<td>- A door that opens outwards, or</td>
</tr>
<tr>
<td></td>
<td>- A door that opens inwards that is clear of the circulation area and has</td>
<td>- A door that opens inwards and has readily removable hinges.</td>
</tr>
<tr>
<td></td>
<td>readily removable hinges.</td>
<td></td>
</tr>
<tr>
<td><strong>Circulation area</strong></td>
<td>A clear circulation area that is:</td>
<td>A clear circulation area that is:</td>
</tr>
<tr>
<td></td>
<td>- A minimum area of 1.2 metres by 1.2 metres.</td>
<td>- A minimum width of 1 metre.</td>
</tr>
<tr>
<td></td>
<td>- Located in front of the shower and the toilet.</td>
<td>- The full length of the bathroom and a minimum length of 2.7 metres.</td>
</tr>
<tr>
<td></td>
<td>- Clear of the toilet, basin and the door swing.</td>
<td>- Clear of the toilet and basin.</td>
</tr>
<tr>
<td></td>
<td>The circulation area for the toilet and shower can overlap.</td>
<td>The circulation area can include a shower area.</td>
</tr>
<tr>
<td><strong>Path to circulation area</strong></td>
<td>A clear path with a minimum width of 900mm from the door opening to the</td>
<td>Not applicable.</td>
</tr>
<tr>
<td></td>
<td>circulation area.</td>
<td></td>
</tr>
<tr>
<td><strong>Shower</strong></td>
<td>A hobless (step-free) shower.</td>
<td>A hobless (step-free) shower that has a removable shower screen and is</td>
</tr>
<tr>
<td></td>
<td></td>
<td>located on the furthest wall from the door opening.</td>
</tr>
<tr>
<td><strong>Toilet</strong></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>

**53.20-7.9 Building entry and circulation**

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.

**53.20-7.10 Private open space**

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 8 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 8 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>

**53.20-7.11 Storage**

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 9.

**Table 9 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>
53.20-7.12 Waste and recycling

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.

53.20-7.13 Functional layout

Bedrooms should:

- Meet the minimum internal room dimensions specified in Table 10.
- Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

**Table 10 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 11.

**Table 11 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>
</tbody>
</table>
### 53.20-7.14 Room depth

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.

### 53.20-7.15 Windows

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.

### 53.20-7.16 Natural ventilation

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.

### 53.20-7.17 Integration with the street

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.

### 53.20-8 Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:
• How the proposed development responds to the site and context description.

• Where a development standard of this clause is not met, the impact on the amenity of the adjoining dwellings of varying the standard.

• The effect of overshadowing on an appropriately located existing rooftop solar energy system on an adjoining lot.
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 objective

To ensure that the design respects the existing neighbourhood character or contributes to a preferred
neighbourhood character.

To ensure that the design responds to the features of the site and the surrounding area.

Standard A1

The design response must be appropriate to the neighbourhood and the site.

The proposed design must respect the existing or preferred neighbourhood character and respond
to the features of the site.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The neighbourhood and site description.
- The design response.

Integration with the street objective

To integrate the layout of development with the street.

Standard A2

Dwellings should be oriented to front existing and proposed streets.

High fencing in front of dwellings should be avoided if practicable.

Dwellings should be designed to promote the observation of abutting streets and any abutting
public open spaces.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
SITE LAYOUT AND BUILDING MASSING

Street setback objective

To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

Standard A3

Walls of buildings should be set back from streets:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, the distance specified in Table A1.

Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

Table A1 Street setback

<table>
<thead>
<tr>
<th>Development context</th>
<th>Minimum setback from front street (Metres)</th>
<th>Minimum setback from a side street (Metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</td>
<td>The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.</td>
<td>The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.</td>
<td>6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>The site is on a corner.</td>
<td>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td>
<td>The same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</td>
</tr>
</tbody>
</table>

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.
- The visual impact of the building when viewed from the street and from adjoining properties.
- The value of retaining vegetation within the front setback.
Building height objective
To ensure that the height of buildings respects the existing or preferred neighbourhood character.

Standard A4
The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.

If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.

Changes of building height between existing buildings and new buildings should be graduated.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any maximum building height specified in the zone, a schedule to the zone or an overlay applying to the land.
- The design response.
- The effect of the slope of the site on the height of the building.
- The relationship between the proposed building height and the height of existing adjacent buildings.
- The visual impact of the building when viewed from the street and from adjoining properties.

Site coverage objective
To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

Standard A5
The site area covered by buildings should not exceed:

- The maximum site coverage specified in a schedule to the zone, or
- If no maximum site coverage is specified in a schedule to the zone, 60 per cent.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The existing site coverage and any constraints imposed by existing development or the features of the site.
- The site coverage of adjacent properties.
- The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood.

Permeability objectives
To reduce the impact of increased stormwater run-off on the drainage system.

To facilitate on-site stormwater infiltration.
Standard A6
The site area covered by pervious surfaces should be at least:
- The minimum area specified in a schedule to the zone; or
- If no minimum area is specified in a schedule to the zone, 20 per cent of the site.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.
- The existing site coverage and any constraints imposed by existing development.
- The capacity of the drainage network to accommodate additional stormwater.
- The capacity of the site to absorb run-off.
- The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.

Energy efficiency protection objectives
To achieve and protect energy efficient dwellings.
To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

Standard A7
Buildings should be:
- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.

Living areas and private open space should be located on the north side of the dwelling, if practicable.

Dwellings should be designed so that solar access to north-facing windows is maximised.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.
- The size, orientation and slope of the lot.
- The existing amount of solar access to abutting properties.
- The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy system on an adjoining lot.
- The availability of solar access to north-facing windows on the site.
**Significant trees objectives**

To encourage development that respects the landscape character of the neighbourhood.

To encourage the retention of significant trees on the site.

**Standard A8**

Development should provide for the retention or planting of trees, where these are part of the neighbourhood character.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The health of any trees that were removed or are proposed to be removed.
- Whether a tree was removed to gain a development advantage.
AMENITY IMPACTS

Side and rear setbacks objective
To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Standard A10
A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

Diagram A1 Side and rear setbacks

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.

Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary.

Whether the wall abuts a side or rear lane.

### Walls on boundaries objective

To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

### Standard A11

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary:

- For a length more than the distance specified in a schedule to the zone; or
- If no distance is specified in a schedule to the zone, for a length of more than:
  - 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
  - Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.

A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The extent to which walls on boundaries are part of the neighbourhood character.
- The visual impact of the building when viewed from adjoining properties.
- The impact on the amenity of existing dwellings.
- The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property.
- The orientation of the boundary that the wall is being built on.
- The width of the lot.
- The extent to which the slope and retaining walls or fences reduce the effective height of the wall.
- Whether the wall abuts a side or rear lane.
- The need to increase the wall height to screen a box gutter.
Daylight to existing windows objective

To allow adequate daylight into existing habitable room windows.

Standard A12

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

Diagram A2 Daylight to existing windows

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows.
- The impact on the amenity of existing dwellings.

North-facing windows objective

To allow adequate solar access to existing north-facing habitable room windows.

Standard A13

If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.
Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- Existing sunlight to the north-facing habitable room window of the existing dwelling.
- The impact on the amenity of existing dwellings.

Overshadowing open space objective
To ensure buildings do not unreasonably overshadow existing secluded private open space.

Standard A14
Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of existing dwellings.
- Existing sunlight penetration to the secluded private open space of the existing dwelling.
- The time of day that sunlight is available to the secluded private open space of the existing dwelling.
- The effect of a reduction in sunlight on the existing use of the secluded private open space.

**Overlooking objective**
To limit views into existing secluded private open space and habitable room windows.

**Standard A15**
A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:
- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or
- Have sill heights of at least 1.7 metres above floor level, or
- Have obscure glazing in any part of the window below 1.7 metres above floor level, or
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:
- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

**Diagram A4 Overlooking open space**

**Decision guidelines**
Before deciding on an application, the responsible authority must consider:
- The design response.
- The impact on the amenity of the secluded private open space or habitable room window.
- The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings.
- The internal daylight to and amenity of the proposed dwelling.
ON-SITE AMENITY AND FACILITIES

Daylight to new windows objective
To allow adequate daylight into new habitable room windows.

Standard A16
A window in a habitable room should be located to face:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A verandah provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether there are other windows in the habitable room which have access to daylight.

Private open space objective
To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard A17
A dwelling should have private open space of an area and dimensions specified in a schedule to the zone.

If no area or dimensions is specified in a schedule to the zone, a dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability of the private open space, including its size and accessibility.
- The availability of and access to public open space.
- The orientation of the lot to the street and the sun.

Solar access to open space objective
To allow solar access into the secluded private open space of a new dwelling.

Standard A18
The private open space should be located on the north side of the dwelling, if practicable.
The southern boundary of secluded private open space should be set back from any wall on the north of the space at least (2 + 0.9h) metres, where ‘h’ is the height of the wall.
Diagram A5 Solar access to open space

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of the secluded private open space based on the sunlight it will receive.
DETAILED DESIGN

Design detail objective
To encourage design detail that respects the existing or preferred neighbourhood character.

Standard A19
The design of buildings, including:
- Facade articulation and detailing,
- Window and door proportions,
- Roof form, and
- Verandahs, eaves and parapets,
should respect the existing or preferred neighbourhood character.
Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting.
- Whether the design is innovative and of a high architectural standard.

Front fences objective
To encourage front fence design that respects the existing or preferred neighbourhood character.

Standard A20
The design of front fences should complement the design of the dwelling and any front fences on adjoining properties.
A front fence within 3 metres of a street should not exceed:
- The maximum height specified in a schedule to the zone, or
- If no maximum height is specified in a schedule to the zone, the maximum height specified in Table A2.

Table A2 Maximum front fence height

<table>
<thead>
<tr>
<th>Street context</th>
<th>Maximum front fence height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Streets in a Road Zone, Category 1</td>
<td>2 metres</td>
</tr>
<tr>
<td>Other streets</td>
<td>1.5 metres</td>
</tr>
</tbody>
</table>

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The setback, height and appearance of front fences on adjacent properties.
- The extent to which slope and retaining walls reduce the effective height of the front fence.
- Whether the fence is needed to minimise noise intrusion.
TWO OR MORE DWELLINGS ON A LOT AND RESIDENTIAL BUILDINGS

Purpose
To implement the Municipal Planning Strategy and the Planning Policy Framework.
To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.
To encourage residential development that provides reasonable standards of amenity for existing and new residents.
To encourage residential development that is responsive to the site and the neighbourhood.

Application
Provisions in this clause apply to an application to:
- Construct a dwelling if there is at least one dwelling existing on the lot,
- Construct two or more dwellings on a lot,
- Extend a dwelling if there are two or more dwellings on the lot,
- Construct or extend a dwelling on common property, or
- Construct or extend a residential building,
in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone.

The provisions of this clause apply to an application specified above, in the manner set out in the following table.

<table>
<thead>
<tr>
<th>Application type</th>
<th>Applicable clauses</th>
</tr>
</thead>
<tbody>
<tr>
<td>To construct or extend a dwelling (other than a dwelling in or forming part of an apartment development), or</td>
<td>All of Clause 55 except Clause 55.07-1 to 55.07-15 (inclusive).</td>
</tr>
<tr>
<td>To construct or extend a residential building.</td>
<td></td>
</tr>
<tr>
<td>To construct or extend an apartment development, or</td>
<td>All of Clause 55 except Clause 55.03-5, Clause 55.03-6, Clause 55.04-8, Clause 55.05-1,</td>
</tr>
<tr>
<td>To construct or extend a dwelling in or forming part of an apartment development.</td>
<td>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.

55.01-1

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 facing 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 system on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy system on an adjoining lot.

55.03-6
31/07/2018
VC148

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.

55.03-7
19/01/2006
VC37

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.

55.03-8
31/07/2018
VC148

Landscaping objectives
To encourage development that respects the landscape character of the neighbourhood.
To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.

To provide appropriate landscaping.

To encourage the retention of mature vegetation on the site.

**Standard B13**

The landscape layout and design should:

- Protect any predominant landscape features of the neighbourhood.
- Take into account the soil type and drainage patterns of the site.
- Allow for intended vegetation growth and structural protection of buildings.
- In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.
- Provide a safe, attractive and functional environment for residents.

Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.

Development should meet any additional landscape requirements specified in a schedule to the zone.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any relevant plan or policy for landscape design in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The location and size of gardens and the predominant plant types in the neighbourhood.
- The health of any trees to be removed.
- Whether a tree was removed to gain a development advantage.

**Access objective**

To ensure the number and design of vehicle crossovers respects the neighbourhood character.

**Standard B14**

The width of accessways or car spaces should not exceed:

- 33 per cent of the street frontage, or
- if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.

No more than one single-width crossover should be provided for each dwelling fronting a street.

The location of crossovers should maximise the retention of on-street car parking spaces.

The number of access points to a road in a Road Zone should be minimised.

Developments must provide for access for service, emergency and delivery vehicles.
Decision guidelines
Before deciding on an application, the responsible authority must consider:
  * The design response.
  * The impact on the neighbourhood character.
  * The reduction of on-street car parking spaces.
  * The effect on any significant vegetation on the site and footpath.

Parking location objectives
To provide convenient parking for resident and visitor vehicles.
To protect residents from vehicular noise within developments.

Standard B15
Car parking facilities should:
  * Be reasonably close and convenient to dwellings and residential buildings.
  * Be secure.
  * Be well ventilated if enclosed.

Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

Decision guideline
Before deciding on an application, the responsible authority must consider the design response.
AMENITY IMPACTS

Side and rear setbacks objective
To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Standard B17
A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

Diagram B1 Side and rear setbacks

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.
- Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary.
- Whether the wall abuts a side or rear lane.

### Walls on boundaries objective

To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

### Standard B18

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:

- For a length of more than the distance specified in a schedule to the zone; or
- If no distance is specified in a schedule to the zone, for a length of more than:
  - 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
  - Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports whichever is the greater.

A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The extent to which walls on boundaries are part of the neighbourhood character.
- The impact on the amenity of existing dwellings.
- The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property.
- The orientation of the boundary that the wall is being built on.
- The width of the lot.
- The extent to which the slope and retaining walls or fences reduce the effective height of the wall.
- Whether the wall abuts a side or rear lane.
- The need to increase the wall height to screen a box gutter.

### Daylight to existing windows objective

To allow adequate daylight into existing habitable room windows.
Standard B19
Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

Diagram B2 Daylight to existing windows

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows.
- The impact on the amenity of existing dwellings.

North-facing windows objective
To allow adequate solar access to existing north-facing habitable room windows.

Standard B20
If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.
Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- Existing sunlight to the north-facing habitable room window of the existing dwelling.
- The impact on the amenity of existing dwellings.

Overshadowing open space objective
To ensure buildings do not significantly overshadow existing secluded private open space.

Standard B21
Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of existing dwellings.
- Existing sunlight penetration to the secluded private open space of the existing dwelling.
- The time of day that sunlight will be available to the secluded private open space of the existing dwelling.
- The effect of a reduction in sunlight on the existing use of the existing secluded private open space.

**Overlooking objective**
To limit views into existing secluded private open space and habitable room windows.

**Standard B22**
A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.
- Have sill heights of at least 1.7 metres above floor level.
- Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

**Diagram B4 Overlooking open space**

**Decision guidelines**
Before deciding on an application, the responsible authority must consider:
- The design response.
- The impact on the amenity of the secluded private open space or habitable room window.
- The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings.
- The internal daylight to and amenity of the proposed dwelling or residential building.

**Internal views objective**

To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.

**Standard B23**

Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.

**Decision guideline**

Before deciding on an application, the responsible authority must consider the design response.

**Noise impacts objectives**

To contain noise sources in developments that may affect existing dwellings.

To protect residents from external noise.

**Standard B24**

Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.

Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.

Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.

**Decision guideline**

Before deciding on an application, the responsible authority must consider the design response.
ON-SITE AMENITY AND FACILITIES

Accessibility objective
To encourage the consideration of the needs of people with limited mobility in the design of developments.

Standard B25
The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.

Dwelling entry objective
To provide each dwelling or residential building with its own sense of identity.

Standard B26
Entries to dwellings and residential buildings should:
- Be visible and easily identifiable from streets and other public areas.
- Provide shelter, a sense of personal address and a transitional space around the entry.

Daylight to new windows objective
To allow adequate daylight into new habitable room windows.

Standard B27
A window in a habitable room should be located to face:
- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A verandah provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.
- Whether there are other windows in the habitable room which have access to daylight.

Private open space objective
To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard B28
A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.

If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of:
- An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or
• A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or
• A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.

The balcony requirements in Clause 55.05-4 do not apply to an apartment development.

**Decision guidelines**
Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability of the private open space, including its size and accessibility.
- The availability of and access to public or communal open space.
- The orientation of the lot to the street and the sun.

**Solar access to open space objective**
To allow solar access into the secluded private open space of new dwellings and residential buildings.

**Standard B29**
The private open space should be located on the north side of the dwelling or residential building, if appropriate.
The southern boundary of secluded private open space should be set back from any wall on the north of the space at least \((2 + 0.9h)\) metres, where ‘\(h\)’ is the height of the wall.

**Diagram B5 Solar access to open space**

**Decision guidelines**
Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of the secluded private open space based on the sunlight it will receive.

**Storage objective**
To provide adequate storage facilities for each dwelling.
Standard B30
Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.
DETAILED DESIGN

Design detail objective
To encourage design detail that respects the existing or preferred neighbourhood character.

Standard B31
The design of buildings, including:
- Facade articulation and detailing,
- Window and door proportions,
- Roof form, and
- Verandahs, eaves and parapets,
should respect the existing or preferred neighbourhood character.
Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting.
- Whether the design is innovative and of a high architectural standard.

Front fences objective
To encourage front fence design that respects the existing or preferred neighbourhood character.

Standard B32
The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.
A front fence within 3 metres of a street should not exceed:
- The maximum height specified in a schedule to the zone, or
- If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3.

Table B3 Maximum front fence height

<table>
<thead>
<tr>
<th>Street Context</th>
<th>Maximum front fence height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Streets in a Road Zone, Category 1</td>
<td>2 metres</td>
</tr>
<tr>
<td>Other streets</td>
<td>1.5 metres</td>
</tr>
</tbody>
</table>

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The setback, height and appearance of front fences on adjacent properties.
- The extent to which slope and retaining walls reduce the effective height of the front fence.
- Whether the fence is needed to minimise noise intrusion.

**Common property objectives**

To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.

To avoid future management difficulties in areas of common ownership.

**Standard B33**

Developments should clearly delineate public, communal and private areas.

Common property, where provided, should be functional and capable of efficient management.

**Site services objectives**

To ensure that site services can be installed and easily maintained.

To ensure that site facilities are accessible, adequate and attractive.

**Standard B34**

The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.

Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.

Bin and recycling enclosures should be located for convenient access by residents.

Mailboxes should be provided and located for convenient access as required by Australia Post.

**Decision guideline**

Before deciding on an application, the responsible authority must consider the design response.
APARTMENT DEVELOPMENTS

Purpose
Clause 55.07 sets out requirements for an apartment development.

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 Warrnambool</td>
<td>21</td>
</tr>
<tr>
<td>Climate zone 64 Cape Otway</td>
<td>19</td>
</tr>
<tr>
<td>Climate zone 66 Ballarat</td>
<td>23</td>
</tr>
</tbody>
</table>

Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and layout of the site.
- The existing amount of solar access to abutting properties.
- The availability of solar access to north-facing windows on the site.
- The annual cooling load for each dwelling.
- The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy facility on an adjoining lot.

**Communal open space objective**

To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.

**Standard B36**

Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser.

Communal open space should:

- Be located to:
  - Provide passive surveillance opportunities, where appropriate.
  - Provide outlook for as many dwellings as practicable.
  - Avoid overlooking into habitable rooms and private open space of new dwellings.
  - Minimise noise impacts to new and existing dwellings.
- Be designed to protect any natural features on the site.
- Maximise landscaping opportunities.
- Be accessible, useable and capable of efficient management.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.
- The useability and amenity of the communal open space based on its size, location, accessibility and reasonable recreation needs of residents.
- The availability of and access to public open space.

**Solar access to communal outdoor open space objective**

To allow solar access into communal outdoor open space.

**Standard B37**

The communal outdoor open space should be located on the north side of a building, if appropriate. At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.
Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of the primary communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight it will receive.

Deep soil areas and canopy trees objective
To promote climate responsive landscape design and water management in developments to support thermal comfort and reduce the urban heat island effect.

Standard B38
The landscape layout and design should:

- Be responsive to the site context.
- Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site storm water infiltration.
- Maximise deep soil areas for planting of canopy trees.
- Integrate planting and water management.

Developments should provide the deep soil areas and canopy trees specified in Table B5.
If the development cannot provide the deep soil areas and canopy trees specified in Table B5, an equivalent canopy cover should be achieved by providing either:

- Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.
- Vegetated planters, green roofs or green facades.

Table B5 Deep soil areas and canopy trees

<table>
<thead>
<tr>
<th>Site area</th>
<th>Deep soil areas</th>
<th>Minimum tree provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>750 - 1000 square metres</td>
<td>5% of site area (minimum dimension of 3 metres)</td>
<td>1 small tree (6-8 metres) per 30 square metres of deep soil</td>
</tr>
<tr>
<td>1001 - 1500 square metres</td>
<td>7.5% of site area (minimum dimension of 3 metres)</td>
<td>1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil</td>
</tr>
<tr>
<td>1501 - 2500 square metres</td>
<td>10% of site area (minimum dimension of 6 metres)</td>
<td>1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil</td>
</tr>
<tr>
<td>&gt;2500 square metres</td>
<td>15% of site area (minimum dimension of 6 metres)</td>
<td>1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil</td>
</tr>
</tbody>
</table>

Note: Where an existing canopy tree over 8 metres can be retained on a lot greater than 1000 square metres without damage during the construction period, the minimum deep soil requirement is 7% of the site area.
Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant plan or policy for environmental sustainability in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The suitability of the proposed location and soil volume for canopy trees.
- The ongoing management of landscaping within a development.
- The soil type and drainage patterns of the site.

Integrated water and stormwater management objectives
To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.

To facilitate stormwater collection, utilisation and infiltration within the development.

To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

Standard B39
Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.

Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.

The stormwater management system should be:

- Designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).

- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant water and stormwater management objective, policy or statement set out in this scheme.
- The design response.
- Whether the development has utilised alternative water sources and/or incorporated water sensitive urban design.
- Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.
- The capacity of the drainage network to accommodate additional stormwater.
- Whether the stormwater treatment areas can be effectively maintained.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

Noise impacts objectives
To contain noise sources in developments that may affect existing dwellings.

To protect residents from external and internal noise sources.
Standard B40

Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings. The layout of new dwellings and buildings should minimise noise transmission within the site. Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings. New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources. Buildings within a noise influence area specified in Table B6 should be designed and constructed to achieve the following noise levels:
- Not greater than 35dB(A) for bedrooms, assessed as an L\text{Aeq,8h} from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed L\text{Aeq,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>
<thead>
<tr>
<th>Noise source</th>
<th>Noise influence area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industry</td>
<td>300 metres from the Industrial 1, 2 and 3 zone boundary</td>
</tr>
<tr>
<td>Roads</td>
<td>300 metres from the nearest trafficable lane</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>80 metres from the centre of the nearest track</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>135 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><strong>Door opening</strong></td>
<td>A clear 850mm wide door opening.</td>
<td>A clear 820mm wide door opening located opposite the shower.</td>
</tr>
<tr>
<td><strong>Door design</strong></td>
<td>Either:</td>
<td>Either:</td>
</tr>
<tr>
<td></td>
<td>- A slide door, or</td>
<td>- A slide door, or</td>
</tr>
<tr>
<td></td>
<td>- A door that opens outwards, or</td>
<td>- A door that opens outwards, or</td>
</tr>
<tr>
<td></td>
<td>- A door that opens inwards that is clear of the circulation area and has</td>
<td>- A door that opens inwards and has readily removable hinges.</td>
</tr>
<tr>
<td></td>
<td>readily removable hinges.</td>
<td></td>
</tr>
<tr>
<td><strong>Circulation area</strong></td>
<td>A clear circulation area that is:</td>
<td>A clear circulation area that is:</td>
</tr>
<tr>
<td></td>
<td>- A minimum area of 1.2 metres by 1.2 metres.</td>
<td>- A minimum width of 1 metre.</td>
</tr>
<tr>
<td></td>
<td>- Located in front of the shower and the toilet.</td>
<td>- The full length of the bathroom and a minimum length of 2.7 metres.</td>
</tr>
<tr>
<td></td>
<td>- Clear of the toilet, basin and the door swing.</td>
<td>- Clear of the toilet and basin.</td>
</tr>
<tr>
<td></td>
<td>The circulation area for the toilet and shower can overlap.</td>
<td>The circulation area can include a shower area.</td>
</tr>
<tr>
<td><strong>Path to circulation area</strong></td>
<td>A clear path with a minimum width of 900mm from the door opening to the</td>
<td>Not applicable.</td>
</tr>
<tr>
<td></td>
<td>circulation area.</td>
<td></td>
</tr>
<tr>
<td><strong>Shower</strong></td>
<td>A hobless (step-free) shower.</td>
<td>A hobless (step-free) shower that has a removable shower screen and is located</td>
</tr>
<tr>
<td></td>
<td></td>
<td>on the furthest wall from the door opening.</td>
</tr>
<tr>
<td><strong>Toilet</strong></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, sitting, 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, sitting, 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 at 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 volume&lt;sup&gt;1&lt;/sup&gt;</th>
<th>300vpd</th>
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</thead>
<tbody>
<tr>
<td>Target speed&lt;sup&gt;2&lt;/sup&gt;</td>
<td>10kph</td>
</tr>
<tr>
<td>Carriageway width&lt;sup&gt;3&lt;/sup&gt; &amp; parking provision within street reservation</td>
<td>5.5m&lt;sup&gt;4&lt;/sup&gt; wide with no parking spaces to be provided. Appropriately signed.</td>
</tr>
<tr>
<td>Verge width&lt;sup&gt;4&lt;/sup&gt;</td>
<td>No verge required.</td>
</tr>
<tr>
<td>Kerbing&lt;sup&gt;5&lt;/sup&gt;</td>
<td>None</td>
</tr>
</tbody>
</table>

Footpath provision
None
Carriageway designed as a shared zone and appropriately signed.

Cycle path provision
None

Access Place
A minor street providing local residential access with shared traffic, pedestrian and recreation use, but with pedestrian priority.

<table>
<thead>
<tr>
<th>Traffic volume&lt;sup&gt;1&lt;/sup&gt;</th>
<th>300vpd to1000vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed&lt;sup&gt;2&lt;/sup&gt;</td>
<td>15kph</td>
</tr>
<tr>
<td>Carriageway width&lt;sup&gt;3&lt;/sup&gt; &amp; parking provision within street reservation</td>
<td>5.5m wide with 1 hard standing verge parking space per 2 lots. or 5.5m wide with parking on carriageway - one side. Appropriately signed.</td>
</tr>
<tr>
<td>Verge width&lt;sup&gt;4&lt;/sup&gt;</td>
<td>7.5m minimum total width. For services provide a minimum of 3.5m on one side and a minimum of 2.5m on the other.</td>
</tr>
</tbody>
</table>

Footpath provision
None
Service provision
None
<table>
<thead>
<tr>
<th>Kerbing</th>
<th>Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.</th>
</tr>
</thead>
</table>
| Footpath provision | Not required if serving 5 dwellings or less and the carriageway is designed as a shared zone and appropriately signed.  
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>1000 vpdl to 2000 vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed</td>
<td>30 kph</td>
</tr>
<tr>
<td>Carriageway width &amp; parking provision within street reservation</td>
<td>5.5m wide with 1 hard standing verge parking space per 2 lots.</td>
</tr>
<tr>
<td>Verge width</td>
<td>4m minimum each side</td>
</tr>
<tr>
<td>Kerbing</td>
<td>Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.</td>
</tr>
</tbody>
</table>
| Footpath provision | 1.5m wide footpaths on both sides.  
Footpaths should be widened to 2.0m in vicinity of a school, shop or other activity centre.  
Be offset a minimum distance of 1m from the kerb. |
| Cycle path provision | Carriageway designed as a shared zone and appropriately signed. |

**Access Street - Level 2**
A street providing local residential access where traffic is subservient, speed and volume are low and pedestrian and bicycle movements are facilitated.

<table>
<thead>
<tr>
<th>Traffic volume</th>
<th>2000 vpdl to 3000 vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed</td>
<td>40 kph</td>
</tr>
<tr>
<td>Carriageway width &amp; parking provision within street reservation</td>
<td>7m-7.5m wide with parking on both sides of carriageway</td>
</tr>
<tr>
<td>Verge width</td>
<td>4.5m minimum each side</td>
</tr>
<tr>
<td>Kerbing</td>
<td>Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.</td>
</tr>
</tbody>
</table>
| Footpath provision | 1.5m wide footpaths on both sides.  
Footpaths should be widened to 2.0m in vicinity of a school, shop or other activity centre. |
Be offset a minimum distance of 1m from the kerb.

| Cycle path provision | Carriageway designed as a shared zone and appropriately signed. |

**Connector Street - Level 1**

A street that carries higher volumes of traffic. It connects access places and access streets through and between neighbourhoods.

<table>
<thead>
<tr>
<th>Traffic volume</th>
<th>3000 vpd</th>
</tr>
</thead>
</table>

| Target speed | 50 kph
to reduced to 40 kph at schools and 20 kph at pedestrian and cycle crossing points |
|--------------|---------|

<table>
<thead>
<tr>
<th>Carriageway width, cycle lane provision, parking provision and bus stops within street reservation</th>
<th>3.5m minimum lane width in each direction of travel</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Target speed</th>
<th>50 kph reduced to 40 kph at schools and 20 kph at pedestrian and cycle crossing points</th>
</tr>
</thead>
</table>

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.

<table>
<thead>
<tr>
<th>Verge width</th>
<th>4.5m minimum each side</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Kerbing</th>
<th>Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Footpath provision</th>
<th>1.5m wide footpaths on both sides</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Footpaths offset a minimum distance of 1m from the kerb</th>
</tr>
</thead>
</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</th>
<th>3,000 vpd to 7,000 vpd</th>
</tr>
</thead>
</table>

| Target speed | 60 kph
to reduced to 40kph at schools |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Carriageway width(^2), cycle lane provision, parking provision and bus stops within street reservation</td>
<td>3.5m minimum lane width in each direction of travel.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td>4.0m minimum lane width at approaches to and departures from roundabouts and T-intersections.</td>
</tr>
<tr>
<td></td>
<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>
</tr>
<tr>
<td></td>
<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>
</tr>
<tr>
<td></td>
<td>For on-street cycling, increase the minimum clear carriageway in each direction by:</td>
</tr>
<tr>
<td></td>
<td>- 0.7m where the trafficable carriageway is shared by cyclists but no dedicated bicycle lane is marked on the carriageway; or</td>
</tr>
<tr>
<td></td>
<td>- 1.7m where a dedicated 1.7m wide dedicated bicycle lane is marked on the carriageway</td>
</tr>
<tr>
<td></td>
<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>
</tr>
<tr>
<td></td>
<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>
</tr>
<tr>
<td></td>
<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>
</tr>
<tr>
<td></td>
<td>Bus stops located at the kerbside, not indented within the verge.</td>
</tr>
<tr>
<td>Verge width(^4)</td>
<td>6m minimum each side (plus central median).</td>
</tr>
<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 and cycle path provision</td>
<td>1.5m wide footpath on each side and 1.7m bicycle lanes on the carriageway; or</td>
</tr>
<tr>
<td></td>
<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></td>
<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></td>
<td>Footpaths or shared foot and cycle paths offset a minimum distance of 1m from the kerb.</td>
</tr>
</tbody>
</table>

### Arterial Road

<table>
<thead>
<tr>
<th>Traffic volume(^1)</th>
<th>Greater than 7000vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed(^2)</td>
<td>Arterial road design as required by the relevant roads authority.</td>
</tr>
<tr>
<td>Carriageway width(^2) &amp; parking provision within street reservation</td>
<td>Arterial road design as required by the relevant roads authority.</td>
</tr>
<tr>
<td>Verge width&lt;sup&gt;a&lt;/sup&gt;</td>
<td>Arterial road design as required by the relevant roads authority.</td>
</tr>
<tr>
<td>------------------------</td>
<td>---------------------------------------------------------------</td>
</tr>
<tr>
<td>Kerbing&lt;sup&gt;b&lt;/sup&gt;</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 $d_a V_{av} < 0.35 \text{ m}^2/\text{s}$ (where, $d_a =$ average depth in metres and $V_{av} =$ average velocity in metres per second).

The design of the local drainage network should:

- Ensure stormwater is retarded to a standard required by the responsible drainage authority.
- Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, stormwater should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.
- Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner.
- Include water sensitive urban design features to manage stormwater in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.

Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.
**SITE MANAGEMENT**

**Site management objectives**

To protect drainage infrastructure and receiving waters from sedimentation and contamination.

To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.

To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.

**Standard C26**

A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:

- Erosion and sediment.
- Dust.
- Run-off.
- Litter, concrete and other construction wastes.
- Chemical contamination.
- Vegetation and natural features planned for retention.

Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.
Shared trenching objectives
To maximise the opportunities for shared trenching.
To minimise constraints on landscaping within street reserves.

Standard C27
Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.

Electricity, telecommunications and gas objectives
To provide public utilities to each lot in a timely, efficient and cost effective manner.
To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.

Standard C28
The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.
Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.

The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.

Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.

Fire hydrants objective
To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently.

Standard C29
Fire hydrants should be provided:
- A maximum distance of 120 metres from the rear of the each lot.
- No more than 200 metres apart.

Hydrants and fire plugs must be compatible with the relevant fire service equipment. Where the provision of fire hydrants and fire plugs does not comply with the requirements of standard C29, fire hydrants must be provided to the satisfaction of the relevant fire authority.

Public lighting objective
To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles.
To provide pedestrians with a sense of personal safety at night.
To contribute to reducing greenhouse gas emissions and to saving energy.
Standard C30

Public lighting should be provided to streets, footpaths, public telephones, public transport stops and to major pedestrian and cycle paths including public open spaces that are likely to be well used at night to assist in providing safe passage for pedestrians, cyclists and vehicles.

Public lighting should be designed in accordance with the relevant Australian Standards.

Public lighting should be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings.
APARTMENT DEVELOPMENTS

Purpose
To implement the Municipal Planning Strategy and the Planning Policy Framework.
To encourage apartment development that provides reasonable standards of amenity for existing and new residents.
To encourage apartment development that is responsive to the site and the surrounding area.

Application
Provisions in this clause apply to an application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, if:

- The apartment development is five or more storeys, excluding a basement, and is in the General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone, or
- The apartment development is in the Commercial 1 Zone, Commercial 3 Zone, Special Use Zone, Comprehensive Development Zone, Capital City Zone, Docklands Zone, Priority Development Zone or Activity Centre Zone.

Operation
The provisions of this clause contain:

- Objectives. An objective describes the desired outcome to be achieved in the completed development.
- Standards. A standard contains the requirements to meet the objective. A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.
- Decision guidelines. The decision guidelines set out the matters that the responsible authority must consider before deciding if an application meets the objectives.

Requirements
A development:

- Must meet all of the objectives of this clause.
- Should meet all of the standards of this clause.

If a zone or a schedule to a zone, or a schedule to an overlay specifies a requirement different from a requirement of a standard set out in Clause 58 (excluding Clause 58.04-1), the requirement in Clause 58 applies.

For Clause 58.04-1 (Building setback):

- If a zone or a schedule to a zone specifies a building setback requirement different from a requirement set out in Clause 58.04-1, the building setback requirement in the zone or a schedule to the zone applies.
- If the land is included in an overlay and a schedule to the overlay specifies a building setback requirement different from the requirement set out Clause 58.04-1 or a requirement set out in the zone or a schedule to the zone, the requirement for building setback in the overlay applies.
URBAN CONTEXT REPORT AND DESIGN RESPONSE

Application requirements

An application must be accompanied by:

- An urban context report.
- A design response.

Urban context report

The urban context report may use a site plan, photographs or other techniques and must include:

An accurate description of:

- Site shape, size, orientation and easements.
- Levels and contours of the site and the difference in levels between the site and surrounding properties.
- The location and height of existing buildings on the site and surrounding properties.
- The use of surrounding buildings.
- The location of private open space of surrounding properties and the location of trees, fences and other landscape elements.
- Solar access to the site and to surrounding properties.
- Views to and from the site.
- Street frontage features such as poles, street trees and kerb crossovers.
- The location of local shops, public transport services and public open spaces within walking distance.
- Movement systems through and around the site.
- Any other notable feature or characteristic of the site.

An assessment of the characteristics of the area including:

- Any environmental features such as vegetation, topography and significant views.
- The pattern of subdivision.
- Street design and landscape.
- The pattern of development.
- Building form, scale and rhythm.
- Connection to the public realm.
- Architectural style, building details and materials.
- Off-site noise sources.
- The relevant NatHERS climate zones (as identified in Clause 58.03-1).
- Social and economic activity.
- Any other notable or cultural characteristics of the area.

Satisfactory urban context report

If the responsible authority decides that the urban context report is not satisfactory, it may require more information from the applicant under Section 54 of the Act.
The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the urban context report meets the requirements of Clause 58.01-2 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.

### Design response

The design response must explain how the proposed design:

- Responds to any relevant planning provision that applies to the land.
- Meets the objectives of Clause 58.
- Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme.
- Derives from and responds to the urban context report.

The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.
URBAN CONTEXT

Urban context objectives
To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.
To ensure that development responds to the features of the site and the surrounding area.

Standard D1
The design response must be appropriate to the urban context and the site.
The proposed design must respect the existing or preferred urban context and respond to the features of the site.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant urban design objective, policy or statement set out in this scheme.
- The urban context report.
- The design response.

Residential policy objectives
To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.
To support higher density residential development where development can take advantage of public and community infrastructure and services.

Standard D2
An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.

Dwelling diversity objective
To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

Standard D3
Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.

Infrastructure objectives
To ensure development is provided with appropriate utility services and infrastructure.
To ensure development does not unreasonably overload the capacity of utility services and infrastructure.
**Standard D4**

Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.

Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The capacity of the existing infrastructure.
- In the absence of reticulated sewerage, the capacity of the development to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
- If the drainage system has little or no spare capacity, the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.

**Integration with the street objective**

To integrate the layout of development with the street.

**Standard D5**

Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.

Development should be oriented to front existing and proposed streets.

High fencing in front of dwellings should be avoided if practicable.

Development next to existing public open space should be laid out to complement the open space.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.
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.

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**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.

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**Decision guideline**

Before deciding on an application, the responsible authority must consider the design response.

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**Integrated water and stormwater management objectives**

To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.

To facilitate stormwater collection, utilisation and infiltration within the development.

To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

**Standard D13**

Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.

Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.

The stormwater management system should be:

- Designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).
- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

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**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><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 consultant submitted with the application.
- Whether the impact of potential noise sources within a development have been mitigated through design, location and siting.
- Whether the layout of rooms within a dwelling mitigates noise transfer within and between dwellings.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.
ON-SITE AMENITY AND FACILITIES

Accessibility objective

To ensure the design of dwellings meets the needs of people with limited mobility.

Standard D17

At least 50 per cent of dwellings should have:

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.

Table D4 Bathroom design

<table>
<thead>
<tr>
<th></th>
<th>Design option A</th>
<th>Design option B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Door opening</td>
<td>A clear 850mm wide door opening.</td>
<td>A clear 820mm wide door opening located opposite the shower.</td>
</tr>
<tr>
<td>Door design</td>
<td>Either: A slide door, or A door that opens outwards, or A door that opens inwards</td>
<td>Either: A slide door, or A door that opens outwards, or A door that opens inwards</td>
</tr>
<tr>
<td></td>
<td>that is clear of the circulation area and has readily removable hinges.</td>
<td>that has readily removable hinges.</td>
</tr>
<tr>
<td>Circulation area</td>
<td>A clear circulation area that is:</td>
<td>A clear circulation area that is:</td>
</tr>
<tr>
<td></td>
<td>- A minimum area of 1.2 metres by 1.2 metres.</td>
<td>- A minimum width of 1 metre.</td>
</tr>
<tr>
<td></td>
<td>- Located in front of the shower and the toilet.</td>
<td>- The full length of the bathroom and a minimum length of 2.7 metres.</td>
</tr>
<tr>
<td></td>
<td>- Clear of the toilet, basin and the door swing.</td>
<td>- Clear of the toilet and basin.</td>
</tr>
<tr>
<td></td>
<td>The circulation area for the toilet and shower can overlap.</td>
<td>The circulation area can include a shower area.</td>
</tr>
<tr>
<td>Path to circulation</td>
<td>A clear path with a minimum width of 900mm from the door opening to the</td>
<td>Not applicable.</td>
</tr>
<tr>
<td>area</td>
<td>circulation area.</td>
<td></td>
</tr>
<tr>
<td>Shower</td>
<td>A hobless (step-free) shower.</td>
<td>A hobless (step-free) shower that has a removable shower screen and is located</td>
</tr>
<tr>
<td></td>
<td></td>
<td>on the furthest wall from the door opening.</td>
</tr>
<tr>
<td>Toilet</td>
<td>A toilet located in the corner of the room.</td>
<td>A toilet located closest to the door opening and clear of the circulation area.</td>
</tr>
</tbody>
</table>

Building entry and circulation objectives

To provide each dwelling and building with its own sense of identity.

To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.

To ensure internal communal areas provide adequate access to daylight and natural ventilation.
Standard 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:
- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability, functionality and amenity of the dwelling based on layout, siting, size and orientation of habitable rooms.
- Any overhang above habitable room windows that limits daylight access.

**Windows objective**

To allow adequate daylight into new habitable room windows.

**Standard D26**

Habitable rooms should have a window in an external wall of the building.

A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.

The secondary area should be:

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability and amenity of the dwelling based on the layout, siting, size and orientation of habitable rooms.

**Natural ventilation objectives**

To encourage natural ventilation of dwellings.

To allow occupants to effectively manage natural ventilation of dwellings.

**Standard D27**

The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.

At least 40 per cent of dwellings should provide effective cross ventilation that has:

- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same area.

The breeze path is measured between the ventilation openings on different orientations of the dwelling.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation, slope and wind exposure of the site.
The extent to which the orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.

Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.
REALIGN THE COMMON BOUNDARY BETWEEN TWO LOTS

Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.

- A layout plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location of any existing buildings, car parking area, driveways, storage areas, loading areas and private open space.
  - The location of any easements on the subject land.
  - The location of the approved stormwater discharge point.
  - The location and details of any significant vegetation.
  - The location of any street trees, poles, pits or other street furniture.
  - Existing and proposed vehicle access to the lots.
  - Any abutting roads.
  - The location of the existing and proposed common boundary between the lots and the proposed size and shape of the realigned lots.
  - Any proposed common property to be owned by a body corporate and the lots participating in the body corporate.

- If the land is in more than one ownership, the consent of the owners of the land.

- If common property is proposed, an explanation of why the common property is required.

- A written statement that describes:
  - The existing use of the land and its possible future development.
  - The reason for the realignment of the common boundary.
  - For land in an overlay, how the proposal responds to any statement of significance, objectives or requirements specified in the schedule to the overlay.

- If the land is in an area where reticulated sewerage is not provided, a plan which shows the location of any existing effluent disposal area for each lot or a land assessment which demonstrates that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

- If the land is in a residential zone and the realignment of the common boundary will result in a vacant lot, information that shows that the vacant lot meets the requirements of Standard C8 of Clause 56.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The suitability of the subdivision including how the layout and dimensions of the subdivision:
  - Respond to and integrate with the surrounding urban or rural environment.
  - Protect significant vegetation.
  - Appropriately accommodate any existing or proposed easements on the lots.
- Protect solar access for existing and any future dwellings on the lots.
- Appropriately accommodate any existing waste storage areas, loading bays and vehicle standing areas on the site.
- Appropriately accommodate private open space.
- Appropriately accommodate the provision of utility services to each lot.
- If the land is in an area where reticulated sewerage is not provided to each lot, whether the layout of the subdivision accommodates the effluent disposal area for each lot.
- Appropriately accommodate the siting of buildings having regard to the risk of spread of fire.
- Appropriately accommodate the existing use and possible future development of the land.

  - Whether the provision of common property is appropriate for the purpose for which the land is to be commonly held.
  - If the land is in a residential zone and the realignment of the common boundary will result in a vacant lot, the objective and standard of Clause 56.04-2.
  - The statement of significance and the objectives contained in the schedule to the overlay and whether the subdivision will adversely affect that significance or the objectives.
  - Whether the proposal meets any requirements specified in the overlay or the schedule to the overlay.
SUBDIVISION OF BUILDINGS AND CAR PARKING SPACES

Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A copy of the relevant planning permit and approved plans for the development.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location of any existing buildings, car parking areas and private open space.
  - The location, shape and size of the proposed lots to be created.
  - The location of any easements on the subject land.
  - The location and details of any significant vegetation.
  - The location of the approved stormwater discharge point.
  - Any abutting roads.
  - The location of any street trees, poles, pits and other street furniture.
  - Existing and proposed vehicle access to the lots.
  - Any loading bays and vehicle standing areas.
  - Any waste storage areas.
  - Any proposed common property to be owned by a body corporate and the lots participating in the body corporate.

- For the subdivision of existing buildings and car parking spaces, a copy of the occupancy permit or a certificate of final inspection for the development.
- For the subdivision of land into two lots with an approved development currently under construction, evidence that the construction has commenced.
- If common property is proposed, an explanation of why the common property is required.
- If the land is in an area where reticulated sewerage is not provided, a plan which shows the location of any existing effluent disposal area for each lot or a land assessment which demonstrates that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

- For land in an overlay, a written statement that describes how the proposal responds to any statement of significance, objectives or requirements specified in the schedule to the overlay.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The suitability of the subdivision including how the layout and dimensions of the subdivision:
  - Are consistent with the approved plans and conditions of any relevant planning permit for the development.
  - Are consistent with the layout of existing buildings and car parking spaces on the land.
  - Appropriately accommodate any existing waste storage areas.
  - Appropriately accommodate any existing loading bay and vehicle storage area.
- Appropriately accommodate significant vegetation.
- Appropriately accommodate existing or proposed easements on the lots.
- Appropriately accommodate the provision of utility services to each lot.
- Appropriately accommodate the siting of buildings having regard to safety and the risk of spread of fire.

- If the land is in an area where reticulated sewerage is not provided to each lot, whether the layout of the subdivision accommodates the effluent disposal area for each lot.

- For the subdivision of existing buildings and car parking spaces, whether each new lot, other than common property, contains an existing building, part of an existing building or a car parking space.

- Whether the provision and location of common property is appropriate for the purpose for which the land is to be commonly held.

- Whether any public open space contribution is required under Clause 53.01 of this scheme or under Section 18 of the Subdivision Act 1988.

- The statement of significance and the objectives contained in the schedule to the overlay and whether the subdivision will adversely affect that significance or the objectives.

- Whether the proposal meets any requirements specified in the overlay or the schedule to the overlay.
FRONT FENCE IN A RESIDENTIAL ZONE

Information requirements
An application must be accompanied by the following information as appropriate:

- A copy of the title for the subject land and a copy of any registered restrictive covenant.
- A plan drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location, length, height and design of the proposed fence including details of materials.
  - The location, height and design of any existing front fence on adjoining and nearby properties including details of materials.
- A photograph of the site and adjoining and nearby properties along the street frontage.
- The reason for the proposed height.

Decision guidelines
In assessing an application the responsible authority must consider as appropriate:

- Whether the setback, height and design of the proposed fence are:
  - Appropriate to the neighbourhood character and the site.
  - Consistent with any relevant neighbourhood character objective or policy set out in the scheme.
  - Appropriate with the setback, height and appearance of front fences on adjoining and nearby properties.
  - Complement the design of the dwelling.
- The extent to which slope and retaining walls reduce the effective height of the proposed fence.
- Whether the proposed fence is needed to minimise noise intrusion.
- The reason for the proposed height.
BUILDINGS AND WORKS IN A ZONE (EXCEPT A RURAL ZONE)

Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A description of the use of the land and the proposed buildings and works.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and use of buildings and works on adjoining land.
  - Relevant ground levels.
  - Any contaminated soils and filled areas, where known.
  - The layout of existing and proposed buildings and works.
  - All existing and proposed driveways, car parking, bicycle parking and loading areas.
  - Existing and proposed landscape areas.
  - All external storage and waste treatment areas.
  - The location of easements and services.
  - Elevation drawings to scale showing the height, colour and materials of all proposed buildings and works.
  - A photograph of the building or area affected by the proposal.
  - A written statement describing the proposal and if relevant:
    - The built form and character of adjoining and nearby buildings.
    - The heritage character of any adjoining heritage places.
    - Ground floor street frontages, including visual impacts and pedestrian safety.
  - A written statement describing whether the proposed buildings and works meet:
    - The number of car parking spaces required under Clause 52.06 or in the schedule to Clause 45.09.
    - Any development requirement specified in the zone or the schedule to the zone.
  - Any relevant requirement in an approved development plan or incorporated plan for the land.
  - Any other information specified in the schedule to the zone.
  - For land in a residential zone, a written statement, plan or diagram showing how the proposal meets:
    - The requirements in the following standards of Clause 54:
      - A10 Side and rear setbacks.
      - A11 Walls on boundaries.
      - A12 Daylight to existing windows.
      - A13 North-facing windows.
      - A14 Overshadowing open space.
- A15 Overlooking.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard the schedule to the zone applies.

**Decision guidelines**

In assessing an application the responsible authority must consider as appropriate:

- Whether the proposal is consistent with any relevant urban design and built form policy set out in the scheme.
- Whether the movement of pedestrians and cyclists, and vehicles providing for supplies and waste removal are appropriately accommodated.
- Whether the design complements the built form of the surrounding properties and the streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- Whether the land and building have availability of and connection to services.
- Whether the proposed development adversely impacts the amenity of the land and the locality including existing dwellings on adjoining sites.
- Whether the proposed development appropriately provides for landscaping.
- Whether the proposed development adversely affects solar access to existing open spaces and public places.
- Whether the proposal meets the car parking requirements specified in Clause 52.06 or in the schedule to the Parking Overlay.
- Whether the proposal meets the maximum building height specified in the schedule to the zone.
- Whether the proposal meets any relevant requirements specified in the zone or the schedule to the zone.
- Whether the proposal is consistent with any relevant approved development plan or incorporated plan.
- The objectives set out in the schedule to the zone.
- Whether the proposal provides adequate vehicle loading and unloading facilities.
- For land in a residential zone:
  - Whether the proposed development is consistent with any neighbourhood character objectives set out in the schedule to the zone.
  - Whether the development is compatible with residential use.
  - The scale and intensity of the development.
  - The design, height, setback and appearance of the proposed buildings and works.
BUILDINGS AND WORKS IN AN OVERLAY

Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.

- A plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location, height and design of the proposed buildings and works including details of materials.
  - The location of any existing buildings, including fences and trees.
  - For land in a Neighbourhood Character Overlay, any buildings proposed to be demolished.

- For land in a Neighbourhood Character Overlay, a written description of the proposal including:
  - The built form and character of adjoining and nearby buildings.
  - How the proposal responds to the key features and objectives specified in the schedule to the overlay.
  - If demolition is proposed, the reason for the demolition.
  - How the proposal meets the requirements of Clause 54.02-1, 54.02-2, 54.03-1, 54.03-2, 54.03-3, 54.03-4, 54.04-1, 54.04-2, 54.04-3, 54.04-4, 54.06-1, 54.06-2, including any Clause 54 modification specified in the schedule to the overlay.

- For land in a Design and Development Overlay, a written description of the proposal including:
  - How the proposal responds to the design objectives specified in a schedule to the overlay.
  - How the proposal meets the requirements specified in a schedule to the overlay.
  - The built form and character of adjoining and nearby buildings.

- A photograph of the building or area affected by the proposal.

- For land in an Erosion Management Overlay, information showing:
  - The extent of any proposed earthworks.
  - The means proposed to stabilise disturbed areas.

- For an application under the Salinity Management Overlay, written advice including plan references and any conditions from the referral authority demonstrating that the referral authority has considered the proposal for which the application is made within the past three months and does not object to the granting of the permit for the proposal.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The statement of significance and the objectives contained in the schedule to the overlay and whether the buildings and works will adversely affect that significance or the objectives.

- Whether the proposal meets any requirements specified in the overlay or the schedule to the overlay.

- For an application in a Salinity Management Overlay, any comments from the relevant referral authority.
- For an application in a Neighbourhood Character Overlay, the relevant objectives, standards and decision guidelines of Clause 54.
- Any relevant decision guideline specified in the overlay and the schedule to the overlay.
REMOVE, DESTROY OR LOP A TREE

Information requirements
An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- If the tree to be removed, destroyed or lopped is identified as a significant tree in a schedule to the overlay, a report prepared by an arborist.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The location, shape, size and slope of the site.
  - The location of the tree to be removed, destroyed or lopped.
  - The location and type of other significant vegetation on the site.
  - The location, species and height of any significant trees on the site that have been removed or approved to be removed in the past 3 years.
- A written statement that describes:
  - The species, height and trunk girth of the tree to be removed, destroyed or lopped.
  - The reason the tree is to be removed, destroyed or lopped.
  - If provision is to be made to replace the tree elsewhere on the land.
  - If the tree is to be lopped, the extent of lopping proposed.
  - Any impacts on the significance of the area.
- A photograph of the tree to be removed, destroyed or lopped.

Decision guidelines
In assessing an application the responsible authority must consider as appropriate:

- The statement of significance and the objectives contained in the schedule to the overlay and whether the proposal will adversely affect that significance or the objectives.
- Whether the tree proposed to be removed, destroyed or lopped contributes to the significance of the area and whether the proposal will adversely affect that significance.
- Whether the removal or lopping of the tree is needed because of the health of the tree.
- Whether the lopping of the tree will adversely affect the health, appearance or significance of the tree.
- Whether the removal of the tree will contribute to soil erosion, slippage or salinisation.
- Whether the removal or lopping of the tree is needed to create a defendable space to reduce the risk of bushfire to life and property.
- If the tree is a native tree, its role in conserving flora and fauna and whether the proposal will adversely affect the conservation of flora and fauna of the area.
- Whether provision is made to plant a new tree elsewhere on the land.
- The reasons for removing the tree including the health of the tree to be removed.
- The cumulative impact of the number of trees that have been removed or been approved for removal in the past 3 years.
- Any relevant decision guideline specified in the overlay or the schedule to the overlay.
APPLICATIONS UNDER A HERITAGE OVERLAY

Information requirements
An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location of any existing buildings, including fences and trees.
  - The location, height and design of the proposed building or works including details of proposed materials.
- Any buildings to be demolished.
- An elevation of the proposed building.
- The size and design of any proposed sign, including details of the supporting structure and any proposed illumination.
- The location, style, size, colour and materials of any proposed solar energy facility (that is visible from the street frontage or any nearby public park), including details of the supporting structure.
- A written description of the proposal including:
  - Any impacts on the significance of the heritage place.
  - How the proposal responds to any relevant local heritage policy set out in the scheme.
  - If lopping of a tree is proposed, the reason for the lopping, the extent of lopping and an arborist report.
- The proposed colour schedule and nature of any materials and finishes.
- A photograph of the area affected by the proposal including any building, outbuilding, fence or tree which may be affected by the proposal.
- A photograph of the subject site and adjoining properties along the street frontage.
- If subdivision is proposed, the location, shape and size of the proposed lots to be created.
- If a sign is proposed:
  - The location, size and design of the proposed sign on the site or building.
  - The location and size of existing signage on the site including details of any signs to be retained or removed.
- If a solar energy 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:
A10 Side and rear setbacks.
A11 Walls on boundaries.
A12 Daylight to existing windows.
A13 North-facing windows.
A14 Overshadowing open space.
A15 Overlooking.

- The objectives and requirements in the following standards of Clause 54:
  - Clause 54.02-1 Neighbourhood character objective and standard A1.
  - Clause 54.03-3 Site coverage objective and standard A5.
  - Clause 54.03-4 Permeability objectives and standard A6.
  - Clause 54.03-5 Energy efficiency protection objectives and standard A7.
  - Clause 54.03-6 Significant trees objectives and standard A8.
  - Clause 54.05-1 Daylight to new windows objective and standard A16.
  - Clause 54.05-2 Private open space objective and standard A17.
  - Clause 54.05-3 Solar access to open space objective and Standard A18.
  - Clause 54.06-1 Design detail objective and Standard A19.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies.

**Decision guidelines**

In assessing an application the responsible authority must consider as appropriate:

- The following objectives, standards and decision guidelines of Clause 54:
  - Clause 54.02-1 Neighbourhood character objective and standard A1.
  - Clause 54.03-3 Site coverage objective and standard A5.
  - Clause 54.03-4 Permeability objective and standard A6.
  - Clause 54.03-5 Energy efficiency protection objective and standard A7.
  - Clause 54.03-6 Significant trees objective and standard A8.
  - Clause 54.05-1 Daylight to new windows objective and standard A16.
  - Clause 54.05-2 Private open space objective and standard A17.
  - Clause 54.05-3 Solar access to open space objective and Standard A18.
  - Clause 54.06-1 Design detail objective and Standard A19.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies.
LOCAL VICSMART APPLICATIONS

The schedule to this clause may specify classes of application that are VicSmart applications to which Clause 71.06 applies. A class of application specified must not be a class of VicSmart application specified in another provision of this planning scheme.

The classes of VicSmart application are specified in three tables:

- Table 1 specifies classes VicSmart application under a zone.
- Table 2 specifies classes VicSmart application under an overlay.
- Table 3 specifies classes VicSmart application under a particular provision.

Each table in the schedule is divided into four columns:

- Column 1 specifies the name or class of zone or overlay or name of particular provision.
- Column 2 specifies the development.
- Column 3 specifies the provision of the planning scheme that contains the permit requirement applicable to the development.
- Column 4 specifies the information requirements and decision guidelines in Clauses 59.01 to 59.14 or the schedule to Clause 59.16 applicable to the class of VicSmart application.

Subject to Clause 71.06, an application under a provision specified in Column 3 for a use or development specified in Column 2 is a class of VicSmart application and must be assessed against the provision specified in Column 4.
## SCHEDULE TO CLAUSE 59.15 LOCAL VICSMART APPLICATIONS

### 1.0 Table 1 Classes of VicSmart application under zone provisions

<table>
<thead>
<tr>
<th>Name of zone or class of zone</th>
<th>Class of application</th>
<th>Permit requirement provision</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 2.0 Table 2 Classes of VicSmart application under overlay provisions

<table>
<thead>
<tr>
<th>Name of overlay or class of overlay</th>
<th>Class of application</th>
<th>Permit requirement provision</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 3.0 Table 3 Classes of VicSmart application under particular provisions

<table>
<thead>
<tr>
<th>Name of particular provision</th>
<th>Class of application</th>
<th>Permit requirement provision</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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 1 TO CLAUSE 59.16 INFORMATION REQUIREMENTS AND DECISION GUIDELINES FOR LOCAL VICSMART APPLICATIONS

1.0 Information requirements

None specified.

2.0 Decision guidelines

None specified.
GENERAL PROVISIONS

This section sets out provisions about existing uses, decision guidelines, referral of applications and other matters.
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.

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.

62.02-3

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></td>
<td></td>
</tr>
<tr>
<td>• The subdivision of an existing building already connected to services.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• A two lot subdivision.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• The subdivision of land into lots each containing an existing dwelling or car parking space.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To subdivide land outside the metropolitan fire district which creates a road, where the requirements of Clause 56.09-3 are not met.</td>
<td>Country Fire Authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To subdivide land if the only access to a lot is over Crown land which has not been reserved or proclaimed as a road.</td>
<td>Minister administering the Land Act 1958</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To subdivide land crossed by a gas transmission pipeline or a gas transmission pipeline easement.</td>
<td>The relevant gas supply authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To subdivide land within 60 metres of a major electricity transmission line (220 Kilovolts or more) or an electricity transmission easement.</td>
<td>The relevant electricity transmission authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To subdivide a heritage place of which all or part is included in the Victorian Heritage Register.</td>
<td>The Executive Director specified in the Heritage Act 2017</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>

Note: A subdivision which does not require referral under Clause 66.01 must be referred if it is listed as a requirement under any other provision of Clause 66.

Mandatory conditions for subdivision permits

A permit for subdivision must contain the following conditions:

The owner of the land must enter into an agreement with:

- a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider’s requirements and relevant legislation at the time; and

- a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider’s requirements and relevant legislation at the time; and
a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

This requirement does not apply to a permit granted to:

- Substitute 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).
- Substitute an existing building already connected to telecommunication services.

A permit granted to substitute land in a manner that does not require referral under Clause 66.01 must contain the following conditions:

- The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority’s requirements and relevant legislation at the time.
- All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
- The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

This requirement does not apply to a permit granted to substitute land into lots each containing an existing dwelling or car parking space.

**Referrals under the Subdivision Act – certification of plans**

For the purpose of Section 8(1)(a) of the Subdivision Act 1988 referral of a plan is required if:

- A referral is required by a permit issued under this scheme. The plan must be referred to the relevant referral authority.
- A plan creates, varies or removes an easement or restriction likely to be of interest to a referral authority. The plan must be referred to the relevant referral authority.
- The only access to a lot on a plan is over Crown land and the Minister administering the Land Act 1958 has not consented or provision has not been made for a road to be reserved or proclaimed. The plan must be referred to that Minister.
- In the opinion of the Council the plan may affect existing sewerage, water, drainage or other works. The plan must be referred to the referral authority responsible for those works.
USE AND DEVELOPMENT REFERRALS

An application of the kind listed in the tables below must be referred to the person or body specified as the referral authority. The tables below specify whether the referral authority is a determining referral authority or a recommending referral authority.

**Works approval or licence**

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>For a use or development requiring any of the following:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Works approval in accordance with Section 19A of the Environment Protection Act 1970.</td>
<td>Environment Protection Authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>• A licence to discharge or emit waste in accordance with Section 20 of the Environment Protection Act 1970.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Amendment of a licence under Section 20A of the Environment Protection Act 1970.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Native vegetation**

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>• To remove, destroy or lop native vegetation in the Detailed Assessment Pathway as defined in the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017).</td>
<td>Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987)</td>
<td>Recommending referral authority</td>
</tr>
<tr>
<td>• To remove, destroy or lop native vegetation if a property vegetation plan applies to the site.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• To remove, destroy or lop native vegetation on Crown land which is occupied or managed by the responsible authority.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Cattle feedlot**

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use or develop land for a cattle feedlot.</td>
<td>Minister for Agriculture</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>If the site is located within a special water supply catchment area under the Catchment and Land Protection Act 1994, the relevant water authority under the Water Act 1989 and the Secretary to the Department administering the Catchment and Land Protection Act 1994</td>
<td>Determining referral authority</td>
<td></td>
</tr>
<tr>
<td>If the number of cattle is 5000 or more, the Environment Protection Authority</td>
<td>Determining referral authority</td>
<td></td>
</tr>
</tbody>
</table>
### Major electricity line or easement

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To construct a building or construct or carry out works on land within 60 metres of a major electricity transmission line (220 Kilovolts or more) or an electricity transmission easement.</td>
<td>The relevant electricity transmission authority</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>

### Special water supply catchment area

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use, subdivide or consolidate land, to construct a building or construct or carry out works, or to demolish a building or works that are within a Special Water Supply Catchment Area listed in Schedule 5 of the <em>Catchment and Land Protection Act 1994</em> and which provides water to a domestic supply.</td>
<td>The relevant water board or water supply authority</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>

This does not apply to an application for a sign, fence, roadworks or unenclosed building or works ancillary to a dwelling.

### Timber production

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use or develop land for timber production by establishing a plantation.</td>
<td>Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <em>Conservation, Forests and Lands Act 1987</em>)</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To use or develop land for timber production by harvesting timber from native forest, including thinning, if the area of native forest to be subjected to timber production operations is 10 hectares or greater.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Industry, utility installation or warehouse

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use land for an industry, utility installation or warehouse for a purpose listed in the table to Clause 53.10 with no threshold distance specified or if the threshold distance is not to be met.</td>
<td>Environment Protection Authority</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>

- To use land for an industry, utility installation or warehouse if any of the following apply:
  - A fire protection quantity is exceeded under the Dangerous Goods (Storage and Handling) Regulations 2012.
<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>- A notification is required under the Occupational Health and Safety Regulations 2017.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A licence is required under the Dangerous Goods (Explosives) Regulations 2011.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A licence is required under Dangerous Goods (HCDG) Regulations 2016 and the use is not associated with agriculture.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>The Victorian WorkCover Authority</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>

**Extractive industry**

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>- To use or develop land for extractive industry.</td>
<td>Secretary to the Department administering the Heritage Act 1995.</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td></td>
<td>Secretary to the Department administering the Mineral Resources (Sustainable Development) Act 1990</td>
<td></td>
</tr>
<tr>
<td>- To use or develop land for extractive industry:</td>
<td>Secretary to the Department administering the Catchment and Land Protection Act 1994.</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- In Special Areas declared under Section 27 of the Catchment and Land Protection Act 1994.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Kind of application

- 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.
- 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.

### Referral authority

- To use or develop land for extractive industry:
  - In areas with communities or taxa listed or critical habitat determined under the *Flora and Fauna Guarantee Act 1988*.
  - On land which has been identified in this scheme as containing sites of flora or fauna significance.

### Type of referral authority

- Determining 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>On land where the use or development involves the removal or destruction of native vegetation if the total area to be cleared is 10 hectares or greater.</td>
<td>Secretary to the Department administering the <em>Flora and Fauna Guarantee Act 1988</em></td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>On land which has been identified in this scheme as being subject to high erosion risk or areas identified as being subject to salinity management.</td>
<td>Environment Protection Authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To use or develop land for extractive industry:</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>Roads Corporation</td>
<td>Determining referral authority</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>Roads Corporation</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>
### Geothermal energy extraction

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use or develop land for geothermal energy extraction.</td>
<td>Secretary to the Department administering the Geothermal Energy Resources Act 2005</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>

### Greenhouse gas sequestration

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use or develop land for greenhouse gas sequestration.</td>
<td>Secretary to the Department administering the Greenhouse Gas Geological Sequestration Act 2008</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>

### Integrated Public Transport Planning

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>An application to subdivide land, to construct a building or to construct or carry out works for any of the following:</td>
<td>Head, Transport for Victoria</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- A residential development comprising 60 or more dwellings or lots.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A residential building comprising 60 or more lodging rooms.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A residential village comprising 60 or more dwellings.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A retirement village comprising 60 or more dwellings or lots.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A new retail premises of 4000 or more square metres of leasable floor area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- An increase of more than 1000 square metres to the leasable floor area of an existing retail premises which is 4000 or more square metres leasable floor area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- An office development of 10,000 or more square metres of leasable floor area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A place of assembly comprising 400 or more seats or 600 or more square metres of gross floor area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- An education centre.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A major sports and recreation facility.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Any alteration or development of public transport infrastructure or stops, unless undertaken for the Head, Transport for Victoria.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This does not apply to:

- Buildings and works associated with an existing place of assembly, education centre, major sports and recreation facility or retirement village.
- A development consistent with an adopted Structure Plan that has been prepared in consultation with and endorsed by the Head, Transport for Victoria.
### Declared irrigation districts

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>An application to use or develop land for a renewable energy facility located within an irrigation district declared under Part 6A of the <em>Water Act 1989.</em></td>
<td>Secretary to the Department administering the <em>Water Act 1989.</em></td>
<td>Recommending referral authority</td>
</tr>
</tbody>
</table>
An application of the kind listed in the table below, where the planning scheme includes the specified clause, must be referred to the person or body specified as the referral authority. The table below specifies whether the referral authority is a determining referral authority or a recommending referral authority.

<table>
<thead>
<tr>
<th>Clause</th>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 36.03-5 (PCRZ)</td>
<td>An application for the use or development of an Emergency services facility.</td>
<td>Secretary to the Department of Environment, Land, Water and Planning</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 37.03-5 (UFZ)</td>
<td>An application under the zone within the waterway management district of Melbourne Water Corporation.</td>
<td>Melbourne Water Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td></td>
<td>An application under the zone outside the waterway management district of Melbourne Water Corporation.</td>
<td>Relevant floodplain management authority</td>
<td>Recommending referral authority</td>
</tr>
<tr>
<td>Clause 37.07-5 (UGZ)</td>
<td>An application under the zone within Metropolitan Melbourne.</td>
<td>Victorian Planning Authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td></td>
<td>An application under the zone outside Metropolitan Melbourne.</td>
<td>Secretary to the Department of Environment, Land, Water and Planning</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 44.02-8 (SMO)</td>
<td>An application under the overlay and any site capability report.</td>
<td>Secretary to the Department of Environment, Land, Water and Planning</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 44.03-6 (FO)</td>
<td>An application under the overlay within the waterway management district of Melbourne Water Corporation.</td>
<td>Melbourne Water Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td></td>
<td>An application under the overlay outside the waterway management district of Melbourne Water Corporation.</td>
<td>Relevant floodplain management authority</td>
<td>Recommending referral authority</td>
</tr>
<tr>
<td>Clause 44.04-7 (LSIO)</td>
<td>An application under the overlay within the waterway management district of Melbourne Water Corporation.</td>
<td>Melbourne Water Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td></td>
<td>An application under the overlay outside the waterway management district of Melbourne Water Corporation.</td>
<td>Relevant floodplain management authority</td>
<td>Recommending referral authority</td>
</tr>
<tr>
<td>Clause 44.05-6 (SBO)</td>
<td>An application under the overlay within the waterway management district of Melbourne Water Corporation.</td>
<td>Melbourne Water Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause</td>
<td>Kind of application</td>
<td>Referral authority</td>
<td>Type of referral authority</td>
</tr>
<tr>
<td>---------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td></td>
<td>An application under the overlay outside the waterway management district of Melbourne Water Corporation.</td>
<td>Relevant floodplain management authority</td>
<td>Recommending referral authority</td>
</tr>
</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>|               | An application to subdivide land.                                                   | Relevant fire authority                                 | Recommending referral authority |
|               | An application under the overlay other than an application to construct a building or carry out works associated with a dwelling or an application to subdivide land. | Relevant fire authority                                 | Determining referral authority |
| 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.
Referral of permit applications under local provisions

<table>
<thead>
<tr>
<th>Clause</th>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Referral authority type</th>
</tr>
</thead>
<tbody>
<tr>
<td>On land identified as the Gippsland Coalfields Policy Area in the Municipal Planning Strategy and the Planning Policy Framework.</td>
<td>To subdivide land.</td>
<td>Secretary to the Department of Jobs, Precincts and Regions</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td></td>
<td>To use land or to construct a building or construct or carry out works for a cemetery, educational centre, exhibition centre, function centre, golf course, hospital, industry (other than rural industry), major sports and recreational facility, shop or office with a gross floor area exceeding 2000 square metres, or accommodation if the total number of people to be accommodated exceeds 100 or the proposed development results in an increase of greater than 25 percent to the gross floor area of an existing accommodation building.</td>
<td>Secretary to the Department of Jobs, Precincts and Regions</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 3.0 of Schedule 2 to Clause 42.01 (ESO)</td>
<td>An application for:</td>
<td>Secretary to the Department of Environment, Land, Water and Planning</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td></td>
<td>• Subdivision creating lots less than 40 hectares.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Intensive animal husbandry.</td>
<td>The relevant water authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 3.0 of Schedule 3 to Clause 42.01 (ESO)</td>
<td>An application for any development.</td>
<td>Secretary to the Department of Jobs, Precincts and Regions</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 3.0 of Schedule 4 to Clause 42.01 (ESO)</td>
<td>An application for any development.</td>
<td>Secretary to the Department of Environment, Land, Water and Planning</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 3.0 of Schedule 1 to Clause 42.03 (SLO)</td>
<td>An application to remove, destroy or lop any native vegetation (whether dead or alive).</td>
<td>Secretary to the Department of Environment, Land, Water and Planning</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause</td>
<td>Kind of application</td>
<td>Referral authority</td>
<td>Referral authority type</td>
</tr>
<tr>
<td>--------</td>
<td>---------------------</td>
<td>--------------------</td>
<td>------------------------</td>
</tr>
</tbody>
</table>
| Clause 3.0 of Schedule 3 to Clause 42.03 (SLO) | An application to construct a building or to construct or carry out works:  
- If sited on a slope of greater than 20%.  
- If sited less than 100 metres from the Toorongo River or a Reserved Forest boundary.  
- If sited less than 50 metres from a road alignment, 30 metres from any other watercourse or stream reserve boundary or 5 metres from any other lot boundary. | Secretary to the Department of Environment, Land, Water and Planning | Determining referral authority |
| Clause 2.0 of Schedule 8 to Clause 43.02 (DDO) | Any application to construct a building or to construct or carry out works. | Department of Health and Human Services | Determining referral authority |
| Clause 2.0 of Schedule 9 to Clause 43.02 (DDO) | Any application to construct a building or to construct or carry out works. | Department of Health and Human Services | Determining referral authority |
| Schedule to Clause 51.01 – Hospital Emergency Medical Services – Helicopter Flight Path Protection Areas Incorporated Document (June 2017) | Any application to construct a building or to construct or carry out works. | Department of Health and Human Services | Determining referral authority |
| Clause 3 of Schedule 1 to Clause 44.01 (EMO) | An application proposing or involving earthworks or native vegetation removal. | Secretary to the Department of Environment, Land, Water and Planning | Determining referral authority |
NOTICE OF PERMIT APPLICATIONS UNDER STATE STANDARD PROVISIONS

Notice of an application of the kind listed in the table below must be given to the person or body specified as a person or body to be notified.

<table>
<thead>
<tr>
<th>Clause</th>
<th>Kind of application</th>
<th>Person or body to be notified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 45.08-6</td>
<td>An application to use or subdivide land, or to construct a building or construct or carry out works.</td>
<td>The airport lessee company of Melbourne Airport in accordance with the Commonwealth Airports Act 1996</td>
</tr>
</tbody>
</table>
| Clause 52.09-8 | An application to use or subdivide land or construct a building for accommodation, education centre or hospital:  
- Within an Extractive Industry Interest Area.  
- On land which is within 500 metres of land on which a work plan has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.  
An application to construct a building or construct or carry out works on land for which a work plan has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.  
These requirements do not apply to an 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

### Notice of permit applications under local provisions

<table>
<thead>
<tr>
<th>Clause</th>
<th>Kind of application</th>
<th>Person or body to be notified</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td>None specified</td>
<td>None specified</td>
</tr>
</tbody>
</table>
APPLICATIONS UNDER SECTION 96 OF THE ACT

This clause applies to an application for a permit which, except for the provisions of this clause, would be made to the Minister in accordance with Section 96 of the Act.
EXEMPTIONS FROM SECTION 96(1) AND 96(2) OF THE ACT

In accordance with section 6(2)(ka) of the Act, the following classes of use and development are exempted from section 96(1) and 96(2) of the Act:

**Class 1**

Use of land for:

Car park, camping and caravan park, community facility (including child care centre, maternal and infant welfare centre, neighbourhood house, place of assembly and toilet block), dwelling, 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 THIS PLANNING SCHEME
OPERATION OF THE MUNICIPAL PLANNING STRATEGY

Municipal Planning Strategy

The Municipal Planning Strategy at Clause 02 provides an overview of important local planning issues in an introductory context, sets out the vision for future use and development in the municipality and establishes strategic directions about how the municipality is expected to change through the implementation of planning policy and the planning scheme.

A planning authority must take into account the Municipal Planning Strategy when it prepares an amendment to this planning scheme.

A responsible authority must take into account and give effect to the Municipal Planning Strategy when it makes a decision under this planning scheme.

Relationship to the Municipal Strategic Statement

For the purposes of section 12A(3) of the Act, the Municipal Strategic Statement is:

- A Municipal Strategic Statement at Clause 21.
- Where Clause 21 is not included in this scheme:
  - The Municipal Planning Strategy at Clause 02.
  - Local provisions in the Planning Policy Framework at Clauses 10 to 19.
  - A schedule to Clause 74.01.

Transitional

If this planning scheme includes a Municipal Strategic Statement at Clause 21, the provisions of Clauses 23.01 and 23.02 apply.
OPERATION OF THE PLANNING POLICY FRAMEWORK

Purpose of the Planning Policy Framework

The Planning Policy Framework provides a context for spatial planning and decision making by planning and responsible authorities. The Planning Policy Framework is dynamic and will be built upon as planning policy is developed and refined, and changed as the needs of the community change.

The Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in section 4 of the Act) are fostered through appropriate land use and development planning policies and practices that integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

Operation

The Planning Policy Framework sets out the planning policies that form part of this planning scheme. It comprises Clauses 10 to 19.

A planning policy applies to all land subject to this planning scheme unless the policy specifies otherwise.

A planning policy provides guidance for decision making and can help the community to understand how the responsible authority will consider a proposal.

The consistent application of planning policy over time should achieve a desired outcome.

A planning authority must take into account the Planning Policy Framework when it prepares an amendment to this planning scheme.

A responsible authority must take into account and give effect to the Planning Policy Framework when it makes a decision under this planning scheme. This does not apply to policy guidelines and policy documents.

Policy guidelines

A planning policy may include policy guidelines. Policy guidelines indicate how objectives can be met and how strategies can be implemented.

A responsible authority must take a relevant policy guideline into account when it makes a decision under this planning scheme, but is not required to give effect to it. If the responsible authority is satisfied that an alternative approach meets the objective, the alternative may be considered.

Policy documents

A planning policy may include reference to a policy document. A policy document may be an incorporated, background and other document.

A background document listed in the table or the schedule to Clause 72.08 that applies to Clauses 10 to 19 is a policy document for applicable planning policies.

Integrated decision making

Society has various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.

Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.
Planning authorities should identify the potential for regional impacts in their decision making and coordinate strategic planning with their neighbours and other public bodies to achieve sustainable development and effective and efficient use of resources.

Transitional

If this planning scheme includes a Municipal Strategic Statement at Clause 21 and local planning policies at Clause 22, the provisions of Clauses 23.01, 23.02 and 23.03 apply. To the extent of any inconsistency, Clauses 23.02 and 23.03 prevail over this clause.
OPERATION OF ZONES

In each zone and schedule to a zone which contains a table of uses, the controls over the use of land are divided into three sections.

Section 1 uses

A use in Section 1 does not require a permit. Any condition opposite the use must be met. If the condition is not met, the use is in Section 2 and requires a permit unless the use is specifically included in Section 3 as a use that does not meet the Section 1 condition.

Section 2 uses

A use in Section 2 requires a permit. Any condition opposite the use must be met. If the condition is not met, the use is prohibited.

Making decisions about Section 2 uses

Because a use is in Section 2 does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the Municipal Planning Strategy, the Planning Policy Framework, the purpose and decision guidelines of the zone and any of the other decision guidelines in Clause 65.

Section 3 uses

A use in Section 3 is prohibited.
OPERATION OF OVERLAYS

If an overlay is shown on the planning scheme map, the provisions of the overlay apply in addition to the provisions of the zone and any other provision of this scheme.

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the Municipal Planning Strategy, the Planning Policy Framework, the purpose and decision guidelines of the overlay and any of the other decision guidelines in Clause 65.
OPERATION OF PARTICULAR PROVISIONS

The requirements of particular provisions apply to the specified categories of use and development and other matters in addition to any provisions which apply due to any other provision of this planning scheme.
OPERATION OF VICSMART APPLICATIONS AND PROCESS

VicSmart applications

Any provision of this planning scheme may specify:

- Classes of application that are VicSmart applications to which Clause 71.06 applies.
- Information requirements for each class of VicSmart application.
- Decision guidelines for each class of VicSmart application.

An application is a VicSmart application if all of the following requirements are met:

- The application is in a class or classes specified in a provision of this planning scheme.
- A permit is required only under the provisions of this planning scheme that are specified as a VicSmart application, and not under any other provision of this planning scheme.
- Nothing authorised by the grant of a permit would result in a breach of a registered restrictive covenant.
- If the application requires referral to a referral authority under Clause 66, the referral requirements in Clause 71.06-2 are met.

VicSmart process

Despite any other provision of this planning scheme:

- A VicSmart application is exempt from the requirements of the Act and planning scheme specified in this clause.
- The responsible authority must assess a VicSmart application in accordance with the requirements of this clause.

If there is any inconsistency between the requirements of this clause and another provision of this planning scheme, this clause prevails.

Referral requirements

If an application requires referral to a referral authority under Clause 66:

- The application must have been considered by the referral authority within the past 3 months of the application being made to the responsible authority.
- The referral authority must have stated in writing that it does not object to the granting of the permit for the proposal.

Information requirements

A VicSmart application must be accompanied by the information requirements specified for the relevant class of application. The information requirements of the relevant zone, overlay or particular provision, other than those specified for VicSmart applications, do not apply unless the information requirements for the relevant class of application specify otherwise.

If in the opinion of the responsible authority an information requirement is not relevant to the evaluation of a VicSmart application, the responsible authority may waive or reduce the information requirement.

Exemption from notice and review

A VicSmart application is exempt from:

- The notice requirements of section 52(1)(a), (b), (c) and (d) of the Act.
- The decision requirements of section 64(1), (2) and (3) of the Act.
- The review rights of section 82(1) of the Act.
Matters to be considered
In deciding a VicSmart application, the responsible authority:

- Must only consider the decision guidelines specified for the relevant class of application.
- Is exempt from considering the following matters:
  - The requirements of section 60(1)(b), (c), (e) and (f) and (1A) (b) to (h) and (j) of the Act.
  - The Municipal Planning Strategy and Planning Policy Framework unless the decision guidelines for the relevant class of application specify otherwise.
  - The decision guidelines of the relevant zone, overlay or particular provision, other than those specified for VicSmart applications, unless the decision guidelines for the relevant class of application specify otherwise.
  - The decision guidelines in Clause 65.
- In deciding an application for review in relation to a VicSmart application, the Tribunal is exempt from the matters specified in section 84B(2(b) to (g) and (i) to (ja) of the Act.

Decision guidelines
Before deciding a VicSmart application, the responsible authority must consider the decision guidelines specified for the relevant class of application unless in the opinion of the responsible authority a decision guideline is not relevant to the evaluation of the application.
RESPONSIBLE AUTHORITY FOR THIS PLANNING SCHEME

The responsible authority for the administration and enforcement of this planning scheme or a provision of this planning scheme is specified in this clause and the schedule to this clause.

The person nominated under section 198(1)(a) of the Act or the responsible authority under section 198(1)(b) of the Act, to whom a person may apply for a planning certificate, is specified in the schedule to this clause.

Minister is responsible authority

The Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority, in relation to the use and development of land for a:

- Energy generation facility with an installed capacity of 1 megawatt or greater.
- Utility installation used to:
  - Transmit or distribute electricity.
  - Store electricity if the installed capacity is 1 megawatt or greater.
- Primary school or secondary school, secondary school, or education centre that is ancillary to, carried out in conjunction with, and on the same land or contiguous land in the same ownership as, a primary school or secondary school, if any of the following apply:
  - There is no existing primary school or secondary school on the land.
  - The estimated cost of development is $3 million or greater.
- Primary school or secondary school for which an application was made to the Minister for Planning prior to the approval date of Amendment VC180.

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.

- in relation to an application made, or permit issued, for the use and development of land for a primary school, secondary school, or education centre that is ancillary to, carried out in conjunction with, and on the same land or contiguous land in the same ownership as, a primary school or secondary school under Division 1 of Part 4 of the Act:
  - Prior to the approval date of Amendment VC180; and
  - Where Clause 53.19 immediately in force before the approval date of Amendment VC180 did not apply:
    - 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.

The Minister for Energy, Environment and Climate Change 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 which clause 52.20 applies.

The Minister for Energy, Environment and Climate Change 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:

- The development of 10 or more dwellings to which clause 53.20 applies.
- The construction or extension of an apartment development to which clause 53.20 applies.
- The construction or extension of a dwelling in or forming part of an apartment development to which clause 53.20 applies.
SCHEDULE TO CLAUSE 72.01 RESPONSIBLE AUTHORITY FOR THIS PLANNING SCHEME

1.0
Responsibility for administering and enforcing this planning scheme:
The Baw Baw 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
Responsibility for administering and enforcing a provision of this planning scheme:
None specified.

3.0
Person or responsible authority for issuing planning certificates:
The Minister for Planning.

4.0
Responsible authority for VicSmart and other specified applications:
The Chief Executive Officer of the Baw Baw Shire Council is the responsible authority for considering and determining VicSmart applications to which Clause 71.06 applies, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.

The Chief Executive Officer of the Baw Baw Shire Council is the responsible authority for considering and determining any application that the notice and review exemption in Clause 52.10-2 applies to, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.
WHAT AREA IS COVERED BY THIS PLANNING SCHEME?

This planning scheme applies to the municipal district or other area specified in the schedule to this clause.
SCHEDULE TO CLAUSE 72.02 WHAT AREA IS COVERED BY THIS PLANNING SCHEME?

1.0

Area covered by this planning scheme:

Municipal District of the Baw Baw Shire Council excluding the area covered by the Alpine Resort Planning Scheme.
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. 1DCPO, 1ESO, 1BMO
2. 2DCPO, 2ESO, 2BMO
3. 3DCPO, 3ESO, 3BMO
4. 4DCPO, 4BMO
5. 5DCPO, 5ESO, 5HO, 5LSIO-FO, 5BMO
6. 6DCPO, 6ESO, 6SLO, 6HO, 6EMO, 6LSIO-FO, 6RO, 6BMO
7. 7DCPO, 7ESO, 7SLO, 7HO, 7EMO, 7BMO
8. 8DCPO, 8ESO, 8EMO, 8BMO
9. 9DCPO, 9ESO, 9BMO
10. 10DCPO, 10ESO, 10HO, 10EMO, 10BMO
11. 11DCPO, 11HO, 11BMO
12. 12DCPO, 12ESO, 12HO, 12BMO, 12LSIO-FO, 12SCO
13. 13DCPO, 13ESO, 13ESO4, 13HO, 13EMO, 13LSIO-FO, 13RO, 13BMO
14. 14DCPO, 14DDO, 14ESO, 14HO, 14LSIO-FO, 14EO, 14RO, 14BMO
15. 15DCPO, 15ESO4, 15VPO, 15HO, 15LSIO-FO, 15BMO
16. 16DCPO, 16ESO, 16HO, 16EMO, 16LSIO-FO, 16BMO
17. 17DCPO, 17DDO, 17ESO, 17BMO
18. 18DCPO, 18ESO, 18HO, 18EMO, 18LSIO-FO, 18BMO
19. 19DCPO, 19ESO, 19HO, 19EMO, 19EO, 19BMO
20. 20DCPO, 20ESO, 20HO, 20EMO, 20BMO
21. 21DCPO, 21HO, 21EMO, 21LSIO-FO, 21BMO
22. 22DCPO, 22ESO, 22HO, 22EMO, 22BMO
23. 23DCPO, 23ESO4, 23HO, 23EMO, 23LSIO-FO, 23BMO, 23SCO
24. 24DCPO, 24HO, 24DDO, 24ESO4, 24LSIO-FO, 24BMO, 24SCO, 24DDO
26. 26DCPO, 26ESO4, 26HO, 26LSIO-FO, 26BMO
27. 27DCPO, 27ESO4, 27HO, 27LSIO-FO
28. 28DCPO, 28ESO4, 28DDO, 28LSIO-FO, 28BMO
29. 29DCPO, 29DDO, 29ESO4, 29HO, 29DPO, 29BMO, 29PO, 29SCO
30. 30DCPO, 30ESO4, 30HO, 30DPO, 30LSIO-FO, 30SCO
31. 31DCPO, 31ESO4, 31HO, 31EO, 31PAO, 31SCO
32. 32DCPO, 32DDO, 32ESO4, 32HO, 32DPO, 32LSIO-FO, 32PO, 32SCO
33. 33DCPO, 33DDO, 33ESO, 33ESO4, 33HO, 33DPO, 33LSIO-FO, 33EO, 33PO, 33SCO
34. 34DCPO, 34ESO4, 34HO, 34DPO, 34LSIO-FO, 34BMO, 34SCO
35. 35DCPO, 35DDO, 35ESO4, 35HO
BAW BAW PLANNING SCHEME

- 36, 36DCPO, 36ESO4, 36HO, 36LSIO-FO, 36SCO
- 37, 37DCPO, 37ESO4, 37HO, 37LSIO-FO, 37BMO, 37SCO
- 38, 38DCPO, 38DDO, 38SLO, 38HO, 38EMO, 38LSIO-FO, 38BMO, 38SCO
- 39, 39DCPO, 39ESO, 39ESO4, 39SLO, 39HO, 39EMO, 39LSIO-FO, 39BMO
- 40, 40DCPO, 40ESO, 40ESO4, 40SLO, 40HO, 40EMO, 40LSIO-FO, 40BMO, 40SCO
- 41, 41DCPO, 41SLO, 41HO, 41DPO, 41EMO, 41LSIO-FO, 41BMO, 41SCO, 41DDO
- 42, 42DCPO, 42SLO, 42EMO, 42LSIO-FO, 42PAO, 42BMO, 42SCO
- 43, 43DCPO, 43ESO, 43HO, 43EMO
- 44, 44DCPO, 44ESO, 44HO, 44EMO
- 45, 45DCPO, 45SLO, 45EMO, 45BMO
- 46, 46DCPO, 46ESO, 46SLO, 46HO, 46EMO, 46LSIO-FO, 46BMO
- 47, 47DCPO, 47ESO4, 47EMO, 47LSIO-FO
- 48, 48DCPO, 48ESO4, 48HO, 48EMO, 48BMO
- 49, 49DCPO, 49ESO, 49EMO, 49BMO
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>
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<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>
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<tr>
<td>Code of Practice for Timber Production 2014</td>
<td>VC101</td>
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<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>
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<tr>
<td>Growth Area Framework Plans, Department of Sustainability and Environment, September 2006</td>
<td>VC41</td>
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<tr>
<td>Guide to Road Design, Part 6A: Pedestrian and Cycle Paths, Austroads</td>
<td>VC77</td>
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<td>Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management (Publication 891.4, Environment Protection Authority, 2016)</td>
<td>VC132</td>
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<tr>
<td>Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning 2017)</td>
<td>VC138</td>
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<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>
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<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>
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<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>
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<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>
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<tr>
<td>Victorian Code for Cattle Feedlots, August 1995</td>
<td>NPS1</td>
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<tr>
<td>Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines (Department of Economic Development, Jobs, Transport and Resources, June 2018)</td>
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<tr>
<td>Victorian Low Density Mobile Outdoor Pig Farm Planning Permit Guidelines (Department of Economic Development, Jobs, Transport and Resources, June 2018)</td>
<td>VC150</td>
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# Incurred documents

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<tr>
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<tr>
<td>Baw Baw Shire Development Contributions Plan (23 March 2007)</td>
<td>C112</td>
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<tr>
<td>Drouin Development Contributions Plan (September 2014) (Amended June 2017)</td>
<td>GC75</td>
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<tr>
<td>Drouin Precinct Structure Plan (September 2014)</td>
<td>C108</td>
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<tr>
<td>Fibre Optic Project, Integrated Approval Requirements (December 2002)</td>
<td>VC17</td>
</tr>
<tr>
<td>Gippsland Line Upgrade - Corridor Works Incorporated Document (November 2019)</td>
<td>GC124</td>
</tr>
<tr>
<td>Hospital Emergency Medical Services - Helicopter Flight Path Protection Areas Incorporated Document (June 2017)</td>
<td>GC49</td>
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<tr>
<td>Heritage Permit Exemptions Incorporated Plan to the Schedule to Heritage Overlay, Clause 43.01, Baw Baw Planning Scheme – July 2012.</td>
<td>C90</td>
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<tr>
<td>Nayook Restructure Allotment Plan (April 2007) (revised February 2009)</td>
<td>C69</td>
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<tr>
<td>Neerim Junction Restructure Allotment Plan (August 2008)</td>
<td>C67</td>
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<tr>
<td>Neerim Restructure Allotment Plan (April 2007)</td>
<td>C43</td>
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<tr>
<td>Rail Gauge Standardisation Project, Integrated Approval Requirements (December 2002)</td>
<td>VC17</td>
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<tr>
<td>Regional Fast Rail Project, Integrated Approval Requirements (December 2002)</td>
<td>VC17</td>
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<tr>
<td>Reservoir Restructure Allotment Plan (June 2007) (revised February 2009)</td>
<td>C69</td>
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<tr>
<td>Small Lot Housing Code (June 2013)</td>
<td>C108</td>
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<tr>
<td>Warragul Development Contributions Plan (September 2014) (Amended June 2017)</td>
<td>GC75</td>
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<tr>
<td>Warragul Precinct Structure Plan (September 2014)</td>
<td>C108</td>
</tr>
<tr>
<td>The Hollies, 245 Main South Road, Drouin, Statement of Significance</td>
<td>C135bawb</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:

17 December 1998
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.

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><strong>G21 Regional Growth Plan (Geelong Region Alliance, 2013).</strong></td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td><strong>Gippsland Regional Growth Plan (Victorian Government, 2014).</strong></td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td><strong>Great South Coast Regional Growth Plan (Victorian Government, 2014).</strong></td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td><strong>Hume Regional Growth Plan (Victorian Government, 2014).</strong></td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td><strong>Loddon Mallee North Regional Growth Plan (Victorian Government, 2014).</strong></td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td><strong>Loddon Mallee South Regional Growth Plan (Victorian Government, 2014).</strong></td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td><strong>Wimmera Southern Mallee Regional Growth Plan (Victorian Government, 2014).</strong></td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td><strong>Plan Melbourne 2017-2050: Metropolitan Planning Strategy</strong></td>
<td>VC134 Clauses 10 to 19</td>
</tr>
<tr>
<td><strong>Plan Melbourne 2017-2050: Addendum 2019</strong></td>
<td>VC168 Clauses 10 to 19</td>
</tr>
<tr>
<td>(Department of Environment, Land, Water and Planning, 2019).</td>
<td></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><em>Infrastructure Design Manual</em> (2019, Local Government Infrastructure Design Association)</td>
<td>GC112 - Clause 21.08-4</td>
</tr>
<tr>
<td>Neerim South Urban Design Framework (2018)</td>
<td>C131bawb - 43.02s10</td>
</tr>
</tbody>
</table>
MEANING OF TERMS

A term used in this planning scheme has its ordinary meaning unless that term is defined:

- In this planning scheme; or

- In the Planning and Environment Act 1987 or the Interpretation of Legislation Act 1984, in which case the term has the meaning given to it in those Acts unless it is defined differently in this scheme.
**GENERAL TERMS**

The following table lists general terms which may be used in this planning scheme. A term listed in the first column, under the heading "General term", has the meaning set out beside that term in the second column, under the heading "Definition".

<table>
<thead>
<tr>
<th>General term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural production</td>
<td>Any form of primary production of renewable commodities. It does not include extractive industry, Mineral extraction, or timber production from native forest.</td>
</tr>
<tr>
<td>Anemometer</td>
<td>A wind measuring device.</td>
</tr>
<tr>
<td>Apartment</td>
<td>A dwelling located above the ceiling level or below the floor level of another dwelling and is part of a building containing two or more dwellings.</td>
</tr>
<tr>
<td>Approval date</td>
<td>The date this scheme began, or the date of notice in the Victoria Government Gazette of approval of an amendment to this scheme.</td>
</tr>
<tr>
<td>Basement</td>
<td>A storey below ground level, or that projects no more than 1.2 metres above ground level.</td>
</tr>
<tr>
<td>Building height</td>
<td>The vertical distance from natural ground level to the roof or parapet at any point.</td>
</tr>
<tr>
<td>Carriageway</td>
<td>The area of a street reserve which is provided for the movement or parking of vehicles. It is determined by the invert of a kerb and channel and the point adjacent to the pavement edge for kerb (only) and edge strips.</td>
</tr>
<tr>
<td>Central Highlands region</td>
<td>The area covered by the Ararat, Ballarat, Golden Plains, Hepburn, Moorabool and Pyrenees planning schemes.</td>
</tr>
<tr>
<td>Clear to the sky</td>
<td>An unroofed area or area roofed with material that transmits 90 per cent of light.</td>
</tr>
<tr>
<td>Defendable space</td>
<td>An area of land around a building where vegetation is modified and managed to reduce the effects of flame contact and radiant heat associated with bushfire.</td>
</tr>
<tr>
<td>Deflection angle</td>
<td>The angle between two tangent sections of a carriageway.</td>
</tr>
<tr>
<td>Design speed</td>
<td>The speed fixed for the design and correlation of the geometric features of a carriageway that influence vehicle operation. It is the speed which is not exceeded by 85 per cent of vehicles.</td>
</tr>
<tr>
<td>Domestic services normal to a dwelling</td>
<td>A domestic appliance or apparatus that is normal to and services a dwelling. It includes disabled access ramps and handrails, an air conditioner, cooling or heating system, a hot water service, security systems and cameras, shade sails, a barbeque, downpipes and flues, a skylight, security screens, and the like.</td>
</tr>
<tr>
<td>Earthworks</td>
<td>Land forming, laser grading, levee banks, raised access roads and tracks, building pads, storage embankments, channel banks and drain banks and associated structures.</td>
</tr>
<tr>
<td>Frontage</td>
<td>The road alignment at the front of a lot. If a lot abuts two or more roads, the one to which the building, or proposed building, faces.</td>
</tr>
<tr>
<td>Gaming</td>
<td>The playing of a gaming machine.</td>
</tr>
<tr>
<td>General term</td>
<td>Definition</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Gaming machine</strong></td>
<td>Has the same meaning as it has in the <em>Gambling Regulation Act 2003</em>.</td>
</tr>
</tbody>
</table>
| **Garden area**                    | Any area on a lot with a minimum dimension of 1 metre that does not include: a) a dwelling or residential building, except for:  
  - an eave, fascia or gutter that does not exceed a total width of 600mm;  
  - a pergola;  
  - unroofed terraces, patios, decks, steps or landings less than 800mm in height;  
  - a basement that does not project above ground level;  
  - any outbuilding that does not exceed a gross floor area of 10 square metres; and  
  - domestic services normal to a dwelling or residential building;  
  b) a driveway; or  
  c) an area set aside for car parking.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| **Geelong G21 region**             | The area covered by the Colac Otway, Golden Plains, Greater Geelong, Queenscliffe and Surf Coast planning schemes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| **Gippsland region**               | The area covered by the Bass Coast, Baw Baw, East Gippsland, Latrobe, South Gippsland and Wellington planning schemes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| **Great South Coast region**       | The area covered by the Corangamite, Glenelg, Moyne, Southern Grampians and Warrnambool planning schemes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| **Gross floor area**               | The total floor area of a building, measured from the outside of external walls or the centre of party walls, and includes all roofed areas.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| **Ground level**                   | The natural level of a site at any point.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| **Habitable room**                 | Any room of a dwelling or residential building other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, lobby, photographic darkroom, clothes drying room and other space of a specialised nature occupied neither frequently nor for extended periods.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| **High quality productive          | Land which is used for animal husbandry or crop raising, and is capable of continuing to sustain agricultural production, and:  
  a) is of prime, or very good, agricultural quality, having regard to soil type, growing season, and availability of infrastructure, and is of sufficient extent to support agricultural activities on an economically viable scale; or  
  b) has been identified through a regional, sub-regional, or local study as being of particularly good quality and strategic significance for agriculture in the regional or local context.                                                                                                                                                                                                                                                                                             |
<p>| <strong>agricultural land</strong>              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <strong>Hume region</strong>                    | The area covered by the Alpine, Benalla, Greater Shepparton, Indigo, Mansfield, Mitchell, Moira, Murrindindi, Strathbogie, Towong, Wangaratta and Wodonga planning schemes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <strong>Land capability assessment</strong>     | The assessment of the physical ability of the land to sustain specific uses having regard to its management, and without long term on-site detriment to the environment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |</p>
<table>
<thead>
<tr>
<th>General term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leasable floor area</td>
<td>That part of the net floor area able to be leased. It does not include public or common tenancy areas, such as malls, verandahs, or public conveniences.</td>
</tr>
<tr>
<td>Loddon Mallee North region</td>
<td>The area covered by the Buloke, Campaspe, Gannawarra, Mildura and Swan Hill planning schemes.</td>
</tr>
<tr>
<td>Loddon Mallee South region</td>
<td>The area covered by the Central Goldfields, Greater Bendigo, Loddon, Macedon Ranges and Mount Alexander planning schemes.</td>
</tr>
<tr>
<td>Lot</td>
<td>A part (consisting of one or more pieces) of any land (except a road, a reserve, or common property) shown on a plan, which can be disposed of separately and includes a unit or accessory unit on a registered plan of strata subdivision and a lot or accessory lot on a registered cluster plan.</td>
</tr>
<tr>
<td>Mean building height</td>
<td>The vertical distance between the mean ground level and the finished roof height at its highest point.</td>
</tr>
<tr>
<td>Mean ground level</td>
<td>One half the sum of the highest and lowest levels along ground level of the outer surface of all external building walls.</td>
</tr>
<tr>
<td>Metropolitan Melbourne</td>
<td>The area covered by the Banyule, Bayside, Boroondara, Brimbank, Cardinia, Casey, Darebin, Frankston, Glen Eira, Greater Dandenong, Hobsons Bay, Hume, Kingston, Knox, Manningham, Maribyrnong, Maroondah, Melbourne, Melton, Monash, Moonee Valley, Moreland, Mornington Peninsula, Nillumbik, Port of Melbourne, Port Phillip, Stonnington, Whitehorse, Whittlesea, Wyndham, Yarra and Yarra Ranges Planning Schemes and the area within the urban growth boundary in the Mitchell Planning Scheme.</td>
</tr>
<tr>
<td>Mineral</td>
<td>Any substance which occurs naturally as part of the earth’s crust, including: a) oil shale and coal; and b) hydrocarbons and mineral oils contained in oil shale or coal, or extracted from oil shale or coal by chemical or industrial processes. It does not include water, stone, or petroleum.</td>
</tr>
<tr>
<td>Movable building</td>
<td>A structure, other than a tent, caravan, or vehicle, which is designed to be moved from place to place on more than one occasion.</td>
</tr>
<tr>
<td>Native vegetation</td>
<td>Plants that are indigenous to Victoria, including trees, shrubs, herbs, and grasses.</td>
</tr>
<tr>
<td>Net floor area</td>
<td>The total floor area of all floors of all buildings on a site. It includes half the width of any party wall and the full width of all other walls. It does not include the area of stairs, loading bays, accessways, or car parking areas, or any area occupied by machinery required for air conditioning, heating, power supply, or lifts.</td>
</tr>
<tr>
<td>Plot ratio</td>
<td>The gross floor area of all buildings on a site, divided by the area of the site.</td>
</tr>
<tr>
<td>Private open space</td>
<td>An outdoor area of a dwelling or residential building or land for the exclusive use of the occupants.</td>
</tr>
<tr>
<td>Property vegetation plan</td>
<td>A plan which relates to the management of native vegetation within a property, and which is contained within an agreement made pursuant to section 69 of the Conservation, Forests and Lands Act 1987.</td>
</tr>
<tr>
<td>General term</td>
<td>Definition</td>
</tr>
<tr>
<td>------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Prostitution</td>
<td>The provision by one person to or for another person (whether or not of a different sex) of sexual services in return for payment or reward.</td>
</tr>
<tr>
<td>Public land manager</td>
<td>The Minister, government department, public authority or municipal council having responsibility for the care or management of public land. In relation to Crown land reserved under an Act and managed or controlled by a committee of management, other than Parks Victoria or a municipal council, it means the Minister administering that Act and does not include the committee of management.</td>
</tr>
<tr>
<td>Radio mast</td>
<td>A mast, for radio transmission or reception in a dwelling, that is:</td>
</tr>
<tr>
<td></td>
<td>a) with antenna, more than 14 metres above the ground;</td>
</tr>
<tr>
<td></td>
<td>b) if attached to a building, with antenna, more than 5 metres above the roof line;</td>
</tr>
<tr>
<td></td>
<td>c) including antenna, wider than 6 metres; or</td>
</tr>
<tr>
<td></td>
<td>d) excluding antenna, wider than 50 centimetres at any point exceeding 3 metres above the ground.</td>
</tr>
<tr>
<td>Retail</td>
<td>The sale of goods or materials, in any quantity or manner, other than by wholesale.</td>
</tr>
<tr>
<td>Secluded private open space</td>
<td>That part of private open space primarily intended for outdoor living activities which enjoys a reasonable amount of privacy.</td>
</tr>
<tr>
<td>Setback</td>
<td>The minimum distance from any allotment boundary to a building.</td>
</tr>
<tr>
<td>Sexual services</td>
<td>Has the same meaning as it has in the <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:</td>
</tr>
<tr>
<td></td>
<td>a) the economic viability of agricultural production;</td>
</tr>
<tr>
<td></td>
<td>b) the natural resource base; and</td>
</tr>
<tr>
<td></td>
<td>c) other ecosystems which are influenced by agricultural activities.</td>
</tr>
<tr>
<td>General term</td>
<td>Definition</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>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><strong>Above-verandah sign</strong></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><strong>Display area</strong></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><strong>Animated sign</strong></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><strong>Bed and breakfast sign</strong></td>
<td>A sign at a dwelling that advertises bed and breakfast accommodation in the dwelling.</td>
</tr>
<tr>
<td><strong>Bunting sign</strong></td>
<td>An advertisement that consists of bunting, streamers, flags, windvanes, or the like.</td>
</tr>
<tr>
<td><strong>Business identification sign</strong></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><strong>Direction sign</strong></td>
<td>A sign not exceeding 0.3 square metre that directs vehicles or pedestrians.</td>
</tr>
<tr>
<td></td>
<td>It does not include a sign that contains commercial information.</td>
</tr>
<tr>
<td><strong>Electronic sign</strong></td>
<td>A sign that can be updated electronically. It includes screens broadcasting still or moving images.</td>
</tr>
<tr>
<td><strong>Floodlit sign</strong></td>
<td>A sign illuminated by external lighting provided for that purpose.</td>
</tr>
<tr>
<td><strong>High-wall sign</strong></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><strong>Home based business sign</strong></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><strong>Internally illuminated sign</strong></td>
<td>A sign illuminated by internal lighting or which contains lights or illuminated tubes arranged as an advertisement.</td>
</tr>
<tr>
<td><strong>Major promotion sign</strong></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><strong>Panel sign</strong></td>
<td>A sign with an advertisement area exceeding 10 square metres.</td>
</tr>
<tr>
<td><strong>Pole sign</strong></td>
<td>A sign:</td>
</tr>
<tr>
<td></td>
<td>a) on a pole or pylon that is not part of a building or another structure;</td>
</tr>
<tr>
<td></td>
<td>b) that is no more than 7 metres above the ground;</td>
</tr>
<tr>
<td>Sign term</td>
<td>Definition</td>
</tr>
<tr>
<td>-----------</td>
<td>------------</td>
</tr>
<tr>
<td>Promotion sign</td>
<td>A sign of less than 18 square metres that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited.</td>
</tr>
<tr>
<td>Reflective sign</td>
<td>A sign finished with material specifically made to reflect external light.</td>
</tr>
<tr>
<td>Sign</td>
<td>Includes a structure specifically built to support or illuminate a sign.</td>
</tr>
</tbody>
</table>
| Sky sign | A sign:  
  a) on or above the roof of a building, but not a verandah;  
  b) fixed to the wall of a building and which projects above the wall; or  
  c) fixed to a structure (not a building) so that part of it is more than 7 metres above the ground. |
LAND USE TERMS

The table to this clause lists terms which may be used in this planning scheme in relation to the use of land. A term describing a use or activity in relation to land which is not listed in the table must not be characterised as a separate use of land if the term is obviously or commonly included within one or more of the terms listed in the table.

Meaning of terms

A term listed in the first column, under the heading "Land use term", has the meaning set out beside that term in the second column, under the heading "Definition".

No definition of listed term indicates ordinary meaning

A term listed in the first column, under the heading "Land use term", which does not have a meaning set out beside that term in the second column, under the heading "Definition", has its ordinary meaning.

Terms which specifically include other listed terms

A term listed in the first column, under the heading "Land use term", which has other terms listed beside it in the third column, under the heading "Includes", includes any term so listed in the third column and any term included within that term in the third column, but does not include any other term listed in the first column.

A term listed in the first column which has other terms listed beside it in the third column may also include other terms which are not listed in the first column.

All terms listed in the third column are also listed in the first column.

Terms which do not specifically include other listed terms

If a term listed in the first column, under the heading "Land use term", does not have any term listed beside it in the third column, under the heading "Includes", that term does not include any term listed in the first column.

However, a term listed in the first column which does not have any term listed beside it in the third column may include other terms which are not listed in the first column.

Terms which are included within other listed terms

A term listed in the first column, under the heading "Land use term", which has a term listed beside it in the fourth column, under the heading "Included in", is included within the term so listed in the fourth column and any term which includes that term in the fourth column.

All terms listed in the fourth column are also listed in the first column.

Terms which are not included within other listed terms

If a term listed in the first column, under the heading "Land use term", does not have a term listed beside it in the fourth column, under the heading "Included in", that term is not included within any other term listed in the first column.

Table to Clause 73.03

<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abattoir</td>
<td>Land used to slaughter animals, including birds. It may include the processing of animal products.</td>
<td></td>
<td>Rural industry</td>
</tr>
<tr>
<td>Accommodation</td>
<td>Land used to accommodate persons.</td>
<td>Camping and caravan park</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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</tr>
<tr>
<td>Adult sex product shop</td>
<td>Land used to sell or hire sexually explicit material, including:</td>
<td></td>
<td>Shop</td>
</tr>
<tr>
<td></td>
<td>a) publications classified as restricted under the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) materials and devices (other than contraceptives and medical treatments) used in conjunction with sexual behaviour.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td>Land used to:</td>
<td></td>
<td>Animal husbandry</td>
</tr>
<tr>
<td></td>
<td>a) propagate, cultivate or harvest plants, including cereals, flowers, fruit, seeds, trees, turf, and vegetables;</td>
<td></td>
<td>Aquaculture</td>
</tr>
<tr>
<td></td>
<td>b) keep, breed, board, or train animals, including livestock, and birds; or</td>
<td></td>
<td>Crop raising</td>
</tr>
<tr>
<td></td>
<td>c) propagate, cultivate, rear, or harvest living resources of the sea or inland waters.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Airport</td>
<td></td>
<td></td>
<td>Transport terminal</td>
</tr>
<tr>
<td>Amusement park</td>
<td></td>
<td></td>
<td>Outdoor recreation facility</td>
</tr>
<tr>
<td>Amusement parlour</td>
<td>A building that contains:</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td></td>
<td>a) three or more coin, card, or token operated amusement machines;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
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</tr>
<tr>
<td></td>
<td>b) one or more coin, card, or token operated amusement machines with more than one screen or console that can be played by three or more people simultaneously; or</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>c) two or more coin, card, or token operated billiard, snooker, or pool tables.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>It does not include coin, card, or token operated children's rides, amusement machines if there is the ability to receive a monetary reward, or premises used for a Bar or Hotel.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal husbandry</td>
<td>Land used to keep, breed, board, or train animals, including birds.</td>
<td>Animal production</td>
<td>Agriculture</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Animal training</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Apiculture</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Domestic animal husbandry</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Horse husbandry</td>
<td></td>
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<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>
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<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>
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</tr>
<tr>
<td>Art gallery</td>
<td>Land used to display works of art, including ceramics, furniture, glass,</td>
<td></td>
<td>Exhibition centre</td>
</tr>
<tr>
<td></td>
<td>paintings, screen based art, sculptures, and textiles.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bank</td>
<td></td>
<td></td>
<td>Office</td>
</tr>
<tr>
<td>Bar</td>
<td>Land used to sell liquor for consumption on the premises. It may include</td>
<td></td>
<td>Food and drink premises</td>
</tr>
<tr>
<td></td>
<td>accommodation, food for consumption on the premises, entertainment,</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>dancing, amusement machines, and gambling.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beauty salon</td>
<td></td>
<td></td>
<td>Shop</td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td>A dwelling used, by a resident of the dwelling, to provide accommodation</td>
<td></td>
<td>Dwelling</td>
</tr>
<tr>
<td></td>
<td>for persons away from their normal place of residence.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Betting agency</td>
<td>Land used for gambling by wagering, and where there is the ability to</td>
<td></td>
<td>Gambling premises</td>
</tr>
<tr>
<td></td>
<td>receive a monetary reward.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boat and caravan storage</td>
<td>Land used to store boats, caravans, or vehicle-towed boat trailers.</td>
<td></td>
<td>Store</td>
</tr>
<tr>
<td>Boat launching facility</td>
<td>Land used to launch boats into the water and to retrieve boats from the</td>
<td>Boat ramp slipway</td>
<td>Recreational boat facility</td>
</tr>
<tr>
<td></td>
<td>water.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boat ramp</td>
<td></td>
<td></td>
<td>Boat launching facility</td>
</tr>
<tr>
<td>Bottle shop</td>
<td>Land used to sell packaged liquor for consumption off the premises.</td>
<td></td>
<td>Shop</td>
</tr>
<tr>
<td>Broiler farm</td>
<td>Land used to keep broiler chickens for the production of meat.</td>
<td></td>
<td>Poultry farm</td>
</tr>
<tr>
<td>Brothel</td>
<td>Land made available for prostitution by a person carrying on the business</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>of providing prostitution services at the business’s premises.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bus terminal</td>
<td></td>
<td></td>
<td>Transport terminal</td>
</tr>
<tr>
<td>Camping and caravan park</td>
<td>Land used to allow accommodation in caravans, cabins, tents, or the like.</td>
<td></td>
<td>Accommodation</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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</tr>
<tr>
<td>Caretaker's house</td>
<td>A dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation, or plant.</td>
<td></td>
<td>Dwelling</td>
</tr>
<tr>
<td>Carnival</td>
<td>Land, other than an Exhibition centre or trade fair, used for a temporary fair or amusements which provide entertainment such as side shows, merry-go-rounds, and stalls for games or snacks.</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Car park</td>
<td>Land used to park motor vehicles. It may include charging of electric vehicles.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Car sales</td>
<td>Motor vehicle, boat, or caravan sales</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Car wash</td>
<td>Service industry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cattle feedlot</td>
<td>Land used for a cattle feedlot as defined by the Victorian Code for Cattle Feedlots 1995.</td>
<td></td>
<td>Intensive animal production</td>
</tr>
<tr>
<td>Cemetery</td>
<td>Land used to dispose of human remains by burial. It may include funeral chapels or the like.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child care centre</td>
<td>Land used to care for five or more children who are not permanently resident on the land.</td>
<td>Kindergarten</td>
<td>Education centre</td>
</tr>
<tr>
<td>Cinema</td>
<td>Land used to provide screen based entertainment or information to the public.</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td>Land used to provide screen based entertainment or information to the public, in association with the provision of meals or sporting, amusement, entertainment, leisure or retail facilities.</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Circus</td>
<td>Land used, by performers, to provide entertainment such as acrobatic feats, tricks of skill, and exhibiting animals.</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Commercial display area</td>
<td>Land used only to display goods.</td>
<td></td>
<td>Warehouse</td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Land used to provide accommodation and care services. It includes permanent, temporary</td>
<td></td>
<td>Residential building</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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<td>---------------------------</td>
</tr>
<tr>
<td>Conference centre</td>
<td>Land used to prepare and sell food and drink for immediate consumption, where substantial provision is made for consumption both on and off the premises.</td>
<td></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>
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</tr>
<tr>
<td>Domestic animal boarding</td>
<td>Land used to board domestic animals, such as boarding kennels and a cattery. It includes domestic animal day care.</td>
<td>Dog breeding Domestic animal boarding</td>
<td>Domestic animal husbandry</td>
</tr>
<tr>
<td>Domestic animal husbandry</td>
<td>Land used to keep, breed, board or train domestic animals.</td>
<td>Animal husbandry</td>
<td></td>
</tr>
<tr>
<td>Drive-in theatre</td>
<td>Land used to professionally clean or launder clothing or household articles. It may include the use of dry cleaning processes.</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Dry cleaner</td>
<td>Land used to professionally clean or launder clothing or household articles. It may include the use of dry cleaning processes.</td>
<td></td>
<td>Service industry</td>
</tr>
<tr>
<td>Dry cleaning agent</td>
<td>Land used to arrange for professional cleaning or laundering of clothing or household articles predominantly at another location. It does not include the use of dry cleaning processes on the land.</td>
<td></td>
<td>Shop</td>
</tr>
<tr>
<td>Dwelling</td>
<td>A building used as a self-contained residence which must include: 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>Child care centre Employment training centre</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Primary school</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Secondary school</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tertiary institution</td>
<td></td>
</tr>
<tr>
<td>Earth and energy resources industry</td>
<td>Land used for the exploration, removal or processing of natural earth or energy resources. It includes any activity incidental to this purpose including the construction and use of temporary accommodation.</td>
<td>Extractive industry Greenhouse gas sequestration Geothermal energy exploration</td>
<td>Earth and energy resources industry</td>
</tr>
</tbody>
</table>

**BAW BAW PLANNING SCHEME**
<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
<tbody>
<tr>
<td>Geothermal energy extraction</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mining</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Mineral exploration</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Petroleum exploration</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Petroleum production</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stone exploration</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>An office used for electioneering by a candidate in a local, State, or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Federal Government election.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency services facility</td>
<td>Land used to provide facilities for emergency services, such as fire</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>prevention and ambulance services. It may include administrative,</td>
<td></td>
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<td></td>
<td>operational or storage facilities associated with the provision of</td>
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<tr>
<td></td>
<td>emergency services.</td>
<td></td>
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<tr>
<td>Employment training centre</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Energy generation facility</td>
<td>Land used to generate energy for use off site other than geothermal</td>
<td>Renewable energy facility</td>
<td>Education centre</td>
</tr>
<tr>
<td></td>
<td>energy extraction. It includes any building or other structure or thing</td>
<td>Waste-to-energy facility</td>
<td></td>
</tr>
<tr>
<td></td>
<td>used in or in connection with the generation of energy.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Equestrian supplies</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exhibition centre</td>
<td>Land used to display works of art, artefacts, or historical, cultural, or</td>
<td>Art gallery</td>
<td></td>
</tr>
<tr>
<td></td>
<td>other like works or artefacts.</td>
<td>Museum</td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Extractive industry</td>
<td>Land used for the extraction or removal of stone from land for commercial</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>use, or to use the stone for building, construction, road or</td>
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</tr>
<tr>
<td></td>
<td>manufacturing works.</td>
<td></td>
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<tr>
<td></td>
<td>It includes:</td>
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</tr>
<tr>
<td></td>
<td>• the rehabilitation of the land; and</td>
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<td></td>
<td>• the treatment of stone (such as crushing and processing) or the</td>
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<td></td>
<td>manufacture of bricks, tiles, pottery, or cement or asphalt</td>
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</tr>
<tr>
<td></td>
<td>products on, or adjacent to, the</td>
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</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</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 Convenience restaurant</td>
<td>Retail premises</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>Land used to store, sell, and distribute fuel.</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 Gaming premises</td>
<td>Retail premises</td>
</tr>
<tr>
<td>Gaming premises</td>
<td>Land used for gambling by gaming, and where there is the ability to receive a monetary reward.</td>
<td></td>
<td>Gambling premises</td>
</tr>
<tr>
<td>Garden supplies</td>
<td>Land used to sell and distribute garden supplies such as sand, soil, railway sleepers, screenings, rock, and the like.</td>
<td></td>
<td>Landscape gardening supplies</td>
</tr>
<tr>
<td>Geothermal energy exploration</td>
<td>Land used for geothermal energy exploration 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>
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</tr>
<tr>
<td><strong>Geothermal energy extraction</strong></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><strong>Golf course</strong></td>
<td></td>
<td></td>
<td>Outdoor recreation facility</td>
</tr>
<tr>
<td><strong>Golf driving range</strong></td>
<td></td>
<td></td>
<td>Outdoor recreation facility</td>
</tr>
</tbody>
</table>
| **Grazing animal production** | Land used for animal production where the animals' food is obtained by directly grazing, browsing or foraging plants growing on the land. Its 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>| <strong>Greenhouse gas sequestration</strong> | 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 exploration</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></td>
</tr>
<tr>
<td>Group accommodation</td>
<td>Land, in one ownership, containing a number of dwellings used to accommodate persons away from their normal place of residence.</td>
<td>Accommodation</td>
<td></td>
</tr>
<tr>
<td>Hairdresser</td>
<td></td>
<td>Shop</td>
<td></td>
</tr>
<tr>
<td>Hall</td>
<td></td>
<td>Place of assembly</td>
<td></td>
</tr>
<tr>
<td>Helicopter landing site</td>
<td>Land used for the take-off and landing of a helicopter, with or without a permanent landing pad, 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>informal outdoor recreation</td>
<td>If Materials recycling, goods resulting from the operation may be sold by retail.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor sports and recreation facility</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></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</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                          | Animal production                              |
<p>| 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                        | Retail premises                                |
| Shop                                  | 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   | Leisure and recreation                        |
|                                       |                                                                                                                                                                                                                                                                                                                                         | Minor sports and recreation facility   |                                               |
|                                       |                                                                                                                                                                                                                                                                                                                                         | Motor racing track                     |                                               |
| Library                               |                                                                                                                                                                                                                                                                                                                                         | Place of assembly                      |                                               |
| Liquid fuel depot                     | Land used to store, sell by wholesale, and distribute fuel.                                                                                                                                                                                                                                                                            |                                        | Fuel depot                                    |
| Mail centre                           | Land used to sort mail for distribution.                                                                                                                                                                                                                                                                                              |                                        | Warehouse                                     |
| Major sports and recreation facility  | 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                        |
| Manufacturing sales                   | 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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</tr>
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<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</td>
<td>Recreational boat facility</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mooring pole</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pier</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pontoon</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td>Land used to sell goods, including foodstuffs, from stalls.</td>
<td></td>
<td>Retail premises</td>
</tr>
<tr>
<td>Market garden</td>
<td>Land used to sell goods, including foodstuffs, from stalls.</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</td>
<td>Leisure and recreation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Open sports ground</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Outdoor recreation facility</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Restricted recreation facility</td>
<td></td>
</tr>
<tr>
<td>Minor utility installation</td>
<td>Land used for a utility installation comprising any of the following: a) sewerage or water mains; b) storm or flood water drains or retarding basins;</td>
<td>Water retarding basin</td>
<td>Utility installation</td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
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<tr>
<td>c) flow measurement device or a structure to gauge waterway flow;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) siphons, water storage tanks, disinfection booster stations and channels;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) gas mains providing gas directly to consumers;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f) a sewerage treatment plant, and any associated disposal works, required to serve a neighbourhood;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>g) a pumping station required to serve a neighbourhood;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>h) power lines designed to operate at less than 220,000 volts but excluding any power lines directly associated with an Energy generation facility or Geothermal energy extraction; or</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) an electrical sub-station designed to operate at no more than 66,000 volts but excluding any sub-station directly associated with an Energy generation facility or Geothermal energy extraction.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mooring pole</td>
<td></td>
<td></td>
<td>Marina</td>
</tr>
<tr>
<td>Motel</td>
<td>Land used to provide accommodation in serviced rooms for persons away from their normal place of residence, and where provision is made for parking guests’ vehicles convenient to the rooms.</td>
<td></td>
<td>Residential hotel</td>
</tr>
<tr>
<td>Motor racing track</td>
<td>Land used to race, rally, scramble, or test, vehicles, including go-karts, motor boats, and motorcycles, and includes other competitive motor sports. It may include training.</td>
<td></td>
<td>Leisure and recreation</td>
</tr>
<tr>
<td>Motor repairs</td>
<td>Land used to repair or service motor vehicles, and includes the fitting of accessories.</td>
<td>Panel beating</td>
<td>Service industry</td>
</tr>
<tr>
<td>Motor vehicle, boat, or caravan sales</td>
<td>Land used to sell or hire motor vehicles, boats, or caravans. It may include the minor repair or servicing of motor vehicles, boats, or caravans, and the sale or fitting of accessories.</td>
<td>Car sales</td>
<td>Retail premises</td>
</tr>
<tr>
<td>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></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Office</td>
<td>Land used for administration, or clerical, technical, professional or other like business activity. No goods or materials intended for manufacture, sale, or hire may be stored on the land. Other than electoral office and medical centre, it does not include any other defined use.</td>
<td>Bank</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Electoral office</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Medical centre</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Real estate agency</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Travel agency</td>
<td></td>
</tr>
<tr>
<td>Open sports ground</td>
<td>Land used for organised games of sport, but which is available for informal outdoor leisure or recreation when not being used or prepared for an organised game. It may include lights, change rooms, pavilions, and shelters.</td>
<td>Amusement park</td>
<td>Minor sports and recreation facility</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Golf course</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Golf driving range</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Paintball games facility</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Zoo</td>
<td></td>
</tr>
<tr>
<td>Outdoor recreation facility</td>
<td>Land used for outdoor leisure, recreation, or sport. It does not include an Open sports ground or Informal outdoor recreation.</td>
<td>Outdoor recreation facility</td>
<td>Minor sports and recreation facility</td>
</tr>
<tr>
<td>Paintball games facility</td>
<td>Land used to repair or replace damaged motor vehicle bodies and panels, and carry out any associated mechanical work or spray painting.</td>
<td></td>
<td>Motor repairs</td>
</tr>
<tr>
<td>Panel beating</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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</tr>
<tr>
<td>Party supplies</td>
<td>Land used for petroleum exploration as defined in the Petroleum Act 1998.</td>
<td>Restricted retail premises</td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td>Petroleum exploration</td>
<td>Land used for petroleum production as defined in the Petroleum Act 1998.</td>
<td>Earth and energy resources industry</td>
<td></td>
</tr>
<tr>
<td>Petroleum production</td>
<td>Land used for petroleum production as defined in the Petroleum Act 1998.</td>
<td>Animal production</td>
<td></td>
</tr>
<tr>
<td>Pier</td>
<td>Land used to keep or breed pigs.</td>
<td>Marina</td>
<td></td>
</tr>
<tr>
<td>Pig farm</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 assembly</td>
<td>Land used for religious activities, such as a church, chapel, mosque, synagogue, and temple.</td>
<td>Place of assembly</td>
<td></td>
</tr>
<tr>
<td>Place of worship</td>
<td>Land used for religious activities, such as a church, chapel, mosque, synagogue, and temple.</td>
<td>Plant nursery</td>
<td>Landscape gardening supplies</td>
</tr>
<tr>
<td>Plant nursery</td>
<td>Land used to propagate, grow, and sell plants. It may include the sale of gardening equipment and horticultural products.</td>
<td>Pontoon</td>
<td>Marina</td>
</tr>
<tr>
<td>Postal agency</td>
<td>Land used to keep or breed poultry.</td>
<td>Postal agency</td>
<td>Retail premises</td>
</tr>
<tr>
<td>Poultry farm</td>
<td>Land used to keep or breed poultry.</td>
<td>Poultry farm</td>
<td>Animal production</td>
</tr>
<tr>
<td>Poultry hatchery</td>
<td>Land used to incubate and hatch poultry eggs.</td>
<td>Animal production</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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</tr>
<tr>
<td><strong>Primary produce sales</strong></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><strong>Primary school</strong></td>
<td></td>
<td></td>
<td>Education centre</td>
</tr>
<tr>
<td><strong>Race course</strong></td>
<td></td>
<td></td>
<td>Major sports and recreation facility</td>
</tr>
<tr>
<td><strong>Racing dog husbandry</strong></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><strong>Racing dog training</strong></td>
<td></td>
<td></td>
<td>Racing dog husbandry</td>
</tr>
<tr>
<td><strong>Railway station</strong></td>
<td>Land used to assemble and distribute goods and passengers and includes facilities to park and manoeuvre vehicles. It may include the selling of food, drinks and other convenience goods and services.</td>
<td></td>
<td>Transport terminal</td>
</tr>
<tr>
<td><strong>Real estate agency</strong></td>
<td></td>
<td></td>
<td>Office</td>
</tr>
<tr>
<td><strong>Reception centre</strong></td>
<td></td>
<td></td>
<td>Function centre</td>
</tr>
<tr>
<td><strong>Recreational boat facility</strong></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>Recreational boat facility</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Marina</td>
<td></td>
</tr>
<tr>
<td><strong>Refuse disposal</strong></td>
<td>Land used to dispose of refuse, by landfill, incineration, or other means.</td>
<td></td>
<td>Industry</td>
</tr>
<tr>
<td><strong>Renewable energy facility</strong></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>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Research and development centre</td>
<td>Land used to develop or test electronic technology, biotechnology, or any other scientific discipline. It may include administration, promotion, conference, display, laboratory, assembly, and manufacturing areas.</td>
<td></td>
<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: a) entertainment and dancing; and</td>
<td></td>
<td>Food and drink premises</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td></td>
</tr>
<tr>
<td>----------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Includes</strong></td>
<td>b) the supply of liquor other than in association with the serving of meals, provided that tables and chairs are set out for at least 75% of patrons present on the premises at any one time. It does not include the sale of packaged liquor.</td>
<td><strong>Included in</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Place of assembly</strong></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><strong>Restricted place of assembly</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Restricted recreation facility</strong></td>
<td>Land used by members of a club or group for leisure, recreation, or sport, such as a bowling or tennis club, gymnasium and fitness centre. It may include food and drink for consumption on the premises, and gaming. It may also include use by members’ guests, or by the public on payment of a fee.</td>
<td><strong>Restricted recreation facility</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Restricted retail premises</strong></td>
<td>Land used to sell or hire: a) automotive parts and accessories; b) camping, outdoor and recreation goods c) electric light fittings; d) animal supplies including equestrian and pet goods; e) floor and window coverings; f) furniture, bedding, furnishings, fabric and manchester and homewares; g) household appliances, household electrical goods and home entertainment goods; h) party supplies; i) swimming pools; j) office equipment and supplies; k) baby and children’s goods, children’s play equipment and accessories;</td>
<td><strong>Equestrian supplies</strong> <strong>Party supplies</strong> <strong>Shop</strong></td>
<td></td>
</tr>
</tbody>
</table>
### Land use term | Definition | Includes | Included in
---|---|---|---
<p>| l) sporting, cycling, leisure, fitness goods and accessories; or m) goods and accessories which: | | | |
| ■ Require a large area for handling, display and storage of goods; or | | | |
| ■ Require direct vehicle access to the building by customers for the purpose of loading or unloading goods into or from their vehicles after purchase or hire. | | | |
| It does not include the sale of food, clothing and footwear unless ancillary to the primary use. | | | |
| <strong>Retail premises</strong> | Land used to: | Food and drink premises | |
| a) sell goods by retail, or by retail and wholesale; | Gambling premises | <strong>Retail premises</strong> | |
| b) sell services; or | Landscape gardening supplies | <strong>Gambling premises</strong> | |
| c) hire goods. | Manufacturing sales | <strong>Landscape gardening supplies</strong> | |
| | Market | <strong>Manufacturing sales</strong> | |
| | Motor vehicle, boat, or caravan sales | <strong>Market</strong> | |
| | Postal agency | <strong>Motor vehicle, boat, or caravan sales</strong> | |
| | Primary produce sales | <strong>Postal agency</strong> | |
| | Shop | <strong>Primary produce sales</strong> | |
| | Trade supplies | <strong>Shop</strong> | |
| <strong>Retirement village</strong> | 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. | <strong>Accommodation</strong> | |
| | | | |
| <strong>Rice growing</strong> | | <strong>Crop raising</strong> | |
| <strong>Road freight terminal</strong> | | <strong>Transport terminal</strong> | |
| <strong>Rooming house</strong> | Land used for a rooming house as defined in the <em>Residential Tenancies Act 1997</em>. | <strong>Residential building</strong> | |
| <strong>Rural industry</strong> | Land used to: a) handle, treat, process, or pack agricultural produce; | Abattoir | <strong>Industry</strong> |
| | | Sawmill | |</p>
<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
<tbody>
<tr>
<td>b) service or repair plant, or equipment, used in agriculture; or c) manufacture mud bricks.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Rural store</strong></td>
<td>Land used to store unprocessed agricultural produce, or products used in agriculture.</td>
<td></td>
<td><strong>Store</strong></td>
</tr>
<tr>
<td><strong>Saleyard</strong></td>
<td>Land used to hold, sell, and buy farm animals.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Sawmill</strong></td>
<td>Land used to handle, cut, and process timber from logs.</td>
<td></td>
<td><strong>Rural industry</strong></td>
</tr>
<tr>
<td><strong>Secondary school</strong></td>
<td></td>
<td></td>
<td><strong>Education centre</strong></td>
</tr>
<tr>
<td><strong>Service industry</strong></td>
<td>Land used to launder, repair, service or wash articles, machinery, or vehicles.</td>
<td><strong>Car wash</strong></td>
<td><strong>Industry</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Dry cleaner</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Motor repairs</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Service station</strong></td>
<td>Land used to sell motor vehicle fuel from bowsers, and lubricants. It may include the:</td>
<td><strong>a)</strong> selling of motor vehicle accessories or parts;</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>b)</strong> selling of food, drinks and other convenience goods;</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>c)</strong> hiring of trailers;</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td><strong>d)</strong> servicing or washing of motor vehicles; and</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>e)</strong> installing of motor vehicle accessories or parts.</td>
<td></td>
</tr>
<tr>
<td><strong>Shipping container storage</strong></td>
<td>Land used to store shipping containers. It may include the cleaning, repair, servicing, painting or fumigation of the shipping containers.</td>
<td></td>
<td><strong>Store</strong></td>
</tr>
<tr>
<td><strong>Shop</strong></td>
<td>Land used to sell goods or services, or to hire goods. It includes:</td>
<td><strong>Adult sex product shop</strong></td>
<td><strong>Retail premises</strong></td>
</tr>
<tr>
<td></td>
<td>￭ the selling of bread, pastries, cakes or other products baked on the premises;</td>
<td><strong>Beauty salon</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>￭ demonstrations of products including music performances in shops selling recorded music.</td>
<td><strong>Bottle shop</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>It does not include:</td>
<td><strong>Convenience shop</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>￭ food and drink premises;</td>
<td><strong>Dry cleaning agent</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Department store</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Hairdresser</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Laundromat</strong></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>
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</tr>
<tr>
<td>gambling premises;</td>
<td></td>
<td>Restricted retail premises</td>
<td></td>
</tr>
<tr>
<td>landscape gardening supplies;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>manufacturing sales;</td>
<td></td>
<td>Supermarket</td>
<td></td>
</tr>
<tr>
<td>market;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>motor vehicle, boat, or caravan sales;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>postal agency;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>primary produce sales; or</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>trade supplies.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Sign

Slipway                                           Boat launching facility

**Solar energy facility**

Land used to generate electricity from solar energy using ground-mounted photovoltaic and thermal technology, where the primary role is to export power to the electricity network. It does not include the generation of electricity principally used for an existing use of land.

**Solid fuel depot**

Land used to sell solid fuel, such as briquettes, coal, and fire wood.

**Stone exploration**

Land used to search for stone, including:

a) conducting geological, geophysical, and geochemical surveys;

b) costeaneing and bulk sampling;

c) drilling; and

d) taking samples for chemical, physical, or other testing.

**Store**

Land used to store goods, machinery, or vehicles.

<table>
<thead>
<tr>
<th>Boat and caravan storage</th>
<th>Freezing and cool storage</th>
<th>Rural store</th>
<th>Shipping container storage</th>
<th>Vehicle store</th>
</tr>
</thead>
</table>

BAW BAW PLANNING SCHEME
<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
<tbody>
<tr>
<td>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>
</tbody>
</table>
| Trade supplies              | Land used to sell by both retail and wholesale, or to hire, materials, tools, equipment, machinery or other goods for use in:  
  a) automotive repairs and servicing;  
  b) building;  
  c) commerce;  
  d) industry;  
  e) landscape gardening;  
  f) the medical profession;  
  g) primary production; or  
  h) local government, government departments or public institutions.                                                                                      | Timber yard       | Retail premises                  |
<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
<tbody>
<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></td>
<td>Industry</td>
</tr>
<tr>
<td>Transport terminal</td>
<td>Land used to assemble and distribute goods or passengers. It includes facilities to park and manoeuvre vehicles. It does not include a Tramway.</td>
<td>Airport</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bus terminal</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Heliport</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Railway station</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Road freight terminal</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Wharf</td>
<td></td>
</tr>
<tr>
<td>Travel agency</td>
<td></td>
<td></td>
<td>Office</td>
</tr>
</tbody>
</table>
| Utility installation | Land used:  
  a) for telecommunications;  
  b) to transmit or distribute gas or oil;  
  c) to transmit, distribute or store power, including battery storage;  
  d) to collect, treat, transmit, store, or distribute water; or  
  e) to collect, treat, or dispose of storm or flood water, sewage, or sullage.  

  It includes any associated flow measurement device or a structure to gauge waterway flow.                                                                                                                                                                                                                                      | Data centre  |                        |
|                    |                                                                                                                                                                                                                                                                                                                                                                                                         | Minor utility installation |                        |
|                    |                                                                                                                                                                                                                                                                                                                                                                                                         | Reservoir    |                        |
|                    |                                                                                                                                                                                                                                                                                                                                                                                                         | Telecommunications facility |                        |
| Vehicle store      | Land used to park or store vehicles in connection with a goods or passenger transport business.                                                                                                                                                                                                                                                                                                         |              | Store                  |
| Veterinary centre  | Land used to:  
  a) diagnose animal diseases or disorders;  
  b) surgically or medically treat animals; or  
  c) prevent animal diseases or disorders.  

  It may include keeping the animals on the premises for treatment.                                                                                                                                                                                                                                                                                                    |              |                        |
<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warehouse</td>
<td>Land used to store or display goods. It may include the storage and distribution of goods for wholesale and the storage and distribution of goods for online retail. It does not include premises allowing in-person retail or display of goods for retail, or allowing persons to collect goods that have been purchased online.</td>
<td>Commercial display area</td>
<td>Energy generation facility</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></td>
<td></td>
</tr>
<tr>
<td>Zoo</td>
<td></td>
<td>Outdoor recreation facility</td>
<td></td>
</tr>
</tbody>
</table>
NESTING DIAGRAMS

The information in the table to Clause 73.03 is set out in the following diagrams as a means of indicating the nesting of land use terms.

The table to Clause 73.03 prevails if there is any inconsistency between the table and the diagrams or list.

Land use terms that are not nested are listed at Clause 73.04-17.

Land use terms in bold font are defined in Clause 73.03.

Accommodation group
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
  - Crop raising
    - Horticulture
      - Market garden
    - Rice growing
    - Timber production
Agriculture group (sub-group of Animal production)

- Agriculture
- Animal husbandry
- Animal production
- Intensive animal production
- Cattle feedlot
  - Intensive dairy farm
  - Pig farm
  - Poultry farm
  - Broiler farm
  - Poultry hatchery

Education centre group

- Child care centre
- Kindergarten
  - Employment training centre
  - Primary school
  - Secondary school
  - Tertiary institution
Industry group

Materials recycling

Refuse disposal

Industry

Research and development centre

Abattoir

Sawmill

Rural industry

Car wash

Dry cleaner

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
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

Gambling premises

Gaming premises

Garden supplies

Plant nursery

Manufacturing sales

Landscape gardening supplies

Market

Motor vehicle, boat, or caravan sales

Car sales

Postal agency

Primary produce sales

See separate diagram for the sub-group of Shop

Shop

Trade supplies

Timber yard
73.04-13  Transport terminal group

Transport terminal

- Airport
- Bus terminal
- Heliport
- Railway station
- Road freight terminal
- Wharf

73.04-14  Utility installation group

Utility installation

- 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.